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# Antonio Rosmini: Philosopher of Property

BY ALBERTO MINGARDI

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Over the past several decades *The Freeman* and FEE have introduced the liberty-loving public to many great thinkers of the past who otherwise would have fallen into oblivion. Frédéric Bastiat, whose masterpiece *The Law* was rescued by Dean Russell's translation in 1950 and has since become almost required reading among American libertarians and conservatives, is just the first example that comes to mind. One great classical-liberal thinker who today is nearly forgotten even in his own country, Italy, is Antonio Rosmini. This year marks the 151st anniversary of his death.

A man endowed with magnificent talents—Catholic priest, founder of orders, theologian, and scholar—Rosmini left behind an enormous body of scholarship and writings. The still-incomplete critical edition of his works will comprise more than 100 books. His contributions covered a wide variety of subjects, ranging from religion and metaphysics to anthropology and economics. In this vast landscape of intellectual achievement, political philosophy and economics occupy but a small lot, but Rosmini's contributions in these fields are noteworthy and often illuminating. He held the defense of property as his central concern for the building of a just political order.

In a footnote in the second volume of *Law, Legislation and Liberty*, F.A. Hayek noted that Rosmini's *The Constitution Under Social Justice* made "more generally known" the term *social justice* "in its modern sense." But Rosmini's understanding of these words was quite different from the one widely accepted today. He was perhaps the

staunchest defender of private property in nineteenth-century Italy.

Rosmini was born March 24, 1797, into one of the richest and noblest families in the city of Rovereto. Having learned to read at home, mainly from the Bible, the young Antonio began school at the age of 7, completing the normal course, and simultaneously educating himself as a polymath in his uncle's library. The young man's higher studies were completed in theology at the University of Padua (a notable center of Aristotelian philosophy). He graduated in 1823.

Even at this early stage of his life, Rosmini was remarkable not only for his studiousness but also for his spiritual intensity. But if he enjoyed a restless life of meditation, studies, and priestly duties, he did not refuse to be engaged in the daily political affairs of his time.

His political philosophy developed and assumed precise form between the 1820s and the 1840s. Rosmini began his lifelong journey in political thinking as a critic of the French Revolution: as a Catholic he understood its limits and dangers, and was strongly influenced by the writings of restorationist thinkers such as François René de Chateaubriand, Luis de Bonald, Joseph de Maistre and, especially, Karl Ludwig Haller.

It was perhaps because of the 1821 uprisings in Italy that Rosmini started working on a major work on politics in 1822—his *Politica prima*. Though it consumed



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much of his time during 1822–1826, it was never published in his lifetime. But it served as a preparatory work for other more ambitious writing in the same field. In particular, by 1839 Rosmini completed his *Political Philosophy* and by 1845 his immense masterpiece *Philosophy of Law and Theodicy*. These works, with the subsequent *The Constitution Under Social Justice* (1848), a blueprint for a liberal constitution for the yet-divided Italy, form the consistent body of his political thought.

In 1848 Rosmini joined Pius IX in Rome, where the pope initially welcomed him and (after the assassination of Pellegrino Rossi) made him a cardinal and prime minister of the Papal states. However, as soon as the Roman Republic was established and the pope was forced to flee to Gaeta, this relationship apparently broke down. Rosmini's *Delle cinque piaghe della santa Chiesa*, where he preaches renovation within the borders of the Church, and *La Costituzione secondo la giustizia sociale* were listed in the Index of Forbidden Books. This caused him immense pain.

Dismissed by the pope, Rosmini returned to his house in Stresa (on Lago Maggiore) where he peacefully spent the rest of his life. But the polemics on his writings did not end with his death in 1855. The Jesuits were particularly fierce in attacking his work. In 1887 the Sant'Uffizio (Holy Office—known now as the Congregation for the Doctrine of the Faith) promulgated a decree, *Post Obitum*, which stated that 40 propositions extracted from Rosmini's works had not “conformed to the Catholic truth.”

This condemnation lasted until the pontificate of Karol Wojtyła. John Paul II opened the cause of beatification of Rosmini, and in his encyclical *Fides et Ratio* mentioned him among “significant examples of a process of philosophical enquiry that was enriched by engaging the data of faith.” Finally, on July 1, 2001, the Congregation for the Doctrine of the Faith, in a *Nota* signed by then-Cardinal Joseph Ratzinger (the future Pope Benedict XVI) and then-Archbishop Tarcisio Bertone, repealed the *Post Obitum*. Ever since, Rosmini's works have attracted growing interest in Catholic circles.

### Thinking Matured Early

**R**osmini's thought on political and social issues, such as individual rights, property, the meaning of the

French Revolution, and social justice, matured at an early stage of his life. 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. Commentators argued that Rosmini was very much in tune with the wave of anti-revolution thinkers in his first years' meditating on political questions, turning to classical liberalism later on.

However, the concern for private property stands as a landmark in the development of his thinking. In his eulogy for Pius VII, which embodied the essence of his political thought, Rosmini dealt to a certain extent with the question of property rights, making their protection the difference between “a system based upon justice” and one grounded on “universal utility.”

The first (justice) 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.” Rosmini openly criticized redistributive policies, which limit and seize private property in the name of compulsory benevolence.

The second system (universal utility), 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.” The output of such a system is the attempt to “sacrifice any property to an illusion of public good.”

