

Luigi Taparelli
D’Azeglio, S.J.
(1793–1862) and the
Development of
Scholastic Natural-
Law Thought As a
Science of Society
and Politics*

Thomas C. Behr
Assistant Professor of History
University of Houston

Luigi Taparelli, S.J. promoted the revival of scholasticism at the Collegio Romano in the 1820s, where the future Leo XIII was among his students. With his *Theoretical Treatise on Natural Right Based on Fact*, 1840–1843, he elaborated a natural-law approach to politics that became a hallmark of Catholic social doctrine. Among those whom Pius IX assigned to found the journal *Civiltà Cattolica* in 1850, Taparelli’s critiques of radical liberalism left him erroneously marked in public consciousness as an intransigent opponent to political liberalization in general. This reputation marginalized interest in Taparelli and obscured the relevance of his theoretical works to the development of the Catholic liberal tradition. Among other things, Taparelli elaborated the concepts of social justice and subsidiarity but with implications at times quite different from how these terms have been used historically.

Luigi Taparelli was a widely known Catholic polemicist in the heated mid-nineteenth-century era of social revolution in Europe and unification in Italy. Writing regularly in the *Civiltà Cattolica* for twelve years, he had the added celebrity of being the Jesuit brother of one of the leading nationalists and liberal prime ministers of Piedmont, Massimo D’Azeglio. Even though Taparelli has been credited with inaugurating a Catholic sociology of politics and with coining the phrase “social justice,” not even the recommendation of Pius XI in the 1930s that students should take up his works, right after those of Saint Thomas Aquinas himself, could stimulate more than sporadic interest—and that, predominantly from subsequent Jesuits associated with the journal *Civiltà Cattolica*, cofounded by Taparelli in 1850. On the one hand, the opinion of the

secular historical profession, mostly Italian, influenced generally by a superficial and unsympathetic reading of a few of his well-over two hundred articles on politics and culture in the *Civiltà*, has tended to label Taparelli as a sophist and reactionary zealot. On the other hand, specialists interested in the history of the revival of Thomism and Scholastic philosophy have long recognized Taparelli's part in that history, with his tireless promotion of Aquinas and the later Scholastics dating already from the mid-1820s when he was the Rector of the refounded Jesuit seminary of Rome, and among his students was found the future Leo XIII.¹

Taparelli's own account of his "conversion" to Thomism in 1825 leaves no doubt about his motivation: Metaphysical confusion was dangerous to sound theology and morality.² Taparelli argued that the post-Cartesian abandonment of the hylomorphism of Aristotle and Aquinas came at a steep cultural and political price. Unlike the natural sciences, where differences of opinion, Taparelli analogized, have no effect on the actual course of nature, mistaken metaphysical assumptions have a direct bearing on the direction of individual wills and lead to disorder in society.³

His proposals for the orientation of studies at the Collegio, submitted at the beginning of the 1827–1828 academic year argue for a return to the metaphysics of the Scholastics, to the "Ratio studiorum" of the Jesuits promulgated in 1586 as the antidote to the corrosive influence of Cartesian universal doubt on sound reasoning.⁴ Taparelli offered his definitive remarks concerning the weaknesses of modern philosophy versus the strengths of the classical and Scholastic approach in an article in the *Civiltà Cattolica* from 1853, "Di due filosofie:"⁵

We will demonstrate therefore that the philosophy of the Scholastics, as *demonstrative*, can be contrasted with modern philosophy, as *inquisitive*, in regard to four aspects: namely,

1. The former proceeded from certainty, the latter from doubt;
2. The *proper* scope of the former was *evidence*, of the latter certainty;
3. The former, in ascertaining its judgments, relied on *any rational element whatsoever*; the latter accepts only one, ratiocination;
4. The former produced in souls a disposition that was catholic, social, and practical; the latter a disposition that is heterodox, anti-social, impractical.

