

CONFERENCE: THE FOUNDATION OF HUMAN RIGHTS: CATHOLIC CONTRIBUTIONS, PART I: ARTICLE: THE RELATIONSHIP OF THE VIRTUE OF JUSTICE TO BLESSED ANTONIO ROSMINI'S APPROACH TO HUMAN RIGHTS

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Author: Gerry Rauch, M.S.W.+

+ Adjunct professor of pastoral counseling at Sacred Heart Major Seminary in Detroit and at St. Paul Seminary in St. Paul; founder of Annunciation Institute, which seeks to promote the use of scripture and other teachings of the Catholic Church in pastoral counseling, focusing especially on the theological and cardinal virtues.

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Introduction

The ongoing concern to advance human rights is often understood in a way that is too limited. Everyone is clear that we need well-ordered formulations of rights; and great investments of time and resources are expended in this direction. Yet efforts on another front are equally necessary: the transformation of human wills. Unless real men and women act in harmony with the ideals of rights, human rights remain words on paper and we experience no progress. To say it another way, the achievement of rights in the real world depends on the realization of the virtue of justice in the character of individual men and women as much as it does on perfected conventions of human rights.

In this Article, I want to discuss the importance of the virtue of justice in the advancement of human rights by examining the writings of a great but little-known philosopher, Blessed Antonio Rosmini-Serbati. ¹ A comment in Rosmini's *The Essence of Right* takes us to the heart of the question:

¹ Blessed Antonio Rosmini-Serbati lived from 1797 to 1855. See Antonio Rosmini, Stanford Encyclopedia of Philosophy (Dec. 28, 2001), <http://plato.stanford.edu/entries/antonio-rosmini/>. He was intimately involved in the struggles of the Church philosophically and politically, especially during the pontificates of Popes Gregory XVI and Pius IX. See Denis Cleary, Antonio Rosmini: Introduction to His Life & Teaching 65 (1992). Rosmini was ordained as a priest and founded a religious order, the Institutes of Charity. See Jose Cardinal Saraiva Martins, Homily at the Mass for the Beatification of the Servant of God Antonio Rosmini (Nov. 18, 2007), available at http://www.vatican.va/roman_curia/congregations/csaints/documents/rc_con_csaints_doc_20071118_beatif-rosmini_en.html.

The great achievement of his philosophy led to early Pontifical support. See Dario Antiseri, Rosmini, the Anti-Totalitarian, reprinted in Sandro Magister, *Blessed Liberty: The Posthumous Miracle of Antonio Rosmini*, CatholicCulture.org (Nov. 12, 2007) (Matthew Sherry trans.), <http://www.catholicculture.org/culture/library/view.cfm?id=7869&repos=1&subrepos=0&searchid=862728>. However, political events led to a falling out between Rosmini and Pius IX, and Rosmini's teachings were violently disputed for the rest of his life.

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If we could classify all activities protected by the moral law, and place them in the most perfect logical order, we would have succeeded in describing from its divine roots and as it were delineating in a wonderful schema the ideal proper to jural activity... . Nothing more would be needed at this point than to realise those ideal actions held up for universal contemplation.²

Rosmini's statement, "Nothing more would be needed than to realise those ideal actions,"³ is certainly an understatement, as Rosmini himself well knows. For in another place he speaks of something in man that corrupts: "We can only say that humanity itself contains a cause constantly inclining it to abuse power, greatness and material enjoyment."⁴ This inclination to abuse is the hindrance to the advancement of rights in the real world that must be overcome through the virtue of justice. In order to place Rosmini's thought in its proper context, we will first consider the background to his view of rights.

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I. Philosophy of Right

Rosmini's Philosophy of Right is concerned with acts or experiences that make for a person's happiness, but only insofar as those acts or experiences are morally permissible and fall within the range of what others have a duty to respect. These are a person's rights.⁵ In other words, there is no right to immoral activity,⁶ and, second, a right is a relationship.⁷ On one side of the relationship there is a morally permissible privilege to freedom of action; on the other side there is a duty to respect that privilege in every appropriate way in any given situation.⁸

See Cleary, *supra*, at 66-67. About thirty years later, Pope Leo XIII officially condemned forty propositions of Rosmini. See Congregation for the Doctrine of the Faith, Note on the Force of the Doctrinal Decrees Concerning the Thought and Work of Fr. Antonio Rosmini Serbati P 1 (2001), in *L'Osservatore Romano* (English ed.), Jul. 25, 2001, at 9. In 2001, then-Cardinal Joseph Ratzinger cleared him of any suspicion of heresy in a document from the Congregation for the Doctrine of the Faith, a document that was also endorsed by Pope John Paul II. See *id.* Rosmini was subsequently beatified by Pope Benedict XVI in 2007. See Jose Cardinal Saraiva Martins, *supra*. Surely the fact that Rosmini's writings remained suspect for so many years accounts for the fact that this eminent philosopher remains fairly unknown.

