

A Sphere Around the Person: Antonio Rosmini on Property*

Alberto Mingardi
Policy Director
Istituto Bruno Leoni (Turin, Italy)
and Visiting Fellow
Centre for the New Europe
(Brussels, Belgium)

Father Antonio Rosmini-Serbati (1797–1855) is an author of growing interest and curiosity to his fellow churchmen, as well as to secular intellectuals, as a philosopher who successfully reconciled reason and faith. Nevertheless, the political nuances of his thought have barely been explored by English-speaking scholars, and even among his Italian followers these have not been fully appreciated.

This article attempts to present an overview of Rosmini's political philosophy, focusing on his concern for the protection of private property rights and arguing that it is precisely his advocacy of private property that determines his attitude toward the general organization of associated life, government, and democracy.

The organization of this investigation consists of four parts. The first provides a brief biographical sketch of Antonio Rosmini. The second tentatively enlists the main influences in the development of Rosmini's thought as far as politics and economics are concerned. The third is devoted to examining his approach toward property. The fourth examines his definition of social justice in the light of his justification of property.

Introduction

In this article, I introduce the reader to the figure of Antonio Rosmini, provide a biographical sketch, and subsequently approach his thought on private property. As a priest and a devout Catholic, religious faith was central to every aspect of Rosmini's philosophy. However, when he considered political issues, the question of private property was his crucial concern. I will try to supply an

account of the influences that shaped the development of Rosmini's thought, providing at the same time evidence of the fact that the protection of property was the cornerstone of his political reflections throughout his whole life.

I will subsequently argue that his strong advocacy of private property indeed influenced his attitude toward the general organization of associated life, government, and democracy. He especially matured a lasting diffidence toward universal franchise—showing instead a committed support of a qualified franchise, as opposed to one-man-one-vote democracy—which was the unavoidable output of his opposition to any kind of redistribution.

Rosmini's political contributions have been underappreciated, perhaps because of some of the radical conclusions that he was not afraid to deduce from his premises. If his views and proposals are perhaps no longer politically fashionable or feasible nowadays, they nevertheless show some consistency and therefore can still provide suitably important insights for a political philosophy that focuses on the protection of property rights as the only way to guarantee political freedom.

Antonio Rosmini: Man, Scholar, Priest

Antonio Rosmini-Serbatì¹ was born on March 24, 1797, into one of the richest and noblest families of the city of Rovereto (a town of nine thousand inhabitants in Trentino, then part of the Austrian Empire).² Having learned to read at home, mainly from the Bible, the young Antonio began school at the age of seven, completing the normal course, and simultaneously educated himself as a polymath in his uncle's library. By the age of sixteen, Antonio had already become acquainted with the classics and may have already matured in the choice of his priestly vocation. "This year," he wrote in his diary, "was for me a year of grace: God opened my eyes on many things, and I understood that there is no other true wisdom than in God."³ His ordination to the priesthood took place on April 21, 1821.

The young man's higher studies were completed in theology at the University of Padua (a notable center of Aristotelian philosophy) where he also studied medicine in some depth, graduating on June 22, 1823. It was in Padua that Antonio met for the first time Niccolò Tommaseo [1802–1874] who was to become a leading Italian intellectual and a lifelong friend.

Throughout his life, Rosmini was not only remarkable for his studiousness but also for his spiritual intensity,⁴ which is demonstrated by what he regarded as his *principle of passivity*: the idea that true wisdom dictated immediate attention to his own holiness but also acceptance of mundane work insofar as

it showed itself as a part of God's calling. To the judgment of contemporaries and biographers, he succeeded in combining a prayerful life with readiness to undertake whatever work for his neighbor should be placed in his path by Providence.

From 1821 to 1828, Rosmini devoted himself to study first in Rovereto, where he had inherited the considerable family fortune on the death of his father and, later, in Milan where he was able to take advantage of the facilities provided by the great libraries in the city.

In 1823, Rosmini went for the first time to Rome where he met Cardinal Castiglioni [1761–1830] (later Pius VIII) and Cardinal Cappellari [1765–1846] (later Gregory XVI). His most enduring memory of the journey was a talk that he had with Pope Pius VII [1742–1823] who encouraged him to persevere in his philosophical studies. As soon as the pope had passed away on August 20 that very same year, Rosmini produced a eulogy of Pius VII,⁵ which would not be published until eight years later because of Austrian censorship. It is indeed far more than a simple obituary and is also relevant to our analysis, since one of the themes Rosmini touches upon in celebrating Pius VII is the latter's defense of property owners against the Jacobin "illusion of a public good."⁶

Rosmini's life in the Church was profoundly changed by an invitation to collaborate in the foundation of a religious order of men, the "Institute of Charity." This was intended to correspond to the institute for women founded by Maddalena di Canossa [1774–1835]. These efforts came to fruition in a practical sense when he took the opportunity to leave the comfort of Milan in 1828 for an isolated sanctuary at Domodossola, a Piedmontese town near the Italo-Swiss border.

In May 1829, he again visited Rome, where Pope Pius VIII acknowledged the importance of his studies. "It is God's will," he said, "that you devote yourself to writing books: That is your vocation."⁷

The last twenty-five years of Rosmini's life were marked not only by his literary activity and the governing of his religious institute but also by a crescendo of opposition from political and religious adversaries. The year 1848 was an occasion for a profound turn of tide both for his life as a man of faith and as a scholar. Rosmini very much welcomed the revolutionary uprisings, especially as far as Italy was concerned: "I watch with close attention what it is happening in Italy, and I seem to see, beyond all the manipulations of men, the hand of God."⁸ Consequently, he found it appropriate to try to influence events to some extent. In March, as soon as he understood that Pius IX [1792–1878] was willing to concede a Constitution in the Papal States, he

elaborated a tentative project, which he sent directly to the pope on March 11. The pope conceded the Constitution on March 14, before Rosmini's letter had a chance to reach him.⁹ At the same time, Rosmini, who was a close friend of Gustavo Benso di Cavour [1806–1864], the elder brother of Camillo Benso di Cavour [1810–1861], began to contribute to the latter's journal, *Il Risorgimento*.¹⁰

As soon as Gabrio Casati [1798–1873] became the president of Piedmontese government, he bestowed on Rosmini the very difficult task of trying to negotiate a concordat between the pope and the Piedmontese State and to convince Pius IX of the opportunity to create a confederation of Italian States, to be led by the pope himself. Rosmini seemed to be particularly welcomed by Pius IX. Despite the fact that the government that succeeded Casati's in Piedmont lost interest in these projects, Rosmini became involved in Vatican politics, at the service of the pope. At a certain point, he was asked to assume the leadership of the government after the assassination of Prime Minister Pellegrino Rossi [1787–1848]. He refused, however, to do so.

At the pope's request, Rosmini accompanied the pope on his flight from Rome to Gaeta. Here, the relationship between Rosmini and the Roman Curia began to change¹¹—so dramatically that he felt obliged to move to Naples. A few weeks later, Rosmini returned to Gaeta and received the news of the listing of his *Delle cinque piaghe della santa Chiesa*¹² and *La Costituzione secondo la giustizia sociale*¹³ on the Index of Forbidden Books. This caused him immense pain.

Dismissed by the pope, Rosmini returned to his house in Stresa where he peacefully spent the rest of his life, but the polemics on his writings did not reach an end with his death. In 1887, the Sant'Uffizio promulgated a decree *Post Obitum*, which stated that forty propositions extracted from Rosmini's works were not “conformed to the Catholic truth.”¹⁴

In spite of growing Rosminian scholarship throughout the twentieth century, this condemnation lasted until the pontificate of Karol Wojtyła. In a private audience with the Rosminian fathers on November 10, 1988, Pope John Paul II had words of esteem for Rosmini's “intense intellectual work ... so sensible to the great problem of the harmony between reason and faith.”¹⁵ Later on, the pope opened the cause of beatification of Rosmini, and in his encyclical letter *Fides et Ratio* mentioned him among “significant examples of a process of philosophical enquiry that was enriched by engaging the data of faith.”¹⁶

Finally, it was on July 1, 2001, that the Congregation for the Doctrine of the Faith, in a *Nota* signed by Cardinal Joseph Ratzinger and Archbishop Tarcisio Bertone, completely repealed the *Post Obitum*:

The motives for doctrinal and prudential concern and difficulty that determined the promulgation of the Decree *Post Obitum* with the condemnation of the “Forty Propositions” taken from the works of Antonio Rosmini can now be considered superseded. This is so because the meaning of the propositions, as understood and condemned by the Decree, does not belong to the authentic position of Rosmini but to conclusions that may possibly have been drawn from the reading of his works.¹⁷

Property in the Making of Rosmini’s Thought on Economics and Politics

Rosmini’s thought on political and social issues, such as individual rights, property, the meaning of the French Revolution, and social justice, matured at a very early stage of his career and life. Born into a prominent aristocratic family, son of a loyal servant of the Habsburg Empire, the young Antonio distinctively absorbed and developed a lasting distrust toward the ideals and means of the French Jacobins.

It was probably due to the popular protests of 1821 (which resembled the Revolution) that Rosmini began planning a systematic work on politics in 1822. At this point, he was now acquainted with the writings of restorationist Catholic thinkers such as François Rene de Chateaubriand [1768–1848], Luis de Bonald [1787–1870], and, especially, Joseph de Maistre [1753–1821]. Karl Ludwig Haller [1768–1854], among the leading theorists of Restoration, was also profoundly influential upon the young Antonio.