It is important to note the larger political context, as an aside, that the elusiveness in the first half of the nineteenth century of a systematic Catholic approach to the social and political questions of the day had contributed to no

small amount of doctrinal and practical confusion among both clergy and lay activists, ever since the human costs of industrialization and urbanization began to become manifest in Catholic areas such as France, Belgium, northern Italy, and the Catholic zones of Germany.

The prevailing Catholic response had included the expansion of traditional charitable works along with isolated episcopal calls for greater charity and less capitalist greed. But this *ad hoc* approach found itself, especially after 1848, caught in a virtual no-man's land between socialists, who characterized the purely evangelical approach as reactionary, and laissez-faire capitalists, who charged such activists with fanning the flames of revolution.⁶ Closer to home in Italy, the "Social Question" was less pressing than the "Roman Question," that is, the heated debate over the reforms necessary in the Papal States, the constitutional form that an eventually united Italy would take, and the place of the papacy within it.

It was precisely the complexity and urgency of these critical situations that led Taparelli already in 1847 to implore the Jesuit Father General to launch the sort of journal that the *Civiltà Cattolica* became in 1850, a journal that could engage the ideologues of the heterodox spirit—laissez-faire liberal or socialist—from the foundation of neo-Scholastic natural law.⁷ The Jesuits, widely accused of political intrigue historically, had been reluctant to openly enter the fray between radical, secularist liberalism and socialism in the defense of Catholic values, but the traumatic events of 1848 persuaded Pius IX to endorse the journal. Taparelli, already by that time an established expert on natural law, was an obvious choice to head up, along with Carlo Maria Curci, the project.

Taparelli's major work, the *Saggio teoretico di diritto naturale appoggiato sul fatto*, that is, the *Theoretical Treatise on Natural Right Based on Fact*, resulted from his responsibilities at the Collegio Massimo in Palermo where he had been assigned—indeed demoted—and had been given a course in natural law to teach. He could find no textbook that was not filled with misguided and often dangerous doctrines from thinkers such as Burlamaqui, for example, and other popularizers of Pufendorf and Grotius, not to mention those who divulgated the thought of Hobbes, Locke, or Rousseau. After spending his first year refuting those works, he felt compelled to put together his own treatise, between 1840 and 1843.⁸ Taparelli embarked on his project, braced with the conviction that German idealism and French eclecticism had succeeded in undermining Lockean empiricism and had made possible the rebuilding of metaphysics, and natural law from the ground up.⁹

In the last year of his life, writing to a young seminarian, Taparelli explained his seminal work and guiding principles in these terms:¹⁰

... As the theories emerged, the paragon stone, to assure myself not to have been mistaken, was always to compare them with Saint Thomas.... I came to recognize that this science found itself already beautifully done in the Scholastics, and particularly in Saint Thomas, Suarez, Bellarmine, Vitoria, et cetera....

Taparelli considered Aquinas and the later Scholastics as a check on his own method, which was aimed at overcoming the breach between speculative and practical reasoning that he believed characterized eighteenth-century-social-and-political theory, and to engage that theory itself in a dialogue that aimed at constantly confronting abstract principles with concrete implications. The science of natural law needed this restructuring from the ground up, according to Taparelli, because of the historical development that divided the ethical or moral aspect of law from its strictly positive aspect. The problem arose out of what he calls the “heterodox spirit” which, by attributing complete liberty to individual conscience, undermined the unity of law in society.

As a consequence of this split between ethics and law, Taparelli argued, temporal rulers no longer concerned themselves with issues of moral philosophy nor with questions of public or private virtue. The people themselves reacted in kind, elevating private interests over public morality. In this way, Taparelli suggests, discourse about rights and obligations became reduced, as a logical consequence and in practice, to the mere exercise of sovereign will and calculations of self-interest.¹¹

The *Saggio* was well-received by his superiors and was actively promoted, obtaining a relatively wide circulation and influence within a short span of time. It underwent several editions and was translated into German, French, and Spanish (in that order) by the 1860s. Taparelli derived an outline of his natural-law treatise for use in schools and seminaries, the *Corso elementare*, which also had a wide distribution.¹²