² 1 Antonio Rosmini, *The Essence of Right*, in *The Philosophy of Right*, P 56, at 42 (Denis Cleary & Terence Watson trans., 1993) (1865) [hereinafter *The Essence of Right*] (using the term "jural activity" to mean activity in which rights and obligations come into play).

Given that there are various editions of Rosmini's works available in print and online, I give Rosmini citations first by the paragraph numbers he has supplied in most of his writings, because these are most helpful in finding the text in the various editions. After that, I give page numbers as they occur in the print edition cited. Some of the publications of Rosmini's works do not include paragraph numbers. In those cases, I give only the page number if the reference is from a print edition, or whatever location information is available if the reference comes from an online source. Also, within citations from Rosmini's writings, I retain the usage of parentheses, italics, all capitals, and other similar grammatical features. The most thorough online source for full-text versions of Rosmini's works is rosmini-in-english.org. Some additional texts are available online at Google Books.

³ *Id.*

⁴ 2 Antonio Rosmini, *Society and Its Purpose*, in *The Philosophy of Politics*, P 327, at 142 (Denis Cleary & Terence Watson trans., 1994) (1837) [hereinafter *Society and Its Purpose*].

⁵ See generally *The Essence of Right*, *supra* note 2, Chs. 1-4, at 124-63 (discussing and analyzing the definition of right, the relationship between right and duty, and the nature and extension of jural duty).

⁶ See *id.* P 236, at 129; *id.* P 256, at 137.

⁷ See *id.* P 236, at 129; *id.* P 262, at 140.

⁸ See *id.* P 264, at 141; *id.* P 268, at 142.

For Rosmini, the general term that indicates the extent of any person's sphere of such privileges is "ownership," or "governance."⁹ According to Rosmini, ownership is

"the dominion that a person has over something." This is ownership in the genuine meaning of the word which truly expresses "the strict union of a thing with a person by means of which that thing is reserved totally and exclusively to the person as if it were part of him."¹⁰

These considerations allow us to see the point of rights. For rights exist not only as guidelines to help us eradicate injustice and oppression, but also to make it possible to secure every possible good that makes for true human flourishing in situations of human cooperation.¹¹ A person acts within the sphere of his privileges in order to expand his own being through greater relationships with the rest of being. And so the virtue of justice could be described as the interior disposition of men and women to fully cooperate with each other in the great privileges of human existence, in order that each person may flourish to the greatest extent possible.¹² Indeed, while no one can flourish for another, he can recognize the rights of others so **[*296]** that he does not raise any obstacle that would hinder or prevent another from freely prospering through his or her own activities and experiences.¹³

Therefore, it is too limited to see justice as simply the lack of injustice. It is better to approach it from the other side: to think of injustice as the lack of justice, and of justice as a wider concept related to human beings' privileges of action and experience.¹⁴ For justice is not most properly a concept of the lack of destructive things. It is a rich positive concept that envisions human beings increasingly engaged with all of being and enjoying the fulfillment it gives them. In short, human rights are about benefitting from the inexhaustible privileges accruing to human existence.¹⁵

Thus we see even more clearly the great challenge of enunciating a complete, perfectly structured schema of all such rights. Anyone who could achieve that goal would have accomplished a great work in the realm of ideas. But to bring about the realization of such rights in the real world would be also a feat worthy of the highest admiration. In fact, given the persistent presence of evil in our world, we do not expect to fully achieve all rights. Rather we take note of any genuine advance in human rights as praiseworthy.¹⁶

II. Lack of Justice

As I mentioned above, Rosmini observes that there is something in humanity itself that is inclined away from the realization of rights. Another way he says this is, "In the practice of everyday life ... humanity's constant endeavour had never exceeded [this measure:] The better things I see and approve, but I follow the worse."¹⁷ This expresses

⁹ See id. P 55, at 41.

¹⁰ Id. P 339, at 178.

¹¹ See id. P 29, at 23.

¹² See id. PP 252-53, at 135-36.

¹³ See id. P 268, at 142.

¹⁴ See id. P 30, at 24. Rosmini says the "faculty of doing and experiencing ... always remains the proper subject of the science of Right." Id.

¹⁵ See id. P 29, at 23-24 ("[A] person with more right than another is said to be more fortunate The science of Right, therefore, has eudaimonological good as its matter to the extent that what is good in this respect is regulated and protected by the moral law.").

¹⁶ For example, when nations began to outlaw slavery, the advance in human rights was widely and justly celebrated, even though no one would have said the change meant that all human rights were finally established. In the same way, when abortion is again outlawed and the needs of women in crisis pregnancies are met in acceptable ways, we will certainly celebrate, even though that great advance will not be the end of mankind's long history of attempting to establish human rights.

something about the degree of deficiency of the disposition [*297] of individual character that we call justice.¹⁸ Rosmini's explanations of the ways in which mankind misses the mark, many of them chillingly contemporary in flavor, paint a disastrous picture of the level of injustice in this world.¹⁹