Nevertheless, it must be stressed that even as a young man, Rosmini, in the words of Gioele Solari [1872–1952], “could not concur with the anthropological pessimism of Maistre, and with the determinism and pantheism implicit in his system, in which, while man and his freedom were diminished in the face of divine action, God was resolved in nature, time, and circumstances.”¹⁸ In some senses, a profound love of individual freedom always pervaded Rosmini’s writings. This was especially true with regard to the subject of private property. Even at this stage, Rosmini’s concept of social reality had property as its central concern.

This is clear as soon as we examine a document only marginally related to Rosmini's political opinions, such as the eulogy of Pius VII that he wrote on the occasion of the pope's death. Here Rosmini deals to a certain length with the question of property, making the protection of property rights the litmus test of the difference between "a system based upon justice," and one grounded on "universal utility."¹⁹ The first is the tradition of thought endorsed by Pius VII: "It decrees: *Consecrate property!* Everybody's own must be untouchable, not because of the power he may or may not retain but because of his own dignity: This is the only possible equality among men. Do not let charity, nor its name, be associated with crimes: It must not infringe those seals posed by God on everyone's property."²⁰ Rosmini is openly criticizing redistributive policies, which limit and seize private property in the name of compulsory benevolence.

The second system, which was propagated by the Napoleonic armies all over Europe, was instead "not generated by the experience of centuries, not by the course of human things, nor by the study of the eternal truth; it is rather the product of the fancies of those who nowadays call themselves philosophers."²¹ The output of such a system is the attempt to "sacrifice any property to an illusion of public good."²²

In his essays in political science, composed between 1822 and 1825, Rosmini enunciates two principles of justice, which will be the mainstay of his political thought for his entire life: "Everyone's property must be so sacred as to not be violated for any reason" and "Original appropriation has to be considered a legitimate entitlement of ownership, as long as the appropriated thing was not yet someone else's property."²³

In the same work, Rosmini closely links the defense of property with the problem of guaranteeing everyone's legitimate right to life.

When all the properties are safe, life will never be in danger. The scope of society is thus the protection of property, because once property rights are guaranteed everything follows, and personal security comes as a consequence of the defense of private property.²⁴

At the time he wrote those words, Rosmini's vision of government was still one that might be labeled "patrimonialism." He was indeed convinced of the superiority of monarchical rule but, on the basis that he believed the monarch to be the "owner" of a State, was far more likely to care about the development of the nation (it was his own patrimony and the heritage he was leaving to his dynasty) than any republican government, which lacked such an incentive.

From the outset, Rosmini believed that government has to be “a property owner’s business,”²⁵ and so he identified the monarch as somehow the owner of the biggest estate in a given country, thus the man who would have the right to govern it in order to achieve the protection of his own.

In an 1823 fragment, entitled “Del rispettar la proprietà” (On respecting property), which to some extent anticipates a few of the themes of Rosmini’s more mature reflections, he specifies that legitimate rule over a national territory belonged to the “owner” who had originally appropriated it.²⁶ Significantly, Rosmini links the precept of respecting the king’s estate to the universality of human beings’ duty to respect others’ property, “I see the prince as nothing but a great property-owner.”²⁷ Consequently, he states that the sovereign is himself bound to respect other individuals’ ownership: If “he does not respect the law of property as soon as it favors someone else, he cannot ask any other to respect it to his own advantage.”²⁸ Rosmini goes as far as to say that

It was a false belief that the prince *qua* the prince is exempted from this obligation [to respect other’s property], even to the advance of society. “*Salus reipublicae summa lex est*” [the preservation of the State is the supreme law], this was the great axiom of these political [thinkers]. I vis-à-vis believe that, even for any good for the greater number, even to achieve salvation from extermination, no right can be taken from an individual without his consent, unless he himself caused the evil that is to be avoided.²⁹

It is, thus, clear that even in Rosmini’s early writings it is possible to discover a deep “distrust toward political power and the trust in private property” that, according to Danilo Zolo, “inspired in Rosmini a definition greatly reductive of the duties of the State.”³⁰ Here we should note that Rosmini never subscribed to the vague notion of a social contract (an idea that he vehemently opposed), nor did he ever surrender to the idea of *raison d’Etat*. He always tried, perhaps sometimes unsuccessfully, to provide a realistic account of how political life works and to avoid the naiveté that he thought was prevalent among his contemporaries.³¹

From the beginning of his career, Rosmini nurtured an ambition that was to be characteristic of all his future intellectual work, “the concern to erect a barrier against the modern doctrines of popular sovereignty,” in the words of Francesco Traniello³²—clearly the more lasting output of the French Revolution. Significantly, in his eulogy of Pius VII, Rosmini focuses on the role played by the popes, in their struggle with feudal princes and emperors,

to generate those principles of law that constitute the European legacy of freedom. Even on that occasion, he emphasizes the fact that the popes never “consecrated [the doctrine of] sovereignty.”³³

Thereafter, between 1822 and 1827, Rosmini engaged in a program of wide-ranging reading and thinking—an activity essential for shaping his thought on social issues in a definitive form. He went back to the most important writers of the Enlightenment, studying them in depth:³⁴ the Italians Melchiorre Gioia [1769–1829] and Gian Domenico Romagnosi [1761–1835], also Bolingbroke [1678–1751], Voltaire [1694–1778], Helvétius [1715–1771], Condorcet [1743–1794], and, with particular attention, David Hume [1711–1776]. He also chose to read economists such as Adam Smith [1723–1790], Thomas Malthus [1766–1834], and Jean-Baptiste Say [1767–1832]—all of whom he examined in later works.

As far as the development of Rosmini’s liberal inclinations is concerned, it appears that a peculiar friendship played a role in it. Rosmini was close to two extremely important men of letters of his own time. The first was Niccolò Tommaseo, and the second was Alessandro Manzoni [1785–1873],³⁵ author of *I promessi sposi* (*The Betrothed*), the novel that has become a canon of language and style for Italian writers ever since.

Rosmini and Manzoni were enriched by each other’s company.³⁶ Manzoni acknowledged the importance of Rosmini as the only contemporary Italian author worth reading.³⁷ Rosmini in turn commented on the manuscript of *I promessi sposi*, saying that it was “a marvel” and that “Manzoni is a historian of the human spirit.”³⁸

Given the extent to which Rosmini mentored Manzoni and helped him to fulfill his potential as writer and thinker,³⁹ it is also possible, and indeed probable, that Manzoni also had an impact on the development of his friend’s thought, especially as far as economics was concerned. Manzoni spent five years in Paris (1805–1810) where he was a regular attendee at Sophie de Condorcet’s [1748–1816] salon. There he had the opportunity to meet with the group of intellectuals known as the *Idéologues*.⁴⁰ Manzoni became well-acquainted with philologist Claude Fauriel [1772–1884]; historian Augustin Thierry [1795–1856]; and philosophers Pierre Jean George Cabanis [1757–1808] (officially trained as a doctor and a protégé of Anne-Jacques Robert Turgot [1727–1781]) and Antoine Destutt de Tracy [1754–1836], whose daughter Manzoni was even supposed to marry at a certain point. These authors, whom Manzoni greatly admired, gave him an unforgettable glimpse into eighteenth- and nineteenth-century liberalism.⁴¹

How important this fact turned out to be for the future development of Rosmini's thought is hard to say. We do know that, as close friends, Rosmini and Manzoni spent a great deal of time together discussing virtually every possible subject. It is also an established opinion among scholars that Rosmini was intellectually engaged with the ideas of the *Idéologues*: He was completely aware, as Francesco Traniello notes, of the emerging new historiography on the French Revolution, whose champions ("Thiers ... Augustin Thierry ... Guizot") he followed in their reasoning and perhaps borrowed some ideas from.⁴² Nevertheless, we must note that Manzoni came to criticize his friend as soon as the latter expressed his political theory in its fullest extent.⁴³

Rosmini's theory of property is the most distinctive element of his political thought. It was enunciated in his writings at the very beginning but came to a definitive formulation in his more mature works: the monumental *Filosofia del diritto* and his exercise in constitutional engineering, *La Costituzione secondo la giustizia sociale*.

Property as the Bastion of Justice

The six-volume *Filosofia del diritto*,⁴⁴ composed by Rosmini between 1840 and 1841, is generally regarded as the final development of his political thinking (the first and the second books, in particular, are those most related to the subject of property). Rosmini, as he himself explains, is prompted to write these texts by observing in the realm of contemporary thinkers a tendency that he feels compelled to oppose:

Modern writers spend so little time discussing justice, and expend so much effort considering the exterior and logical form of laws, their outward expression, their suitability and the political reasons motivating them. For such utilitarians, or those who care only for what is useful, justice is a kind of wound that should barely be touched; higher matters can be scrutinized as though they were completely cut off from justice.