Taparelli’s innovative method is reflected in the organization of the *Saggio*, which progresses from an exposition of fundamental principles, derived from a wide variety of data, to finding a confirmation in various authorities, including Scripture, then, after deducing the various implications of those principles, to an application of them, within the context of contingent circumstances, to specific questions of social relationships and political authority. His thoroughly Thomistic intention was to merge a deductive, theoretical approach with an inductive historico-sociological approach in a dialectical method that

would form the basis of a modern science of society and politics.¹³ Taking the example of governmental forms, he summarizes this dialectical sociological method:

With the accurate analysis that we have given of the *two social elements in the abstract and in the concrete*, of the two social persons, *superior and subject*, and of the idea of *sovereignty* consisting in an *independent superiority*, we now seem to have put ourselves in the position to consider without great difficulty the progress of society in fact, and to understand its most universal laws....

[The variety of social and governmental arrangements] is the great fact from which I seek to identify the essential differences and the *real* causes; ... and this I seek as a philosopher, not quite as an historian; the philosopher contemplates them, separates out the purely individual circumstances, and coordinates them in a rational system. But, to coordinate them, to reason from them, one must always ground oneself on fact....

In all of his work, but particularly in the *Saggio*, Taparelli was engaged in constant dialogue with his predecessors and ideological competitors, in good Scholastic fashion, looking to salvage what might be valid in those systems, and refuting what was false. Taparelli's respect for the work of Montesquieu, whom he occasionally cites as a supporting authority, is a significant indication of the orientation of his thinking:¹⁴

... we must recognize that the *Spirit of the Laws* was a transition from the abstract to the concrete; ... if his mind, corrupted with republican doctrines, had not perverted the ideas suggested to him by his genius; *his thinking to search in the individuality of every people the base of the individuality of its laws would have merited him recognition* for the cause of political philosophy. But he fell into the reigning pure empiricism, and *instead of recognizing in individual conditions a fact that determines the universal and immutable laws of nature*, it appeared at times (even though he contradicts himself elsewhere) that he *wanted to bury in this material element both human liberty, as well as virtue and justice, deducing from such elements all morality*, or at least submitting this to them.

Taparelli's answer to the positivistic tendencies of the sociological approach is at the heart of his efforts to develop a method that would reintegrate the moderate realism of the Scholastics with a scientific method of observation and inductive method, a return, as it were, to the basic unity of the sciences.¹⁵ His method is not at all a rejection of positive science, nor of empiricism and inductive reasoning but a recognition that the operation of the scientific mind

necessarily depends on the first science, that of Being considered in itself; otherwise, the empirical method risks conveying nothing more than an arbitrary fantasy of humanity, an ideology of man and of the State.¹⁶

When Taparelli declares, a decade after the *Saggio*, that “every good theory must, not only in its application, accord with the facts, but moreover start with the facts and to rest firmly on them,” he is restating his central philosophical claim that there exists a scientific and philosophical position that can reconcile materialist and idealist reductions of reality in a model of intellectual inquiry that has its inspiration from Aristotle and the Scholastics, especially from Saint Thomas.¹⁷ Heinrich Rommen notes that Aquinas himself had stressed the value of observation and experience for the normative sciences, especially law, so he suggests that “it was more than a gesture in conformity with the spirit of the nineteenth century when Taparelli wished to construct his systematic exposition of the doctrine of natural law on the basis of experience.” Nevertheless, I want to add, Taparelli’s stance is eminently reflective of his appreciation for the scientific spirit of his age and clearly not a slavish conformity to Aquinas’s approach: Taparelli believed to find in scholasticism a scientific method that could integrate the advances in the social sciences and help unravel the social and political crises of his day.