By way of illustration of the lack of justice among human beings, consider the life of David, King of Israel.²⁰ The story of David is especially apropos in the context of this Article because his personal struggle with the virtue of justice took place in an historical context in which God had given the people of Israel a well-formulated schema [*298] of rights in the Ten Commandments and the rest of the Old Testament moral law. Establishing such a schema of rights is one of the two goals we seek when we want to promote human rights. In this case, the formulation of rights was beyond compare, for it had its origin in God: "What great nation has statutes and decrees that are as just as this whole law which I am setting before you today?"²¹ Yet under the reign of King David, who came to be regarded as Israel's ideal ruler, the best formulation of rights could not withstand that something within mankind (and that something within David) that Rosmini identified as "a cause constantly inclining it to abuse power, greatness and material enjoyment."²²

Consider several striking incidents from the life of David. It becomes clear that it was difficult for him to live a life pleasing to God because of his own lack of character in the area of justice. Here are some of the relevant stories:

¹⁷ Society and Its Purpose, supra note 4, P 457, at 217.

¹⁸ Rosmini also describes the deficiency in individuals as a breach in the best formulations of rights: "All constitutions and all forms of government, whatever the effort which brings them about, have a weak side, a kind of immense breach through which pours the most outrageous, vicious violence, despotism and murderous desires." Id. P 404, at 187.

¹⁹ In Book III of Society and Its Purpose, Rosmini discusses at length his contention that at different stages of the life of a society, the dominant common mind of the masses determines the end of society as either power, or wealth, or pleasure. These three summarize all the possible earthly goods that anyone can seek. While they may be sought appropriately, still mankind's fallen tendency toward injustice normally means that one of the three areas of good will constitute a special temptation for unjust abuses at the different stages: "Each stage is subject to its own kind of social corruption." Id. P 321, at 137. The corruption of love for power indicates the presence of a "desire to overcome and dominate others." Id. P 320, at 136. It "consists in a state of violence and war, in the harshness proper to ways of living consequent upon war, and in continued acts of arrogance intended to subjugate free peoples." Id. P 321, at 137. The social corruption of "a love of false wealth, satisfies its longings by means of theft and rapine." Id. P 317, at 135. It "leads to servitude." Id. P 321, at 137. And if a nation's "increase in wealth has been excessive and easily come by ... cupidity erupts like a flood; it knows no limit, it never says, 'Enough!' At this final moment, the masses, although very wealthy, are extremely unhappy and totally without interior peace." Id. P 331, at 143. "Peoples' wealth also attracts the cupidity of rulers who see it as a reason for imposing higher taxes and other burdens." Id. P 321, at 137. Finally, the social corruption of love of pleasure "necessarily leads to barbarity; the light of intelligence is extinguished." Id. Citizens begin to

ask nothing more of society than base, sensual delights The ancient forms of government are preserved, although only under the form of appearances and formality, without feeling or life. The same language is maintained for a long time, although no one understands its fundamental meaning; lies are its only output. The authority of the ancestors is maintained; their decisions and principles are reiterated, although often only for the sake of rendering their meaning vain by captious, learned interpretations. Or perhaps they are mocked by being taken seriously when favourable, and rejected as out-of-date when unfavourable.

Id. P 357, at 158-59. "From the collision between all these conflicting causes a kind of delirium arises. Human beings no longer reason; they blather endlessly about whatever forms the object of their attention, thinking themselves much wiser than all their predecessors, whom they despise and mock." Id. P 359, at 160.

²⁰ The Biblical story of David begins in 1 Samuel 16, continues through the rest of 1 Samuel and 2 Samuel, and ends in 1 Kings 1-2. A parallel account of his life begins in 1 Chronicles 11 and continues to the end of that book. Rosmini does not refer to David's story as exemplifying issues with the virtue of justice, yet the story is helpful for the purposes of this Article.

²¹ Deuteronomy 4:7 (New American Bible).

²² Society and Its Purpose, supra note 4, P 327, at 142.

In the first book of Samuel, he slays 200 Philistines, twice the number requested by Saul, in order to cut off their foreskins as a bride-price to be given for the privilege of marrying Saul's daughter, Michal. ²³ Today, this would be considered a war crime.

In the second book of Samuel, ²⁴ David takes Uriah's wife Bathsheba sexually, and when she becomes pregnant he tries to arrange events so it will seem that Uriah is the father. Failing in the attempt, he then arranges the death of Uriah, whose only crime was to have been cuckolded by David. David is so bold in evil that he sends by Uriah's own hand the message calling for his death in battle. This time Uriah's only crime is to have been a faithful messenger. When David hears back that some other soldiers have also perished in the unfolding of his plan, he unfeelingly tells his General Joab: "Do not be chagrined at this, for the sword devours now here and now there." ²⁵

Later the prophet Nathan tells David about a rich man with abundant flocks who has taken the one lamb of his poor neighbor in order to feed a visitor. Not realizing that it is a parable of his own sin, David is incensed and blurts out, "The man who has done this merits death!" ²⁶ This is another indication of David's tendency to **[*299]** injustice in that the punishment of death is well beyond what would have been fair for stealing a lamb.