At the heights of its powers, the previous century lost sight of justice, the essence of the perfection of laws. Attention was confined to utility; principles were replaced by consequences.⁴⁵

What Rosmini aims to write is a work that will put back into place the tradition of natural law⁴⁶ or, as he prefers to call it, "rational law," since "rationality constitutes the nature proper to human beings" and then "the term *rational law* inevitably refers to the law proper to human beings."⁴⁷ Rosmini

chooses this wording instead of the more widely accepted “natural law” because if he maintains that “it is true that reason, by indicating what is *good* and *bad*, also produces a kind of feeling and inclination directing us to good and away from evil,” he particularly stresses how “the *natural inclination* of the subject ... does not give rise to moral obligation. Rather, the opposite is true: *Natural inclination* to moral good arises from the preceding obligation directly revealed to us by reason.”⁴⁸ He also quotes Saint Thomas Aquinas—“All inclinations of any parts whatsoever of human nature—pertain to natural law insofar as they are regulated by reason”⁴⁹—to substantiate his claim “that we can with greater propriety and truth call the law *rational* rather than *natural* because it comes from the *objects* of intelligence, not from subjective nature (the complex of our inclinations). And because law receives its form from moral law, it is as *rational* rather than *natural* law that it will be distinguished from *positive law*.”⁵⁰ Rosmini had no illusion about the possibility of reconciling the former with the latter; actually, he goes as far as to state that “*rational law* is, after all, the opposite of *positive law*.”⁵¹

Once again, the experience of the French Revolution informs Rosmini’s thinking: Commenting on the Napoleonic code, he complains that

Human law attempts sacrilegiously to usurp the *law of nature and of God* to which it dares to say: “Depart from the face of the earth. Your throne is mine.” In this case, human laws, instead of presenting themselves as they are—a simple, *fallible*, *imperfect* declaration of rational law, and a sanction of revealed law—begin with a supremely solemn lie and injustice by offering themselves to the public as almighty, unique, infallible, unappealable, inflexible, and unchangeable.⁵²

Positive law is, at its best, a trial-and-error process by which legislators and judges try to produce a code as adherent to natural (rational) law as possible—and, at its worst, the “opposite” of true rational law, which is an injury to justice. The *Filosofia del diritto*, in striking contrast with those positivist and utilitarian tendencies Rosmini condemns, is thus precisely an effort “to investigate justice more deeply, contemplating all the special teachings about the science of law in the detailed mirror presented by justice.” He maintains that:

Justice is not manufactured by human beings, nor can human hands dismantle it. It is prior to laws made by human beings; such laws can only be expressions of justice. Justice is the essence of all laws to such an extent that Saint Augustine had no hesitation in refusing to name as “law” anything that lacked justice. Nor does authority exist except as a servant of justice.⁵³

This assumption prompts Rosmini to propose strong restraints on the activity of government insofar as it moved from enforcing toward being a *producer* of rules and laws: “The laws of the State have to protect true rights exactly, neither more nor less. They are not to invade natural freedom and thus violate rather than maintain the rights of individuals, nor are they to create new, arbitrary, and imaginary rights.”⁵⁴

As it may already be clear from this passage, Rosmini’s definition of “right” can be understood essentially as a *negative* one: Being a definition whose aim is to define, in the words of Isaiah Berlin [1909–1997], “the area within which the subject [of the right] ... is or should be left to do or be what he is able to do or be, without interference by other persons.”⁵⁵ Rosmini expressed the concept saying that a “right” is a “freedom *de iure*”: a legitimate act of free will (in distinct contrast with an illegitimate act of free will, such as stealing), “a moral governance or authority to act, or: a right is a faculty to do what we please, *protected by the moral law that obliges others to respect that faculty*.”⁵⁶ We will see how Rosmini leads this concept back to the protection of property. Here, it must be stressed that he leaves obviously open and undetermined what an individual can possibly do, because what he wants to stress is rather the second part of the definition, the fact that a moral law obliges others to respect individual freedom. This point is clarified by Rosmini himself in his previously mentioned 1823 fragment, where he explains that “to respect another person’s right of property is a negative duty, that is: It is a duty not to do something, it is not a duty to act accordingly to any entitlement the other person might have apart from this [his right of property].”⁵⁷

To further clarify this basic intuition, Rosmini found it necessary to devote the first volume of the *Filosofia del diritto* to anchoring this principle of right to the real, tangible facts of life. In short, he wanted to ground his legal theory upon real, existing man. In a type of declaration of methodological principles, Rosmini states:

If we are going to disentangle the intricacies of human rights, it is indispensable to abandon useless abstractions and fictitious entities, which result from the way we conceive things mentally, in order to establish the principle that “the subject of every right is always the individual.” We have to reduce to individual rights even those rights which we call, for the sake of abbreviation, “social rights.”⁵⁸

As a Catholic philosopher,⁵⁹ Rosmini’s individual is nothing other than the human person, gifted with “a faculty of judgment that can be exercised freely” (free will is an *a priori* in Rosmini’s discussion because “interior observation

shows that such a faculty does indeed exist”).⁶⁰ He elsewhere defines the human person as “an individual substantially intelligent, for there is a principle that is active, supreme, and incommunicable.”⁶¹

It has to be stressed that the person, in Rosmini’s thought, is not simply the subject of law but, more properly, the fountainhead of law itself.

The active and supreme principle, the foundation of person, which is informed by the *light* of reason, receives the rule of justice: It is, appropriately, the faculty of what is lawful. But since the dignity of the light of reason (ideal being) is limitless, thus nothing can outrank the personal principle, then nothing can outrank that principle that naturally operates behind a lord and master with infinite dignity. It follows therefore that it is a naturally *supreme* principle, thus no one has the right to command Him who commands the infinite.... Thus, the *Person* has in his very nature all the constituents of Law: He is subsisting Law, and the essence of Law.⁶²

Rosmini wants to reduce law to “an equation” between personship and legality (*persona* and *giuridicità*)⁶³ but also to unify, as Giuseppe Capograssi [1889–1956] noted, the idea of person as “*pure* force ordered by the eternal and the divine [laws]” and the “concrete and real experience” of any person so that the person is understood to be “*empiric incarnation*” of natural law.⁶⁴

Though fascinating, this definition risks remaining nothing but an empty claim, as Rosmini himself understood. To substantiate his theory, he looks for a clear-cut appraisal of human rights, inquiring about “a general character” of the human person: “a general character” that can be found in the small child as well as in the strong adult.

This “general character,” Rosmini argues, is called “property”: “This word *property* indicates the union of one thing (accident or substance) with another individual thing. This conjunction is stable and complete and brought about so exclusively that one thing is bound to another without being similarly bound to anything else.”⁶⁵

This relationship of dominion between an owner and the thing that is owned is seen by Rosmini as characteristic of that “*personal* principle” that he considers the core of his own philosophy: The very same act of appropriating something displays that consciousness that is typical of, and only of, the human person. Property represents

an entirely *personal* principle, involving *consciousness* and therefore presupposing an intelligent principle capable of reflecting upon itself and seeing itself objectively.... The *personal* principle, therefore, is the principle of *property*; SELF is the principle of what is PROPER TO ONESELF, of what

is owned by self. “Self” must exist before “his” can exist. But self cannot exist except in an intellectual being. Consequently, there can be no true *property*, nothing that is *proper to oneself* ... except in an intellectual being.⁶⁶

One of the most perceptive Rosminian scholars, Pietro Piovani [1922–1980], has thus persuasively argued that Rosmini leads the concept of property back to *self-ownership*:⁶⁷ The fact that the human person is the only being who possesses mastership over itself is the necessary foundation of external property as well as the essence of Rosmini’s personalist principle.⁶⁸ Piovani also points out that, what for Rosmini is really typical of the person is the act of *appropriation*, the actions by which a person acquires external ownership.⁶⁹ This process, Capograssi agrees, is for Rosmini the manifestation of “freedom showing itself.”⁷⁰ In the second volume of *Filosofia del diritto*, Rosmini devotes much time to analyzing how persons may acquire property.

He strongly rejects all those views that understand property as nothing but a convention, the output of civil laws. Rosmini’s thinking goes in the opposite direction: He maintains that it is not the case that property is legitimated by the existence of civil society, but, quite the opposite, civil society is legitimate insofar as it does not harm individuals’ properties. To clarify his thought on this subject, Rosmini takes a strong stand against the idea that property assets (like any given thing in society) are the output of a social contract.

It may be objected that the law of property was established by the consent of all in the civil society. [But] First, it is impossible to explain how present consent could bind future consent [to respect others’ property], especially if the consent appears merely arbitrary and without any necessity in nature.

Second, we are talking about either an explicit or a tacit, universal consent. Explicit consent given by all at the beginning of civil society is an empty hypothesis and a vain pipe-dream.