In essays composed between 1822 and 1825, Rosmini dug deeper into the question of property, ending up enunciating two principles of justice that would be the mainstay of his political thought for the rest of his 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.”

In the same work Rosmini closely linked the defense of property with the problem of guaranteeing everyone's

right to life. When all property is 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 the rights of ownership.

However, Rosmini's system was to find its final formulation later on. Between 1837 and 1844 he published the two volumes of his *Political Philosophy* ("The Summary Cause for the Stability or Downfall of Human Societies" and "Society and Its Purpose"), followed by his magnum opus, *Philosophy of Law*.

### Perfectism and Socialism

*Political Philosophy* is clearly indebted to the studies of anthropology and moral science that Rosmini conducted in those very years. His anthropological realism applied to the facts of politics brought Rosmini to reject boldly any ideological "idealization" of social affairs, which he saw as inherent in some of the leading doctrines of his time. 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. . . . [I]t consists of arrogant prejudice, for which human nature is judged too favorably."

Judging political options from "pure hypothesis," the risk is to elaborate theories that do not rest on a proper consideration of the "natural limits of things." Rosmini's target is represented mainly by the utopianism of socialists, who dream of a property-less society. Human society without property, however, is impossible because the "law of property" confronts men "with the mere alternative, either to accept it, or to eat themselves one each other." The absence of property will produce misery and need, which in turn will provoke crime and widespread aggression, which is the contrary of society itself. Ideology, for Rosmini, can "blind" men to the extent of not recognizing the importance of this institution.

This realistic vision of human beings and human societies is at the core of Rosmini's feelings toward the state: "Government is made of persons who, being men, are fallible." Today's readers will find his polemics against perfectism similar to Hayek's against central planning; like Hayek, Rosmini emphasized that legislators cannot be presumed omniscient, and he also put the responsi-

bility for making meaningful decisions in the hands of individuals.

Indeed, in the essay "On Communism and Socialism," written in 1847 after Pius IX's encyclical *Qui Pluribus*, Rosmini called utopians "false sages" and vindicated individualism by saying that "a man is not a machine," meaning that he is not as mechanically predictable as prophets of planning would like him to be. These "monstrous utopias," he wrote, are "the grave of liberalism and of any desirable progress": communism and socialism, "far from growing the liberty of men and society, provide for them the most unheard and absolute slavery, oppressing them under the heaviest, most despotic, most picky, immoral and impious of all governments."

It is in *Philosophy of Law* that Rosmini explained in full detail his account of natural law. For him, the fundamental goal to be achieved is the protection of the human person—"the first seat of freedom." In his system "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."

Boundaries for each individual's legal actions are to be found in the equal guarantee of everybody else's freedom. Instead of formulating a "law of equal freedom," which he found problematic insofar as this mutual respect of individual rights was not rooted in reality, Rosmini resorted to property as a measure of freedom. For him "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." According to Rosmini, the "concept of freedom does not exist if completely deprived of property."

This argument was not tempered by the existence of social inequalities. Property is a projection of the profound individuality of the individual, a "social representation" of him. "Conceiving equality in properties is like conceiving the inconceivable existence of identical individuals, that is, of non-individual individuals," Rosmini wrote. Respecting property is thus respecting the

other as a human person: “properties have to be reciprocally respected because *the thing* of the other is *the other* [himself].”

### A Constitution Under Social Justice

In his exercise in applied constitutionalism, the 1848 *Constitution Under Social Justice*, Rosmini held dear all these principles. As a critic of the French Revolution, however, he could not concur with those who wanted to establish a liberal society in Italy by following the way opened by the French in 1789.

In particular, he identified a major problem: the balance between democracy and freedom. The constitutions written under French influence all tended to “promote in all citizens an inordinate ambition to conquer an always higher grade in public society,” “open the door to corruption,” and “not guarantee enough and in the fullest extent the freedom of citizens.” To correct these inner defects, Rosmini proposed two devices: “the institution of the tribunal of political justice” and “the franchise proportioned to the direct tax a citizen pays to the state.”

The tribunal of political justice was, in Rosmini’s view, a device by which a jury (elected by every citizen) would have the opportunity to settle infringements of individual rights. This institution originated 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 voters, not all. The nature of law, however, is 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.”

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. It was conceived as an instrument to scrutinize positive laws—a *custos* of people’s rights vis-à-vis the government.

The idea of franchise proportioned to the amount of taxes paid, and thus to the property owned by each

member of a society, was prompted by similar 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.” 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 between citizens, but never a substantial equality to be achieved via redistribution, which “would destroy any justice.”

Rosmini’s point here is that an unqualified franchise opens the door to redistribution, putting property at the mercy of an elected majority. “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.”

It should be observed that Rosmini’s foundation of franchise on property served also the purpose of legitimizing taxation itself. “Taxation” and “representation” should be married, because those who are harmed by taxation have to be at the same time those who can decide 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?” This is the reason he maintained that the progressiveness of taxation was nothing but a form of “masked theft.”

A thinker of great clarity, though not endowed with a clear writing style, Rosmini belongs to the pantheon of the great classical liberals of the nineteenth century. An admirer of Alexis de Tocqueville, Adam Smith, and Jean Baptiste Say, this Catholic priest understood better than many liberals the most important problem that endangers the survival of liberty in modern societies: the uneasy marriage between property and democracy. 