In the first book of Samuel, when Nabal refuses to feed David and his followers who have protected his property from robbers, David sets out with 400 men intending to kill every male among Nabal's family and servants. Nabal's wife manages to dissuade David from his unjust intent, preventing him from taking his own vengeance, which he was forbidden to do, and from shedding the innocent blood of others, whose only offense was to be Nabal's faithful servants.

Starting in 2 Samuel 13, David turns the other way when crimes occur in his own family. His first-born son Amnon rapes his half-sister Tamar, a daughter of David by another mother. Since it was a matter within his own family, David should have assigned someone else to carry out a fair and impartial tribunal, but instead he did nothing. In the vacuum left by David, Absalom, another son of David, and Tamar's full brother, took the law into his own hands and killed Amnon in revenge. Thus David's injustice began to unfold in a further series of unjust events, ²⁷ which eventually led to a break with Absalom that devolved into a full-scale civil war. ²⁸

The meaning of justice as the virtue by which men and women cooperate in the privileges of human existence, and conversely the lack of justice as the reason they cannot cooperate, is clearly seen in these incidents, which are only some of the dramatic results in David's life that followed from his failures in the virtue of justice. We should not leave David, however, before acknowledging the depths of his repentance, expressed most powerfully in Psalm 51, ²⁹ though it is never clear that even his sincere repentance puts a final end to his struggle to grow in the virtue of justice. ³⁰

²³ 1 Samuel 18:20-29 (New American Bible).

²⁴ See 2 Samuel 11 (New American Bible).

²⁵ Id. 11:25.

²⁶ Id. 12:5.

²⁷ Rosmini says something about "influential" people that certainly applies in David's case: "Society's salvation depends "on the opinions and upright feelings that members have about its good and evil. This is especially true of the more influential individuals in society." Society and Its Purpose, supra note 4, P 294, at 126.

²⁸ The account of this civil war begins in 2 Samuel 15 and continues into Chapter 19.

²⁹ Note, especially, David's repentance in the following verses of Psalm 51:3-4, 6, 12 (New American Bible) ("Have mercy on me, God, in your goodness; in your abundant compassion blot out my offense. Wash away all my guilt; from my sin cleanse me... . Against you alone have I sinned; I have done such evil in your sight A clean heart create for me, God; renew in me a steadfast spirit.").

³⁰ Compare 2 Samuel 3:27, 20:10 (New American Bible), with id. 16:5-13, 19:24: When David was near death, he directed his son Solomon, who became king after him, to punish both Joab and Shimei with death. In the first case, David had not responded to Joab's crime of killing Abner and Amasa. It thus seems irregular that he would now expect Solomon to carry out a punishment

[*300] So, while Israel was indeed given by divine inspiration a great schema of justice and rights, still it was a different matter to achieve these ideals in the real world. As Rosmini says, "The law is entirely idea."³¹ And again, "the law is idea, and nothing more... ." ³² That is, by itself, a perfect law, a perfect idea, does not achieve rights in the real world; it must be complemented by the just acts of real human beings. ³³

III. The Rank of Justice

Though Rosmini lays out an even more disastrous history of human corruption ³⁴ than we find in the story of David, still Rosmini's regard for justice itself could scarcely be higher. His understanding of justice may be surprising at first, for he makes it the foundation of every other good, including love. ³⁵ His statements about justice are perhaps the most superlative when he explains the spirit of the religious order he founded, the Society of Charity. In a discourse called *The Golden Chain*, given on the day he himself with several companions first took vows in the new Institute, he says:

God, when he wanted to found a kingdom here below and a city worthy of himself, discovered its solid foundation in his own eternal wisdom. JUSTICE was its foundation, as he says through Isaiah, who wrote of the mystic Jerusalem: You shall be founded in justice. In holy Scripture this unshaken foundation of justice is represented by Mount Sion, on which the holy city arose. Yes, justice is the solid foundation, but it is a rock hidden underground, invisible to humankind which does not see God. ³⁶

[*301] And because it is invisible, he says: "Human beings overlook the sublimity of the justice of God." ³⁷

So Rosmini sees Mt. Zion in scripture as representing the unseen justice of God. But if this foundation of justice is not seen, still something is seen. It is the city that this mountain upholds, Jerusalem, which men joyfully behold and which represents charity. This is the city that cannot be hidden. Its foundation, however, the mountain on which it stands, which is the justice of God, remains hidden except to the eyes of faith.

Charity draws inner, invisible justice from its hiding-place, making it shine brilliantly even to the eyes of the spiritually blind who previously had either ignored or despised it. Yes, brothers, let your light so shine before men, that they may see your good works and give glory to your Father who is in heaven. A city placed on a hill-top cannot be hidden. ³⁸

Let us examine more closely what is built on this foundation of justice. To those entering the Society of Charity with him that day, Rosmini says, "If, through his grace, we obtain justice, the end of our Society, everything desirable will

he himself had neglected. In the second case, David had sworn an oath to Shimei that he would not be put to death for throwing stones at David and cursing him at the time he was fleeing from Absalom. Now at the last moment of his life, he asks Solomon to do what he had sworn not to do.

³¹ *The Essence of Right*, supra note 2, P 76, at 50.