Tacit and arbitrary consent, capable of creating agreed rights, is also entirely imaginary and false. In order to consent to a particular law or custom that needs the support of our consent, we must first have substantial knowledge of the whole extent of the law or custom. Second, we must be able to withhold our consent, even if we do not wish to do so.⁷¹

Rosmini’s definitive rebuttal of those traditions of thought that reduce private property to a social contract is paradoxically based on the very notion of inequality:

Let us suppose that property of external things has no justice of its own and that the justice we believe it has originates solely in the arbitrary consent given it by all individuals from one generation to the next. It is clear that they would give their consent only on condition that property was divided equally among them all. It would be absurd to think that the poor would consent to the rich retaining their riches if the latter's property depended on the arbitrary consent of the poor.⁷²

To the modern reader, this point may sound like a contradiction, a tacit admission of the fundamentally unjust and arbitrary nature of property. Rosmini, however, once again, takes a controversial position by rejecting the Rousseauian opinion that the establishment of property is a step away from a state of nature where before all the goods were commonly enjoyed. This very concept (the original common enjoyment of goods) is the logical *a priori* of any view that sees the distribution of property as unjust. Rosmini strongly supports the idea that a legitimate owner of a piece of land (for example) is the one who homesteaded it first and rejects the concept that, before someone homesteads something, this latter is to be considered part of the common heritage of humanity as a whole. "Before appropriation, things must not be thought of belonging to everybody; in fact, they belong to no one. After appropriation they belong to the one who has first appropriated them. Thus, there is never a time when they belong to all."⁷³

Rosmini legitimates the original appropriation of things with an argument slightly different from the Lockean one.⁷⁴ To legitimately homestead a good, three acts turn out to be necessary in his system of thought:

1. The act by which the person knows the thing [to appropriate] and knows that it is useful for him.
2. The act with which the person, as a consequence of this knowledge, wants and proposes to reserve that thing for his own use and advantage.
3. The act with which he begins to work with the intention of drawing from the thing the advantage that it can give him.⁷⁵

Rather than focusing on Locke's [1632–1704] mere "mixing with someone's labor," Rosmini is concerned with the *purposefulness* of that same action, though it is clear to him that labor is, so to speak, the way by which the prerequisites of legitimate ownership come to be put in place: "It is necessary that a thing seen and intended as one's own begin to be worked upon immediately with the intention of obtaining from it the advantage it can offer. The

work intended must consist at least in bringing into play *existing* forces for the purpose intended.”⁷⁶ Mere will, not supported by work, is not enough to “appropriate” anything.⁷⁷ Rosmini also elaborated on the way that properties may be legitimately exchanged.⁷⁸ It has also to be remarked that Rosmini supported the idea that “occupancy does not completely destroy in other people the faculty for an innocuous use of yet appropriated things,”⁷⁹ but he made it clear that “others cannot make use of an owner’s property when the owner declares that its apparently innocuous use is not in fact innocuous. Another would be free to use it if the owner, after agreeing that the use does him no harm whatsoever, adds that the sole reason for his refusal is that he is the owner.”⁸⁰

The most original elements in Rosmini’s theory of property are to be found in the unique way that he puts property in the center of his moral reflection. If the person is, for Rosmini, “the first seat of freedom,”⁸¹ property is but the synonym of freedom itself. “Juridical freedom means nothing but the power that the person-proprietor has over his own thing, with which he can morally do what he pleases.”⁸²

The adjective “juridical” is explained by the fact that Rosmini refers to “lawful” freedom. This is not mere exercise of free will; it also delimits the others’ legitimate exercise of free will. He is looking for a personal reformulation of the Kantian golden rule, or of the ethical principle, *alterum non laedere*. Rosmini finds the Kantian golden rule unsatisfactory: It does speak of an “arithmetically equal quantity of free action,”⁸³ but it seems unable to clarify “how much” this quantity must be. It seems to him to presuppose a substantial equality of men, which he finds impossible to conceive.

This is why he proposes an alternative principle, which has to serve as a rule to determine rights and obligations. This principle is summed up in a brief sentence: “Respect that which belongs to others.” Through this norm, Rosmini observes,

In the first place the *quantity of free* activity that each can have is assigned; that quantity is all that can be exercised without damaging somebody else’s *property*.

In the second place, *the quantity of limitation* that each must impose on his actions is assigned; such limitation consists not in one’s own calculation, according to which he decides the point at which unimpeded activity is limited by the personal co-existence of others. Such calculation is impossible and without foundation. What matters is the *fact* that someone else’s *property* exists, varies, and in its variation limits his own activity accordingly, but always justly.

In the third place, a practical *reason* for the justice of the limiting *quantum* that each must impose on himself is to be given, and that reason consists in the universal ethical precept not to harm one's neighbor. Certainly, to harm in any way someone else's property is to harm one's neighbor. Thus, the activity of each person finds in someone else's property the moral limit that cannot be trespassed.⁸⁴

Rosmini is thus convinced that the "right to *exclude*," which is: The right of property, "arises from the *moral obligation* of others to allow themselves to be excluded."⁸⁵ "It is the moral law that forbids others from impeding the free disposition of what a person owns."⁸⁶

Rosmini sums up this concept in a metaphor:

Property constitutes a *sphere* around the person in which the person is the *center*. No one else can enter this sphere, and no one can separate from the person that which is inherent in him as a result of the connection between him and what is his own. This kind of separation would cause *suffering* to the person. But suffering (considered in itself), when imposed upon a person, is forbidden as evil by the moral law.⁸⁷

As Piovani noted, what Rosmini successfully accomplishes here is to translate the principle *alterum non laedere* in a more objective form, which anchors the concept of "harm" (*per se*, vague and indefinite)⁸⁸ to the idea of property.⁸⁹ *Do not harm your fellow man* becomes, in Rosmini's philosophical system, *do not aggress your fellow man's property*⁹⁰—a concept indeed familiar to a particular stream of liberal thought.⁹¹ This is why, according to Rosmini, the very same "concept of freedom does not exist if completely deprived of property."⁹² This is at the core of Rosmini's critique of Locke's theory of appropriation, which, perhaps ungenerously, he thought to be a "contrived solution."⁹³

If this system is brought to its fullest definition in the *Filosofia del diritto*, it should be mentioned that Rosmini already anticipated some of his later conclusions in his 1823 fragment on the respect of property, which accounts for the substantial unity of his political thinking. Here, he enunciated three fundamental rules of justice:

1. Always respect others' property, even if by aggressing upon it you could gain something.
2. If someone else voluntarily aggresses upon your property and you do not have any way to rescue it other than by responding in kind, you can do this....

3. You are entitled to be indemnified at the expense of the people who offended your legitimate right.⁹⁴

It is clear that such a concept of justice (one that Rosmini maintained and developed throughout his whole life), which is consistently oriented toward the protection of property, does pose severe restraints on the State's action, insofar as it can be considered to be harming individual rights. Rosmini's political proposals, as we will see, were essentially an attempt to design a political arrangement to effectively guarantee property rights.

Social Justice as Property Respected

In a note to the second volume of his trilogy *Law, Legislation and Liberty*, F. A. Hayek [1899–1992] blames Rosmini's *La Costituzione secondo la giustizia sociale* for "having ... made more generally known" the term *social justice* (*giustizia sociale*) "in its modern sense."⁹⁵ Indeed, Rosmini's definition of social justice is very far from what these words mean in their modern sense.

Rosmini did see a disastrous claim in those

persons who see that some given activity possessed by another is not morally free and hence cannot be subject to right in the one who does it claim they are dispensed from the moral duty of respecting that activity. These claims overthrow society by creating a false equality authorizing the poor to despoil the avaricious rich who give no alms. But the poor person is not morally free to do this, and therefore has no true right to it.⁹⁶

As Rosmini specifies in a footnote, while he thinks the avaricious rich man may not abuse his riches, "nevertheless he has a right to his wealth and a right not to be deprived of it."⁹⁷

To sacrifice for others a good that belongs to us is charity: We are not beholden through juridical obligation to such sacrifice, neither in the case that in so doing we could spare others from any evil, nor in the case that in so doing we could do them great benefit. However, to charity we are led, sometimes, by the moral law of mutual charity.

To force others, in fact, to surrender for us a good that belongs to them, that is, to truly damage them, is a violation of moral and juridical law, no matter how small the sacrifice and the damage or how great an evil might be prevented or what good we might obtain through their sacrifice, for it is always a violation of somebody else's right.⁹⁸

This does not mean that Rosmini considers benevolence to be socially undesirable. Indeed, as a Catholic priest, he considers charity to be a moral duty of human beings,⁹⁹ but his main goal as a political philosopher is “to establish the limit of law, that is, of law in true, proper meaning.”¹⁰⁰

The fact that Rosmini’s approach to the existence of inequality is radically different from the one displayed by many Catholic writers must also be underlined. For instance, he defines the common good as nothing but “*the good of all the individuals* who make up the social body and are subjects of rights,” as opposed to the “public good,” which is in turn “*the good of the social body* taken as a whole or ... taken in its organization.”¹⁰¹

Rosmini is aware that one might conflict with the other, and so specifies that “public good is subordinated as a means to common good”¹⁰² and, in particular, “not a single right of individual citizen (the complex of these rights is the common good) can be sacrificed for the sake of the public good.”¹⁰³

Naturally, Rosmini asked himself the obvious question: “If civil society must have as its object the common good of all its individual members, how is this good to be distributed amongst them?” His answer was that “to reply simply that ‘utility must be spread out equally’ ... is obviously mistaken.”¹⁰⁴

According to him,

If utility has to be made equal for all, two citizens, one of whom has contributed the equivalent of one hundred units to a society, and the other a single unit, would have to receive equal earnings. Everyone feels the injustice of such a system. *Equalization of utility, understood in this sense*, presupposes or leads to *absolute* democracy.... The law that allows every member [of a given society] to enjoy the same portion of social advantage cannot be reasonable except on the supposition that every individual has contributed the same amount of capital to the society—which is against nature. The *right of property* does not have equality of possessions as a condition. Wanting to make properties equal by force is the same as to institute civil society with the disavowal of law; it means building society on injustice and arbitrary will.¹⁰⁵

Rosmini is basically convinced that the ones who “contribute more to the burdens of society,” “consequently must obtain greater advantage from the protection it provides.”¹⁰⁶ Subsequently, he states that the goal of civil society (in “regulating the *modality* of the rights of the members”) must be “to equalize the share-quota of utility that members can derive from institution and management of society; it does not consist in equalizing utility among the

members.” This is the “*equable distribution of common good* to which ... the government of civil society should constantly tend if it wishes to walk in the way of law.”¹⁰⁷

This equable distribution of common good does not imply (on the contrary, explicitly *prohibits*) any redistribution of property but, rather, implies that a property owner must have the right to access the goods provided commonly by society (i.e., the administration of justice, the arbitration of disputes, the protection of property) in a share *equally proportioned* to as much as he has contributed to the overall capital of society. For example, a millionaire has the right to have all of his properties protected, because he has contributed that much to society. A man so poor that he possesses nothing but his own life and body has indeed the *equal* right not to be aggressed in his own life and body.