³² *Id.*

³³ Rosmini points out that the best guarantees of reaching the goals of society "lie in the good conscience of rulers, and in the moral enlightenment and conscience of those who are governed." *Society and Its Purpose*, supra note 4, P 404, at 187. He also says: "Laws are powerless if they are not rooted in the way of life or the moral and intellectual dispositions of the people." *Id.* P 421, at 196.

³⁴ See supra note 19 and accompanying text.

³⁵ Rosmini says, "If, through his grace, we obtain justice, the end of our Society, everything desirable will be ours." Antonio Rosmini, *A Society of Love* 4 (Denis Cleary trans., 1943).

³⁶ *Id.* at 3-4 (internal citation omitted).

³⁷ *Id.* at 4.

³⁸ *Id.* at 5 (internal citations omitted).

be ours." ³⁹ He adds, "Those who attain justice lack nothing." ⁴⁰ Leaving no doubt about the foundational primacy of justice he goes on, "This is why we want to name our society after universal CHARITY, and why we want it to tend to charity - because it is founded in justice." ⁴¹

What is behind such superlatives? Rosmini explains his thinking through an image of a chain of five links, the "Golden Chain" of the title of his discourse. The first and fundamental link is justice. ⁴² To our surprise, charity is not the first link, and is in fact only the third link. The full list of the entire chain is: Justice, God's Providence and Goodness, Charity, Sacrifice, and Glory. ⁴³ By using the image of a chain, Rosmini wanted to identify five distinct spiritual realities, each of which must be fully understood and given its proper value if one wants to succeed in living a life in Christ. The image suggests a **[*302]** certain order to the five links, but also underlines the fact that disregard for any of them would break the entire chain and lead to spiritual failure.

He says, "Justice, the first link, leads us to find the Almighty." ⁴⁴ Here is another surprising definition of justice, by way of naming what it provides - that greatest privilege of human existence: to find God. The second link in the chain amounts to the will of God. Rosmini says that, having found God, we "choose his providence and goodness ... as the guide to our steps." ⁴⁵ The third link, which God's will calls for, or leads us to, is love: "God then directs us to charity" ⁴⁶ Next Rosmini says, "Charity leads us to sacrifice, the fourth link, and sacrifice [leads us] to [the fifth and last link] imperishable glory." ⁴⁷ In short, the privilege first given in finding God is ultimately fulfilled, because of the five connected links, in the privilege of sharing his eternal glory. Ultimately, therefore, justice among human beings is the honoring of whatever helps each man and woman share in those privileges.

Thus, contrary to what one might have guessed, the religious institute he founded, the Society of Charity, aims fundamentally at justice, which he says is "the source of our trust and exultation"; ⁴⁸ and as he explained, justice is the reason that the Society's members can begin to live the virtue of charity. ⁴⁹

IV. Justice in the Infinite

What led Rosmini to these conclusions? He speaks this way because he has seen the originating foundation of all justice in God - that is, it exists within the Trinity first, and only after that in man. ⁵⁰ This explains why Rosmini is so

³⁹ Id. at 4.

⁴⁰ Id.

⁴¹ Id. at 5.

⁴² Id. at 6.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id. at 4.

⁴⁹ See, e.g., id. at 5 (Rosmini, speaking of Christ as the exemplar for what will happen in the life of each faithful member of the Institute of Charity, says, "Justice has led him directly to charity").

⁵⁰ Of justice, Rosmini says, "This end can come only from God where justice is at home and whence it extends to all creatures." Id. at 3.

extreme in singing the praises of justice, and why he emphasizes that the justice of God is hidden from **[*303]** men. But he does not mean that it remains hidden - that is, not to the eyes of faith to whom God reveals it. ⁵¹

What is the act in the inner life of the Trinity in which Rosmini detects justice? This hidden justice of God, in Rosmini's thinking, is nothing less than that act of the Father by which he begets the Son. More appropriately, it is this specific and distinguishable aspect of God's entire one and simple act, the aspect we think of theologically as the procession of the Son from the Father. ⁵²

Thus this act that perfects divine nature, not in the sense that there was ever a time when this act did not exist, for it is eternal, ⁵³ is the justice of God and is the foundation of everything else that we properly name justice, even in the acts of justice among men and women. Rosmini arrived at this conclusion because he sought to understand everything by knowing where it exists in itself: "We cannot have full knowledge of any thing if the thing is not considered where it is in se, fully subsistent, [that is, in God] and from where it subsequently issues and communicates itself." ⁵⁴

Let us follow him as he applies this method of coming to understand justice by considering it in God:

The first essence [that is, the Father] is divine essence, and is manifested per se in objective Being [that is, in the Son]. The mind to which it is manifested is the same essence, that is, subjective Being [the Father]. Subjective Being [the Father] is therefore manifested to itself and, as manifested, is objective [the Son]. Because being is both the subject to which being is manifested and the object that is manifested, the manifestation is totally perfect: everything in the subject of being [the Father] is in the object [the Son]. The known is therefore equal in every respect to the knower. ⁵⁵

[*304] Rosmini continues: "In the language of supernatural theology, this is called "generation of the Word." ⁵⁶ He also expresses this another way: "Contemplating and affirming itself, it [the Father] penetrates itself totally with this act and totally posits itself as contemplated and affirmed [the Son]." ⁵⁷ That is, when the Father is manifest to himself, the Son is begotten and affirmed. In other words, God by a just response to himself, posits himself in the Son - again, not in a sense defined by time as if there were ever a moment when this manifestation and affirmation did not exist. One can now see why Rosmini sees justice in mankind as a matter of "finding God," for it is a reflection of the Father's own act of finding himself in the Son. ⁵⁸

⁵¹ Rosmini says justice "is spiritual, invisible to the eyes of flesh; and despised because invisible. But God ... enables it to be seen and appreciated once more." Id. at 12.

⁵² See generally 2 Antonio Rosmini, *Trine Being*, in *Theosophy*, P 1032a, at 350 (Terence Watson trans., 2007) (1998) [hereinafter *Trine Being*].

⁵³ Being that understands and Being that is understood are necessarily co-eval, that is, co-eternal; what understands supposes what is understood, and what is understood supposes what understands." Id. P 1032, at 349.

⁵⁴ Id. P 1030, at 347.

⁵⁵ Id. P 1014, at 329.

⁵⁶ Id. P 1031, at 348. That justice in God is generation of the Word is reflected in scripture passages like Romans 1:17, which says that in the Gospel "is revealed the righteousness of God." Romans 1:17 (New American Bible). The same Greek word, *dikaiousune*, is translated both as "righteousness" and as "justice"; and in that it is Christ, Son of God, who is revealed in the Gospel, the revelation of God's justice is not a manifestation of something impersonal, but of a divine person. Therefore, Rosmini can say: "We have not only the abstract idea of justice, as the pagans do, but also real, subsistent justice ... a God, the ultimate aim of the appetite for happiness, as supreme good, and of the moral will, as living justice." *The Essence of Right*, supra note 2, P 179, at 101-02.

⁵⁷ *Trine Being*, supra note 52, P 1032a, at 350.

⁵⁸ See Wisdom 15:3 (New American Bible) ("To know you well is complete justice.").

In any case, in the divinity, the essence of justice, as we have seen, is the Father's practical appreciation of himself - that is, of himself as manifested and affirmed. Thus this is the first aspect of God's simple divine act. A second will follow: willed union - that is, love.⁵⁹ For once something is manifested and affirmed, it can then be loved. This second shared single act of loving union between the Father and Son is the Holy Spirit:

Although there is an order in the procession of understood Being [the Son] from understanding Being [the Father], and of beloved Being [the Holy Spirit] from the loving act of understanding Being and understood Being, and although we see a certain priority and posteriority according to abstract[] logical reason, there is truly no **[*305]** priority in the three forms, neither in effect nor according to ontological reason.⁶⁰

And since in God these distinctions cannot be temporal distinctions, Rosmini says, "The loving act is a willed act that in God does not follow upon the intellectual act but is coexistent and contemporary with it."⁶¹

Rosmini makes the same point by saying, "This is the second property of moral being, that is, the effectual love of understood being."⁶² He wants to emphasize that such love is not empty, but has the effect it should have in action or in the real world. He says the same thing in a slightly different way: "We have in fact precisely seen that all morality, beginning with the appreciative act [that is, the just act, which is an act of affirming being as it is], continues in an efficacious, loving act."⁶³ In God, where all of this exists in se, Rosmini asserts that a just understanding issues into love: "The union is of the all with the all which is, as it were, doubled [by the procession of the Son] through understanding and tripled [by the procession of the Holy Spirit] through love, without ceasing to be one sole, identical all."⁶⁴

V. Justice in the Finite

When we begin to consider the application of this teaching about Infinite Being in the order of finite being, we come to an amazing statement in Rosmini's Trine Being. Here he leaves no doubt that the processions of the Son and of the Holy Spirit provide a divine exemplar for the human acts of justice and love respectively:

We see therefore that the finite, intellectual ens [the human being] has an order similar to that of the trinity of absolute Being because it cannot perfect itself except by performing two acts which are analogous and abstractly similar to the procession of the divine persons: 1. it must turn its practical intelligence to being, which it **[*306]** must acknowledge and affirm [the act of justice], and 2. it must love this affirmed being.⁶⁵

Let us look more deeply at this act of acknowledgment or affirmation in finite being, i.e., in men and women. Rosmini makes it clear that the full picture about knowing in the human being is that it is a personal act,

⁵⁹ See Trine Being, supra note 52, P 1032a, at 350-51.

Intelligent Being therefore loves itself infinitely as contemplated and affirmed. Contemplated, affirmed Being, on the other hand, with the same act of love, infinitely loves understanding, affirming Being contemplated and affirmed in itself. I say "with the same act of love" because the loving subject is the same, except for the two forms of contemplated-affirming and contemplated-affirmed.

Id.

⁶⁰ Id. P 1032a, at 352.

⁶¹ Id. P 1033, at 354.