It should also be noted that in his *Teodicea* (“Theodicy”), Rosmini argues that the scope of government is to enhance the overall good of the society, which is not by any means to be equally redistributed among the members of the same society.¹⁰⁸ He also specifies that the (individual) “accumulation of goods,” far from being immoral, is “the way to bring them [the goods] to bear more fruits.”¹⁰⁹ Rosmini quotes the gospel (“*Omni habenti dabitur et abundabit: ab eo autem qui non habet, et quod habet auferetur ab eo,*” Luc XIX, 26) to explain that “God gives newer graces and gifts to whom is yet disposed toward making a good use of them” (Rosmini comes to speak of a “law of the accumulation of goods”).¹¹⁰

The equalization of inequality is, thus, not a concern of Rosmini’s political philosophy:¹¹¹ Indeed, as he clarified in an early essay, he found the difference in property among men to be “as natural” as the differences in physical force between one man and another.¹¹² It has also to be remarked that the “universal destination of material goods,” which is a cornerstone of Catholic social thought, is not a topic that Rosmini deals with extensively. For Rosmini, material goods are “universally” destined in the mere sense that they are at the disposal of mankind since creation: but, as we saw, common ownership was never in place, and anybody is free to appropriate the very portion of what has been put at the disposal of mankind by the Creator that he can bring to fruit himself.

Given these premises, it is clear that the notion of social justice endorsed by Rosmini is very far from the modern vision of the concept. This is evident from the very book that Hayek quotes, *La Costituzione secondo la giustizia sociale*. This pamphlet was the result of Rosmini’s involvement within the 1848 movements in Italy and his attempt to influence them.

La Costituzione is, as the title itself says, the project of a possible constitution, but, far from being an enthusiast of constitutionalism *per se*, Rosmini begins this book with an assessment of the failure of all the constitutions put in place to that moment: “Sixty years have passed since the first experiment of a constitution. What do these sixty years tell us, what do they prove to us? But one thing: Fragile and short-lived has been the life of all the constitutions that have been experienced... None of them lasted to the entire life of a man.”¹¹³

Rosmini traces the reasons for this phenomenon back to the French Revolution, and enumerates the “vices” of the constitutions written following the French model:

- They promote in all citizens an inordinate ambition to conquer an always higher grade in public society.
- They open the door to corruption in the election of the deputies and of the President.
- They generate extremist parties...
- [T]hey do not guarantee enough and in the fullest extent the freedom of the citizens.
- They do not guarantee property, because smaller properties enjoy the same representation as bigger ones.
- They abandon religion to the mercy of political interests and deprive the Church of its liberty.¹¹⁴

To correct these defects, Rosmini proposes two devices: “the institution of tribunal political justice,” and “the franchise proportioned to the direct tax a citizen pays to the state.”¹¹⁵ Most commentators have focused their attention on the first proposal,¹¹⁶ reducing the latter one to an “archaism,” a tribute that Rosmini paid to his times. It has to be stressed that the Rosminian proposal of a qualified franchise is not peculiar to his mature works. Rather, Rosmini stated clearly from his early writings onward that such a system would be the one under which the “ideal government” would be organized.¹¹⁷ What changes over the course of years is only his opinion about the *applicability* of such a proposal: If originally he thought it was safer to stick with traditional monarchies as a politically suitable “second best,” later he came to the conclusion that the introduction of qualified franchise was a necessary step in order that the new revolutionary risings might result in a different and more fruitful end than the French Revolution.

The tribunal of political justice was instead, in Rosmini's views, a device by which a jury (elected by every citizen of a country) would have the opportunity to settle disputes about the infringements of someone's rights. This institution originates from Rosmini's profound conviction that

all rights cannot be represented through a majority vote. A majority, by its nature, represents only the greater part of the votes, not all. The nature of law is however such that it must be fully respected in all members individually, not simply in the majority: Ninety-nine against one would be no more just than one against ninety-nine. Respect for a right does not depend on the number of persons who possess it or defend it but, rather, requires equal respect in any subject whomsoever.¹¹⁸

The "political tribunal" was to be an institution regarded as the guardian of everyone's rights, in spite of the fact that majorities come and go in political games. The tribunal was conceived as an instrument to scrutinize positive laws, in order to take care of the enforcement of natural law in society.¹¹⁹

The idea of franchise proportioned to the amount of taxes paid and, so, to the property owned by each member of a society, was prompted by not dissimilar considerations. Having carefully observed the march toward despotism of those States conceived in a way consistent with the ideals of the French Revolution, Rosmini argued that an unqualified franchise "violates the right of property," "rapes the property itself," and "opens the door to corn laws and communism."¹²⁰

Hence, Rosmini designed a system in which owners of large estates would elect the first chamber, owners of small estates would elect the second, the franchise would be proportioned to the income tax paid, and nonproperty holders would not have any right to vote. A constitution, according to Rosmini, has to state the juridical equality (isonomy) between citizens, but never a substantial equality, to be achieved via redistribution, which "would destroy any justice."¹²¹ He also rejected the claim that those constitutions that recognize unqualified franchise and formally the right of property, too, could really fulfill their promise to protect property: "The claimed inviolability of property could not become a factual reality if the right to vote proportioned to property is not institutionalized. The same idea of equality in voting is an offence to property, because the right to vote must be considered an appendix of the right of property."¹²²

Rosmini's point here is that unqualified franchise opens the door to redistribution: Because the *have nots* for any given thing are more numerous than the *haves*, and if we recognize that every individual has the same right to vote, then we give the *have nots* the opportunity to form coalitions, attain a majority, and eventually to exploit the *haves*.¹²³ "How can the property of citizens be inviolable when those who have nothing or a few things can arbitrarily dispossess those who have a lot?"¹²⁴

Socialism and communism are but the logical consequence of universal franchise in the election of the deputies. If this electoral universal right to vote is just, then we must say that it is just that he who does not have anything puts his hand in the pocket of one who possesses something and steals what he wants.¹²⁵

Rosmini's idea of a voting power proportioned to taxation was also to legitimize, so to speak, taxation itself, because, in his view, those who are harmed by taxation have to be at the same time those who can decide over the size and the scope of taxation—that is, to what extent they are to be harmed. If those who pay taxes do not directly consent to that payment, "how can we say that a given nation is free?"¹²⁶ This is the reason he maintained that the progressiveness of taxation was nothing but a form of "masked theft."¹²⁷

Rosmini's attempt to produce a justification for a system of voluntary taxation, that is, to link taxation to representation in the same way that contribution by stakeholders to a corporation is linked to their representation in the administrative council (government as "an association of taxpayers"),¹²⁸ may sound naïve. Yet, it is exactly a political system in which progressiveness of taxation is not in place, and franchise is proportional to property, that he regarded as "socially just."

Part of the concept of social justice is the inviolability of all the properties. Part of this very same concept is the concurrence of all the citizens in paying taxes in exact proportion to their properties.¹²⁹

In the light of what Rosmini has written, Hayek's judgment seems to be unfortunate. For Rosmini, social justice is nothing but social peace, a kind of harmony between classes within the same social framework, a system to avoid those tensions experimented with in the regimes born as a result of the French Revolution.

This is not to say that Rosmini did not favor a kind of social mobility—the advancement of lower classes toward a better economic condition. He thought that the instrument to achieve this goal is peaceful competition in the market,

which, by its nature, tends to prize the most entrepreneurial individuals, regardless of the social class that they are born into.¹³⁰

The idea of a franchise proportional to property may sound disturbing to the contemporary reader and may prompt some to think that because Rosmini did not accept the one-man-one-vote principle he was not a true liberal.¹³¹ One should recall, however, that classical liberals do not necessarily support unqualified franchise;¹³² nor did they in Rosmini's time. At this point, to briefly contextualize Rosmini's thought on this matter, it may be appropriate to consider two examples of prominent continental thinkers generally recognized as exponents of classical liberalism who did not endorse that principle: one who did not *before* the cleavage of the French Revolution, and one who still did not *after* the Revolution.

The first is Condorcet who, as Leonard Liggio notes,

avored multiple votes by taxpayers—weighted in proportion to the amount of taxes paid—and would allow small taxpayers to combine their proportions into one vote. These ideas Condorcet had adopted from Turgot's stated belief that taxpayers should be considered the same as stockholders and that, therefore, their voting should be proportional to the amount of stock they held, or the amount of taxes they paid.¹³³

The second thinker is Benjamin Constant [1767–1830], an author with whom Rosmini engaged in a dialogue in many of his works.¹³⁴ As Ralph Raico reminds us, “Constant insisted on restricting the franchise to property holders. The extent to which democracy is necessary for the maintenance of liberty could, he thought, be served by such a limited franchise, and he was skeptical of the benefits of a more democratic system.”¹³⁵ Constant explained his position by pointing out that

if, to the liberty of the faculties and of industry, which you owe them [the lower classes], you do join political rights, which you do not owe them, then these rights, in the hands of the greatest number will inevitably serve to invade property. They will march toward it by this irregular route, instead of following the natural route, labor.¹³⁶

Expelling Antonio Rosmini from the school of liberal thinkers for not having accepted the dogma of one-man-one-vote representation would mean to forget a whole stream of liberal thought that has been expressively skeptical about democracy.¹³⁷ Even an unsympathetic commentator such as Zolo recognizes that Rosmini is “exemplarily liberal,” especially when defending the individual from any form of State despotism, even of the democratic variety.¹³⁸

Piovani stresses that Rosmini shares liberalism's "diffidence toward any kind of State interventionism"¹³⁹ and reminds us that the target of Rosmini's political philosophy has always been despotism, even despotism of elected legislators.¹⁴⁰ Rosmini feared most of all a "tyranny of laws," that comes into place when the State, engaging in an extensive *production* of rules, no longer recognizes "a superior authority ... the authority of rational law and God."¹⁴¹ Giorgio Campanini goes so far as to refer to a Rosminian "anti-statism" as a concept of the State as an "intrinsically negative" institution because "it stems from a process of crisis or even degeneration of civil society."¹⁴²

Conclusion

We have synthetically presented the core elements of Rosmini's "liberalism": a system of thought based upon the concept of human rights as being expressed, in part, through property rights, and designing a constitutional arrangement consistent with this principle. Certainly, his theories will challenge the contemporary reader: Rosmini's concept of proportional representation may seem especially archaic—the political output of a "totalitarian" concept of the right of property, as it has been defined by one commentator.¹⁴³

Nevertheless, it is the opinion of the present author that what Rosmini foresaw, as far as the progressive erosion of property rights in the name of state-made law and redistribution is concerned, was confirmed by the history of the twentieth century. Rosmini's theories can provide useful explanations of such a phenomenon, and they deserve credit as an attempt to defend individual liberty and property from creeping state despotism.

Notes

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A Sphere Around the Person:
Antonio Rosmini on Property

1. The original family name was “Rosmini,” “Serbati” having been added by Antonio Rosmini’s grandfather. See Umberto Muratore, *Conoscere Rosmini. Vita, pensiero, spiritualita’* (Stresa: Edizioni Rosminiane, 2002), 2.
2. To be sure, during March 1797, when Antonio was born, Rovereto was actually occupied by the Napoleonic army but was returned to Austria the following October.
3. Antonio Rosmini, “Diario personale,” in *Scritti autobiografici inediti*, ed. E. Castelli (Roma: Anonima Romana Editoriale, 1934), 419.
4. Saint Giovanni Bosco [1815–1888] once commented that: “I have never seen a priest saying Mass with as much devotion and piety as Rosmini. It was obvious that he had a tremendously vivid faith, from which sprung his charity, his sweetness, his modesty and his outside gravity.” Giambattista Pagani and Guido Rossi, *La vita di Antonio Rosmini*, 2 vols. (Rovereto: Manfrini, 1959), 1:189.
5. Antonio Rosmini, *Panegirico alla santa e gloriosa memoria di Pio VII pontefice massimo* (Modena: Eredi Soliani Tipografi Reali, 1831).
6. *Ibid.*, 112.
7. Quoted in Muratore, *Conoscere Rosmini*, 21.
8. Antonio Rosmini, *Epistolario completo*, ed. Rosminian Fathers, 13 vols. (Casale: Tipografia Giovanni Pane, 1887–1894), 10:194.
9. For Rosmini’s draft of a Constitution for the Papal States, see Antonio Rosmini, *Progetti di costituzione: Saggi editi e inediti sullo Stato*, ed. C. Gray (Milano: Fratelli Bocca, 1952), 3–63.
10. These articles have been collected in Antonio Rosmini, *La Costituente del regno dell’alta Italia*, now in *Scritti politici*, ed. U. Muratore. (Stresa: Edizioni Rosminiane, 1997), 273–328.
11. On the reasons that determined an increasing pressure on Rosmini to revise his views, even on political issues, see Muratore, *Conoscere Rosmini*, 30–32.
12. Antonio Rosmini, *Delle cinque piaghe della Santa Chiesa* (1848; reprint, Roma: San Paolo Edizioni, 1997).
13. Antonio Rosmini, *La Costituzione secondo la giustizia sociale*, now in *Scritti politici*, 45–249.
14. Quoted in Muratore, *Conoscere Rosmini*, 37.
15. See Giovanni Pusinieri and Remo Bessero Belti, *Rosmini* (Stresa: Edizioni Rosminiane, 1989), 214–16.
16. Pope John Paul II, Encyclical Letter *Fides et Ratio*, 1998, par. 74.

17. *Nota sul valore dei Decreti dottrinali concernenti il pensiero e le opere del Rev.do Sacerdote Antonio Rosmini Serbati*, n. 7, cfr. *Osservatore Romano*, June 30–July 1, 2001:5. See also <http://www.rosmini.it/NotaCongrfeede.htm>.
18. Gioele Solari, *Rosmini inedito: La formazione del pensiero politico (1822–1827)* (Stresa: Edizioni Rosminiane, 2000), 73–74.
19. Rosmini, *Panegirico alla santa e gloriosa memoria di Pio VII*, 106, 110.
20. *Ibid.*, 106. I have availed myself of some liberty in translating this rather archaic passage, which in Italian reads as follows: “Decreta: *si consacri la proprietà*. Non la potenza congiunta, ma la propria dignità, renda il suo inviolato a tutti: ecco la uguaglianza degli uomini. Non cammini la beneficenza o il nome di essa in su’ delitti: non muova un passo, che dopo aver visitati, sarei per dire, e trovati saldi i suggelli posti da Dio in sulla proprietà di ognuno.”
21. *Ibid.*, 108.
22. *Ibid.*, 112.
23. Antonio Rosmini, *Saggi di scienza politica. Scritti inediti*, ed. G. B. Nicola (1822; reprint, Torino: Paravia, 1933), 88.
24. *Ibid.*, 105.
25. *Ibid.*
26. Fragment on *Del rispettare la proprietà*, typescript in Antonio Rosmini, *Opere inedite di politica*, ed. G. B. Nicola (Milano: 1923), conserved in the Rosminian library in Stresa, 26ff. Original manuscript available in the Rosminian archive in Stresa (A II – 34). This fragment has recently been made available to a wider readership in *Elites 2* (2003), 138–50, with an introduction by the present author.
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*, 28–29. I have availed myself of some liberty in translating this rather archaic passage. The original reads as follows: “Falsamente pertanto si credette da qualcuno dispensato il principe come tale da questa obbligazione, quando altramente volesse il vantaggio della società: *Salus reipublicae summa lex esto*; fu il grande assioma di questi politici. Noi all’incontro crediamo che per qualunque bene del maggior numero, anche per la salvezza dello sterminio non si possa togliere un diritto ad un singolo quando egli non lo consenta o quando del male che si teme egli non ne abbia la colpa.”
30. Danilo Zolo, “Governo temporale e ‘senso ecclesiastico’: Critica del temporalismo cattolico in Antonio Rosmini,” in *Filosofia e diritti: Rosmini e la cultura della Restaurazione*, ed. Giorgio Campanini and Francesco Traniello (Brescia: Morcelliana, 1993), 192.

31. A typical trait of Rosmini's political philosophy is his anthropological realism, which he called "anti-perfectism." Rosmini characterized perfectism as a "system that believes perfection to be possible in human things, and which sacrifices today's goods to an imaginary future perfection ... it consists of arrogant prejudice, for which human nature is judged too favorably." Antonio Rosmini, *Filosofia politica*, ed. M. D'Addio (1887; reprint, Milan, Italy: Marzorati, 1981), 111. This realistic concept of human beings and human societies is at the core of Rosmini's sentiments toward the State. "Government is made of persons who, being men, are fallible." *Ibid.*, 174. On this point, Dario Antiseri and Massimo Baldini remark that Rosmini's "anti-perfectism" is not "a denial of the possible improvements within society ... but an attempt to deal with the issue of improving society in a realistic way." Dario Antiseri and Massimo Baldini, "Il personalismo liberale di Antonio Rosmini," in *Personalismo liberale*, ed. Antonio Rosmini (Soveria Mannelli: Rubbettino, 1997), 8.
32. Francesco Traniello, *Società religiosa e società civile in Rosmini* (1966; reprint, Brescia: Morcelliana, 1997), 275.
33. Rosmini, *Panegirico alla santa e gloriosa memoria di Pio VII*, 107.
34. On Rosmini's acquaintance with Enlightenment thinkers, see Aavv, *Rosmini e l'illuminismo: Atti del XXI Corso della "Cattedra Rosmini,"* ed. P. Pellegrino (Stresa: Sodalitas-Spes, 1988).
35. The similarity of views between Rosmini and Manzoni may be testified also by a comment expressed on the latter by British Whig William E. Gladstone. Visiting Milan in 1832, Gladstone acknowledged to be surprised by Manzoni's "combination of rigid piety and advanced (liberal) political views." Archibald Colquhoun, *Manzoni and His Times* (New York: Dutton, 1954), 255.
36. The intensity of this friendship was clear from the beginning. The first time Manzoni (who did yet know and admire some of Rosmini's writings) met Rosmini, "He shook hands with the young man, saying: 'O quam speciosi pedes evangelizantium pacem, evangelizantium bona' (How fair the feet that bring glad tidings of peace, that bring good news)." Claude Leetham, *Rosmini: Priest, Philosopher, and Patriot* (Baltimore: Helicon Press, 1957), 67.
37. See Leetham, *Rosmini: Priest, Philosopher, and Patriot*, 418–19.
38. Rosmini, *Epistolario completo*, 2:165.
39. In particular, if Manzoni was originally keener to write his masterpiece in "an Italian language formed from every dialect in Italy," Rosmini persuaded his friend to "use the language of Tuscany, where a continuous literature had formed the tongue of Florence until it had become more than a dialect." Leetham, *Rosmini*, 68. Manzoni, also, explicitly paid a tribute to Rosmini's philosophical system his *Dialogo dell'invenzione* (1850).