⁶² Id.

⁶³ Id.

⁶⁴ Id. P 1034, at 355. Rosmini also puts this in a slightly different way: In God, "the essence of being is thus simultaneously per se agent-subject [the Father] and per se affirmed [the Son] and per se loved [the Holy Spirit]" Id. P 1049, at 370.

⁶⁵ Id. P 1049a, at 371.

encompassing the entire soul. ⁶⁶ And given that the soul is simple, i.e., it has no parts, its act is simple, even though we can make various distinctions about the powers expressed in its act. ⁶⁷

In the act of knowing, the important distinction we need to grasp in order to understand the concept of justice is based on the difference between intellect and will. Rosmini makes it clear that knowledge is first direct and instinctive. ⁶⁸ There is nothing in it but what is obvious and not asserted by a human judgment. ⁶⁹ The person then completes his knowledge in making a judgment - e.g., "this entity that I have perceived is a horse" - not grasping truth in a personal way until the formulation and assertion of that judgment.

Such a specific judgment about a horse would probably be non-controversial, generally speaking. But many of the judgments people make carry the seeds of controversy, because the will always enters into the process of affirming them, moving the intellect to its conclusion. ⁷⁰ And the will has the power to faithfully reflect the facts of the case or to distort them. ⁷¹ Thus, a judgment can be either "true or false because the will has the power to see what is not actually present in the thing known, just as it can also decide, if it so wishes, not to see what is actually there." ⁷²

Rosmini states this idea another way when he says:

When we persuade ourselves that an object possesses a certain degree of goodness or worth in itself, we judge that the thing really is like this. The judgment is true if it corresponds with our direct knowledge; it is false if it differs from the direct knowledge. The **[*307]** esteem we bestow on the thing depends upon this judgment, and is just or unjust in so far as it is proportionate to the idea or knowledge we possess of the thing. ⁷³

Note that Rosmini calls this act of judgment "just or unjust." He does this because this is where justice takes place in the human act - i.e., the virtue of justice comes into play in the exercise of human judgment ⁷⁴ - if it indeed exists in the person.

Thus Rosmini can say, "Two acts of knowledge [direct perception, and the judgment we affirm about our direct perception] take place within us. If they agree, we possess truth and justice; if they disagree, we have lied interiorly, we are unjust." ⁷⁵ And he can conclude, "It is the will's power to propose things for its own belief which lies at the root of the first interior injustice we are describing as the source and essence of every injustice and immorality." ⁷⁶

In sum, if we are concerned with human rights, we know we face a great task in developing the complete and well-ordered schema of rights. But anyone who is serious about the completion of those ideas in the real world must take concern for the area of morality - the harmony of human wills with the best ideal of human rights, a harmony brought about through the virtue of justice.

⁶⁶ See Antonio Rosmini, *Principles of Ethics*, P 150, at 76 (Denis Cleary & Terence Watson trans., 1998) (1867) [hereinafter *Principles of Ethics*].

⁶⁷ See 1 Antonio Rosmini, *Essence of the Human Soul*, in *Psychology*, PP 429-54, at 202-17 (Denis Cleary & Terence Watson trans., 1999) (1989).

⁶⁸ See *Principles of Ethics*, supra note 66, P 119, at 65.

⁶⁹ See id. P 153, at 77.

⁷⁰ See id.

⁷¹ See id. PP 154-55, at 77-78.

⁷² Id. P 148, at 76.

⁷³ Id. P 161, at 80.

⁷⁴ See *The Essence of Right*, supra note 2, P 105, at 67.

⁷⁵ *Principles of Ethics*, supra note 66, P 163, at 80.

⁷⁶ Id. P 154, at 77-78.

VI. Progress in Human Rights

A major portion of Rosmini's *Society and Its Purpose* is devoted to the history of mankind's failures to achieve human rights through relying on human nature, enlightened laws, or philosophy.⁷⁷ In the end, he demonstrates at length that only religion, and specifically Christianity, has the power and wisdom to lead humanity on the way of progress toward these goals on earth.⁷⁸

In Christianity, Rosmini identifies a new good proposed to man: the revelation of God in Christ, which was not known before the Incarnation, and still is only known where the gospel has been **[*308]** preached.⁷⁹ The other goods previously presented to man were power, wealth, and material enjoyment.⁸⁰ This new good proposed in the gospel is combined with a new power - the ability given by God to be able to respond justly to this proposed good.⁸¹ From these two factors unfolds every good result, including the disposition to honor human rights:

[Change] was impossible unless individuals renewed themselves from top to bottom and, as it were, annihilated their previous life and themselves by taking on a new life, a new being... [Christianity] claimed, and said clearly, that human beings would be born anew; they would have to be remade not only in their minds, but in their inmost hearts. They would have to be recreated.⁸²

As Rosmini deals with these notions, he says:

In all this there is something inexplicable, something superior to nature... I neither wish, nor am able to explain, nor do I believe, that others can explain this except by appealing to the hidden power which the author of the Gospel has over the very souls of human beings.⁸³