40. I am indebted to Professor Leonard Liggio for pointing out the important nuances of this fact.
41. On Augustin Thierry, see Ralph Raico, "Classical Liberal Roots of the Doctrine of Classes," in *Requiem for Marx*, ed. Yuri N. Maltsev (Auburn, Ala.: Ludwig von Mises Institute, 1993), 189–220. On the flavor of French liberalism in those times, see Leonard P. Liggio, "Charles Dunoyer and French Classical Liberalism," *Journal of Libertarian Studies* 1, no. 3 (1977): 153–78, and also Leonard P. Liggio, "The Counter Enlightenment," in *An Uncertain Legacy: Essays on the Pursuit of Liberty*, ed. Edward B. McLean (Chicago: ISI Books, 1998), 134–71. For an enlightening account of the economic theory endorsed by the French liberals, see also Murray N. Rothbard, *Classical Economics: An Austrian Perspective on the History of Economic Thought*, vol. 2 (Brookfield, Vt.: Edward Elgar, 1995), 1–45, 439–75.
42. Francesco Traniello, "Lecture rosminiane della rivoluzione francese," in Giorgio Campanini and Francesco Traniello, eds., *Filosofia e diritti. Rosmini e la cultura della Restaurazione*, 150.
43. See Mario d'Addio, "Introduzione," in Antonio Rosmini, *Scritti politici*, 31. On the dissonances and agreements of Rosmini with two contemporary neo-Thomists such as Matteo Liberatore [1810–1892] and Luigi Taparelli d'Azeglio [1793–1862], see Alejandro Chafuen, "I precursori italiani del personalismo economico: una riflessione sugli scritti di Luigi Taparelli d'Azeglio, Antonio Rosmini e Matteo Liberatore," in *Il coraggio della libertà: Saggi in onore di Sergio Ricossa*, ed. Enrico Colombatto and Alberto Mingardi (Soveria Mannelli: Rubbettino, 2002), 109–44. It should be noted that the Jesuits were the strongest opponents of Rosmini's philosophy: Taparelli and Liberatore criticized and attacked Rosmini on *La Civiltà Cattolica*, and this polemic eventually played a role in shaping the *Post Obitum* decree. See Giovanni Sale, S.J., "La 'questione rosminiana,'" *La Civiltà Cattolica* 4 (2001), par. 3634, 331–44. Anyway, one commentator also highlights the fact that "Luigi [Taparelli d'Azeglio] ... knew of Rosmini's enthusiasm for Aquinas and his cooperation with his father in Turin a decade earlier. As a result, he had a long correspondence with Rosmini and was persuaded of the merits of Thomistic philosophy." See Royden Hunt, "Reason and Faith: An Introduction to the Life and Thought of Antonio Rosmini" (<http://www.rosmini-in-english.org/Studies/LifeRosminiPDF/ReasonAndFaith.pdf>), 4.
44. Different editions of this work exist. An English translation, as *The Philosophy of Right*, has been supplied by Rosminian fathers Denis Cleary and Terence Watson (Durnham: Rominian House, 1995). For a broad introduction to the core themes of this work, see Denis Cleary, "Rosmini on Natural Law and Right," *Vera Lex. Historical and Philosophical Study of Natural Law and Right*, XIII, nn. 1, 2: 6–10.
45. Antonio Rosmini, *Filosofia del diritto*, vol. 1, par. 10.

46. Later in time, Rosmini himself described the *Filosofia del diritto* as an attempt “to defend all the natural and rational rights of man against any invasion and usurpation by civil society.” *La Costituzione secondo la giustizia sociale*, 68.
47. *Ibid.*, vol. 2, par. 7.
48. *Ibid.*
49. Saint Thomas Aquinas, *Summa Theologica*, I-II, q. 94, art. 2, ad 2.
50. Rosmini, *Filosofia del diritto*, vol. 2, par. 11.
51. *Ibid.*, vol. 2, par. 1067.
52. *Ibid.*, vol. 1, par. 15.
53. *Ibid.*, vol. 1, par. 12.
54. *Ibid.*, vol. 1, par. 24.
55. Isaiah Berlin, “Two Concepts of Liberty,” in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), 121–22.
56. Rosmini, *Filosofia del diritto*, vol. 1, par. 237. Emphasis added.
57. Rosmini, *Del rispettare la proprietà*, 9.
58. Rosmini, *Filosofia del diritto*, vol. 1, par. 88.
59. Pietro Piovani aptly remarks that Rosmini should not be considered a “Catholic-liberal” or a “liberal-Catholic”: The liberal nuances of his thought do not represent an attempt to reconcile two different doctrines but indeed are simply logical consequences deduced from the Catholic principles that he embraced. Rosmini is a liberal *because* he is a Catholic, so to speak. Pietro Piovani, *La teodicea sociale di Rosmini* (1957; reprint, Brescia: Morcelliana, 1997), 258. Similarly, Sergio Cotta recognizes that Rosmini’s liberalism is “focused on the person and on the freedom of her activity from the stifling rule of the State,” but it is not “philosophically relativist.” Rosmini’s liberalism is indeed grounded upon “religious foundations.” Sergio Cotta, “Introduzione,” in *Filosofia della politica*, ed. Antonio Rosmini (Milano: Rusconi, 1997), 16–17.
60. Rosmini, *Filosofia del diritto*, vol. 1, par. 94.
61. Antonio Rosmini, *Antropologia in servizio della scienza morale*, ed. F. Evain (1884; reprint, Roma: Città Nuova, 1981), 460.
62. Rosmini, *Filosofia del diritto*, vol. 2, par. 52.
63. Cfr. Danilo Zolo, *Il personalismo rosminiano. Studio sul pensiero politico di Rosmini* (Brescia: Morcelliana, 1963), 214–15.
64. Giuseppe Capograssi, “Il diritto secondo Rosmini,” in *Opere* (Milano: Giuffrè, 1959), 4:344.

65. Rosmini, *Filosofia del diritto*, vol. 1, par. 333.
66. *Ibid.*, vol. 1, par. 338.
67. It should be noted that Rosmini rejected the expression “self-ownership” because he claimed that property is always a relationship between a master and an owned thing, so, a relationship between a human person and *something else*. *Ibid.*, vol. 2, par. 64. It is also true that somewhere else, to argue that “*property* shows itself, therefore, as a condition of *freedom*,” he maintains that “even in ‘person,’ that is, in essential freedom, we find an object, the idea of being, which holds the place of primitive property.” *Ibid.*, vol. 2, par. 1631. Rosmini’s ontological foundation of freedom seems, consequently, to provide grounds for Piovani’s thesis in this respect.
68. Piovani, *La teodicea sociale di Rosmini*, 199.
69. Some commentators have tried to deny the classical liberal nuances that the justification of property advanced by Rosmini clearly displays. See, for example, Michele Dossi, *Profilo filosofico di Antonio Rosmini* (Brescia: Morcelliana, 1998), 215. See also Luigi Bulferetti, “Socialista ‘rosso’ il Rosmini?” in *Rivista Internazionale di Filosofia del Diritto* (1951).
70. Giuseppe Capograssi, “Il diritto secondo Rosmini,” 334.
71. Rosmini, *Filosofia del diritto*, vol. 2, pars. 334–37.
72. *Ibid.*, vol. 2, par. 338.
73. *Ibid.*, vol. 2, par. 347. See also Antonio Rosmini, *Compendio di etica* (1846; reprint, Roma: Città Nuova, 1998), par. 416ff.
74. One should note that Rosmini wants to distance his position from the Lockean one on this matter. Rosmini saw, in the stress upon labor as the source of the right of property, a theory that fails “to see that the essence of right is moral, and that its moral essence is found solely in a corresponding juridical duty. *Filosofia del diritto*, vol. 2, par. 368. The legitimacy of appropriation is instead, for Rosmini, to be found “in the utility, which we can derive from things.” *Ibid.*, vol. 2, par. 480. Rosmini specifies that “neither *effort* nor *expense* [involved in the act of the original appropriation] constitutes the matter of the right to occupancy, but ‘the effort involved in its use.’ Mere effort or heedless expense that is not directed to utility has no power to bind anything to a person in such a way as to make it the person’s own.” *Ibid.*, vol. 2, par. 492.
75. *Ibid.*, vol. 2, par. 485.
76. *Ibid.*, vol. 2, par. 487. Rosmini also opposes the Kantian approach, which states that the right of occupancy extends to everything that an individual is capable of defending. This assertion, for Rosmini “is ... vitiated by the error deriving prop-

erty from *force* rather than from the *moral law*. I do not cease to be the lawful owner of what is mine if I am unable to defend it against a thief.” Ibid., vol. 2, par. 478.

77. Similarly, Rosmini states clearly that, in the state of nature, “each one can take possession of unoccupied things useful for him to the extent that he has the power to administer or turn them to some advantage. For example, a single individual who wished to take possession of thousands of acres of fertile land that he then had to leave uncultivated would not lawfully have made that land his own.” Ibid., vol. 2, par. 469–70.
78. Accurately examining these is far beyond the scope of this article. What should be noted is that the instrument that Rosmini thought was essential to legitimately exchange properties was the *contract*. “There are two ways of transmitting property: (1) When I free something of my own and someone else occupies it, making it his own. (2) When I free something of my own in favor of someone else who, under certain conditions or without conditions, accepts and takes it immediately as his own: This is called *contract*.” Ibid., vol. 2, par. 1045. Rosmini also successfully distinguishes between a promise and a contract, explaining that the latter involves a determined and factual exchange of property. “The promisee has no right to force him [the promiser] to fulfill what he has promised, because the promisee has in no way acquired any *real* right—the ‘act of ownership’ transmitting the dominion has not yet been carried out.” Ibid., vol. 2, par. 1096.
79. Ibid., vol. 2, par. 498.
80. Ibid., vol. 2, par. 507.
81. Ibid., vol. 2, par. 60.
82. Ibid., vol. 2, par. 340.
83. Ibid., vol. 1, par. 347.
84. Ibid., vol. 1, par. 359.
85. Ibid., vol. 2, par. 908n.
86. Ibid., vol. 2, par. 504n.
87. Ibid., vol. 1, par. 341. Rosmini previously used this metaphor, though in a rougher version, in *Del rispettar la proprietà*, 5.
88. Rosmini’s answer to a typical objection to the “classical liberal” theory of property—that is, that appropriation *per se* diminishes the equal opportunities of other men of benefiting from a given resource—is noteworthy: [the harm allegedly cause by appropriation] is “*potential*, not *actual* harm.... Potential harm cannot always be avoided, because the very use we make of a thing prevents another from using it. If we intended to avoid all *potential* harm, we would have to forbid

the use of anything at all and thus cause real, universal harm. Furthermore, the objector confuses *harm* done to a person with *injury to law*, and sees a lesion of law wherever there is harm. I answer: not all harm is an injury and lesion of law. Lesion of law is an injury to person, but person is not injured by disposing of something that has as yet no real connection with her.” *Filosofia del diritto*, vol. 2, par. 368n.

89. Piovani, *La teodicea sociale di Rosmini*, 225.
90. Rosmini clearly understood that “while some things are naturally joined to the human person, others are joined by his own act (a moral-physical act) and cannot taken from him against his will without causing pain.” *Filosofia del diritto*, vol. 2, par. 368. This makes “takings” incompatible with the principle of “do not harm, injure, or molest” your fellow man.
91. A modern exposition of this tradition of thought can be founded in *The Ethics of Liberty*, ed. Murray N. Rothbard (1982; reprint, New York: New York University Press, 1998). See also Hans-Hermann Höpfe, *The Economics and Ethics of Private Property: Studies in Political Economy and Philosophy* (Boston: Kluwer Academic Publishers, 1993).
92. Rosmini, *Filosofia del diritto*, vol. 2, par. 1631.
93. *Ibid.*, vol. 2, par. 366.
94. Rosmini, *Del rispettare la proprietà*, 10.
95. Friedrich A. von Hayek, *Law, Legislation, and Liberty*, vol. 2, *The Mirage of Social Justice* (Chicago: University of Chicago Press, 1976), 176.
96. Rosmini, *Filosofia del diritto*, vol. 1, par. 267.
97. *Ibid.*, vol. 1, n. 160.
98. *Ibid.*, vol. 2, par. 958.
99. But Rosmini emphasizes that “the typical trait of charity is its *spontaneity*. Government acts using force ... charity if organized by government loses its character of spontaneity.” *La Costituente del regno dell’alta Italia*, 301.
100. Rosmini, *Filosofia del diritto*, vol. 2, par. 956.
101. Rosmini, *Filosofia del diritto*, vol. 6, par. 1644.
102. *Ibid.*, par. 1660.
103. *Ibid.*, par. 1661.
104. *Ibid.*, par. 1650.
105. *Ibid.*, par. 1651.
106. *Ibid.*, par. 1652.

107. Ibid., par. 1653.
108. Antonio Rosmini, *Teodicea* (1845; reprint, Roma: Città Nuova, 1977), par. 472. See also Piovani, *La teodicea sociale di Rosmini*, 134ff.
109. Rosmini, *Teodicea*, par. 921.
110. Ibid., par. 922.
111. On this point, Danilo Zolo suggests that it is possible to find in Rosmini “a radical refusal” not just of the socialist doctrines but also “of the Catholic tradition on the theme of social inequality,” “From Basilio to Tommaso, to Gaetano, to Innocenzo IX, to Bossuet.” *Il personalismo rosminiano*, 136n.
112. Rosmini, *Saggi di scienza politica*, 88.
113. Rosmini, *La Costituzione secondo la giustizia sociale*, 46.
114. Ibid., 49.
115. Ibid., 51.
116. For an analysis of the functions of the political tribunal see Giorgio Campanini, “Antonio Rosmini e le istituzioni rappresentative,” in *Il pensiero di Antonio Rosmini a due secoli dalla nascita*, ed. Giuseppe Beschin, Alfeo Valle, and Silvano Zuccal (Brescia: Morcelliana, 1999), 367–78.
117. See, for example, Rosmini, *Saggi di scienza politica*, 102–10.
118. Rosmini, *Filosofia del diritto*, vol. 3, par. 263.
119. Rosmini, *La Costituzione secondo la giustizia sociale*, 198.
120. Ibid., 52.
121. Ibid., 94.
122. Ibid., 98.
123. Rosmini’s assumption that such a phenomenon would not occur, provided that the right to vote is restricted to property owners, is indeed doubtful. As soon as a representative assembly is in place (no matter how its members have been elected), it is likely that different coalitions will form. Winning majorities can be in the position of exploiting losing minorities, as in one-man-one-vote democracies. It is perhaps arguable that the true variable is the *extent* of such an exploitation. Rosmini resorted to posing severe constitutional limits to government’s action to restrict the number of the *means* (e.g., imposition of tariffs) by which a redistribution of wealth could be achieved.
124. Ibid., 109.
125. Ibid., 113.

126. Ibid., 117.
127. Ibid., 123.
128. Ibid., 200. This is a central point in Rosmini's political philosophy, as it is clear when he writes, "private good has to cede to public good if all the members of a society are equally burdened in proportion to the advantage that comes to them from the society ... it is true that private good has to give way to public good if by private is meant the *good of all the individual members of the society*; it is not true if private good is understood as that of *a single member of the society*." *Filosofia del diritto*, vol. 2, par. 1656. On Rosmini and the common good, see above.
129. Rosmini, *La Costituzione secondo la giustizia sociale*, 125.
130. Ibid., 99.
131. Examining Rosmini's project of a constitution in detail is beyond the scope of this article, but it may be useful to note that, in *La Costituzione secondo la giustizia sociale*, Rosmini strongly condemns protectionism, postulates the right for any individual to be free to migrate, attempts a defense of "literary" property rights, and stands against those governments that impose an identification document upon their citizens in order to keep track of their movements.
132. In an attempt toward a "restatement of liberalism," in its classical meaning, Anthony de Jasay observes, "a liberal order is not designed to augment, transform or redistribute the means, nor to promote the maximum attainment of stipulated ends." Anthony de Jasay, *Choice, Contract, and Consent: A Restatement of Liberalism* (London: IEA, 1991), 55. It must be noted that democracy instead seems to be tantamount to a political order, which does make of redistributing the means its central concern.
133. Ligio, "The Counter Enlightenment," 150.
134. See Piovani, *La teodicea sociale di Rosmini*, 257, and Francesco Mercadante, *Il regolamento della modalità dei diritti. Contenuto e limiti della questione sociale secondo Rosmini* (Milano: Giuffrè, 1974), 262ff.
135. Ralph Raico, "Benjamin Constant," *New Individualist Review* 3, no. 2 (1964): 50.
136. Benjamin Constant, *Course de Politique Constitutionnelle*, ed. Edouard Laboulaye, trans. R. Raico (Paris: Guillaumin, 1872), 1:55. See Raico, "Benjamin Constant," 52.
137. Rosmini himself credits the influence of Alexis de Tocqueville for having helped him mature his opinions on democracy. *La Costituente del regno dell'alta Italia*, 313. In spite of Rosmini's admiration for Tocqueville's work (affirmed also by the frequent references that can be found especially in the *Filosofia della politica*), the attitude toward unqualified franchise displayed by the two of them was, as it is clear, very different.

138. Zolo, *Il personalismo rosminiano*, 228n. Zolo also adds that the “liberal and anti-democratic attitude of Rosminian constitutionalism is confirmed by its aversion toward political parties, by his economic theses in favor of free enterprise, by its vigorous appraisal of the ‘freedom to teach’ against any State monopoly.” Ibid.
139. Piovani, *La teodicea sociale di Rosmini*, 249.
140. Ibid., 294
141. Rosmini, *Filosofia del diritto*, vol. 2, par. 133.
142. Giorgio Campanini, *Antonio Rosmini e il problema dello Stato*, 23. It is never stressed enough how far Rosmini was from being seduced by any form of collectivism. “People thought, or seemed to think,” he wrote, “that the right pertaining to a *collective person* was greater than that pertaining to an *individual person*. Consequently, it was presumed that the collective person, or society ... could exercise its own rights by freely sacrificing those of individual persons. Society, or whoever stood for society, then became totally despotic.... But ... if all the citizens are sacrificed to the few who are masters, not citizens, and hold the reins of the State in name of society, what remains of society?” *Filosofia del diritto*, vol. 2, par. 1652.
143. Zolo, *Il personalismo rosminiano*, 236.