Thus Rosmini sees it as possible to make dramatic advances in achieving human rights in the real world - but with one absolute caveat. He warns that Christianity "not only forms our happiness in the present life, but does so precisely because it is intent solely on obtaining mankind's eternal happiness."⁸⁴

Is he entirely serious about the word "solely"? Is eternal happiness the sole interest of Christianity with absolutely no concern for temporal happiness? Yes, that is Rosmini's meaning as long as one keeps in mind a distinction between means and end. Christianity is intent solely on eternal happiness as the end for mankind, and is not an indirect way to arrive by spiritual subterfuge at earthly happiness as its secretly preferred end:

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It is an error, as common as it is fatal, to consider religion either solely or principally as a political means for assisting the material advantage of human society. If we think of the Christian faith from this point of view, it ceases to be divine and becomes human. From that moment, its beneficent action has fled the hands of legislators and government, although they claim to use it for the well-being of those they govern. Christian religion can enhance human temporal circumstances only on condition it is professed sincerely, as an altogether supernatural institution which is not concerned with the instantaneous, limited things of this world, but aims at what is eternal and infinite.

⁷⁷ See *Society and Its Purpose*, supra note 4, PP 420-21, at 195-96; id. PP 441-48, at 207-12.

⁷⁸ Id. P 451, at 214.

⁷⁹ Id. P 456, at 217.

⁸⁰ See supra note 19 and accompanying text.

⁸¹ *Society and Its Purpose*, supra note 4, P 457, at 217-18.

⁸² Id. P 457, at 218.

⁸³ Id. P 460, at 220. Rosmini also speaks of human legislators as lacking "the power to remove the natural defect inherent in the people." *The Essence of Right*, supra note 2, P 82, at 53. He adds: "The author of the Gospel had this power, but it was not possessed by anyone before him." Id.

⁸⁴ *Society and Its Purpose*, supra note 4, P 487, at 237.

Its divine Founder preached and taught this from the beginning: "Seek first the kingdom of God and his justice and all these things will be added unto to you." Temporal things, therefore, are adjuncts to the promise, which depends upon a prior search for the kingdom of God and his justice.⁸⁵

In fact, Rosmini expects only the worst from any attempt to subvert this otherworldly orientation of Christianity:

Temporal good, when it forms the end of human beings, serves only to brutalise them and, as it were, annihilate the human race... . As long as individuals claim to find their end in earthly good, they cannot find in it what they seek because it is not there to be found. The sole result of their vain, despairing effort is exhaustion and depression.⁸⁶

Thus, Christianity does not totally overlook temporal goods. Its respect for them, however, is a respect for a means not for an end:

When people simply see in temporal good means given them by a sublime Providence for the sake of an absolute, eternal end, they are immediately capable of enjoying temporal good without finding in it bitter poison to torment and destroy them... . In teaching the world that earthly good is not an end but a means, Christianity places human beings at the proper distance from this good; they are able to make reasonable, moderate use of it only with benefit to themselves.⁸⁷

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Conclusion

We have come full circle. We face two arduous tasks, but Rosmini has set the second one within an unforeseen perspective. First, we need to formulate human rights in a compelling way, and to defend those formulations against rival theories. The second task of realizing those rights in this world, however, can be achieved only as long as it is carried out within an eternal horizon, and only as long as improvements in this world are understood strictly as means to reach an end that is yet to be revealed, though it is seen ahead of time by faith.

At this point, we also begin to clearly see the reasons the Church acts the way it does in relationship to human rights in this world. For faith in the eternal and divine provides a unique stance from which to understand and deal with the realities of this world. The goods of power, wealth, and pleasure are not denied. In fact, their proper place is decidedly upheld, but only because of their true value as means for reaching the eternal and the divine. Because they are not sought for what they cannot provide (an ultimate end for human existence), they can fit properly into a life that seeks the highest blessing in the next world.⁸⁸ This is why the Church adamantly maintains that the first and foundational human right is the right to freedom of religion.

In this light, injustice in this world also attains a new status - that of offense against God. And consequently there is a greater motivation to avoid it. For it is one thing to be temporarily punished for injustice in this world, and another to be punished eternally for offending God.

Thus it is a distortion to claim that the Church despises goods in this world. She defends them vigorously as having value and standing in their own right, but she also knows that they are means to a greater end, not ultimate ends in themselves.

The virtue of justice in men and women, by which solid progress towards human rights is achieved in the real world, is ultimately an expression of the justice of God, which is its exemplar and goal. For the goal of all justice among

⁸⁵ Id. P 493, at 239-40.

⁸⁶ Id. P 488, at 237-38.

⁸⁷ Id. P 488, at 238.

⁸⁸ For this reason, in the parable of Jesus, the rich farmer who did not store up treasure in heaven was not wrong to do well at farming, but only wrong to see his prosperity in light of the goods of wealth and pleasure in this world. He was not seeking his proper ultimate end, being rich toward God. See Luke 12:16-21 (New American Bible).

men and women is to enjoy the great **[*311]** privileges of finding God and of sharing his eternal glory, and is a reflection of the original act of justice within the Trinity.

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