An Introduction to Taparelli’s Theories of Subsidiarity and Social Justice

I want to focus on what I consider to be the most original concept in Taparelli’s natural law, sociopolitical theory, that which he considered crucial for the restoration of social and political order. This part of his theory was so novel that he felt compelled to create a series of neologisms. Societies, Taparelli argued, other than the most elemental ones—such as the family or simple partnerships—are always composed of other societies. The natural and just relationships between the myriad of associations that human beings tend to form, ranging from the family to the State and beyond, he groups under the heading of “Hypotactic Right.” Relatively smaller societies are called “deutarchie,” or “secondary” while the relatively larger, relatively more perfect or autonomous, societies, epitomized in the nation State, are “protarchie,” or “primary” societies. Beyond the nation State there is the association, or brotherhood, of independent peoples, called the “etnarchia.” The terms *protarch*, *deutarch*, and *ethnarch* designate the holder of authority, the “superior” or government, in those various societies.

The choice of the word *ipotattico*, is borrowed from the rules of Greek grammar, *hypotaxis*, which govern the modalities of coordination between clauses, specifically, the arrangement of inferior clauses within the functioning of the whole sentence. It was an excellent extension into the neologism *dritto ipotattico* to convey the rights of social groupings, within their just relationships, organized toward the common good. The principles he elaborates in this regard have found their place, though indirectly and imperfectly, in Catholic social doctrine, known as the “principle of subsidiarity,” first explicitly used by Pius XI in the social encyclical, *Quadragesimo Anno*. Indeed, the Greek *hypo taxis* can be rendered directly in Latin as *sub sedeo*. The Latin expression *subsidia* applied, then, not just to mean “help” but in the first instance to auxiliary troops within the Roman legion, as they “sat below” ready in reserve to support the battle. The “help” in this context is from the bottom up, not from the top down, as the inferior and mediating groups all participate in achieving the common good of the more perfect association. While Taparelli uses the legion as an analogy for society in various contexts, the rights and obligations derived from the laws of subsidiarity vary according to a host of historical considerations and competing rights and obligations.

As a Latinization of *ipotattico*, or of what would be hypotactics in English, certainly subsidiarity was a mellifluous choice over hypotactics, but even more important, it avoids the possible confusion with the idea of hypostatism. A hypostatic notion of the absorption of man into the State would be virtually the antithesis of Taparelli’s meaning—indeed, it would have coincided with and reinforced the misapplication of the terms of Catholic organic political theory to the Fascist State.¹⁸

Thus, for Taparelli, “*dritto ipotattico*” is the body of principles for evaluating, in concrete circumstances, the proper relationship between authority and liberty, order and freedom, on the social level, and underpins his definition of social justice in the arrangement and perfection of civil society, political society, and international society.¹⁹ As outlined in the “Epilogo Raggiionato” the first principles are:

71. Prop. XIX. A society may be composed of many minor societies....
Proof: Every deutarchy is an intelligent being; the union of intelligent beings to act for an end is a society; thus many deutarchies can unite themselves to aim at obtaining a common good....

72. Coroll. 1. The deutarchies in associating themselves do not lose their being so long as they have not abandoned the anterior end that they had before associating themselves; and so long as the authority of the deutarchic superior has not, consequentially, diminished.

Coroll. 2. The end of the protarchy is different from that of the deutarchies.

Coroll. 3. In every large society, there must be found a system of deutarchies, it being necessary that there are diverse *ends* subordinate to the end of the protarchy: and diverse *superiors* who drive at the deutarchic ends. We have called Hypotactic Right the complex of laws that result from such relations.

Coroll. 4. A protarchy may be composed either from pre-existing deutarchies, having their *own* authority; or of deutarchies created by the protarchic authority, deriving all their authority from it.

A society thus composed of minor societies is designated as an “*associazione ipotattica*,” an expression that is meant to clarify that the minor societies are not subordinate to the larger society insofar as their own ends are concerned, and tends to demystify the notion of the State as a monolithic, ideal association of isolated individuals (*ST*, 685, 688 note “a”). It is the multiple natural needs of human beings and their physically limited capacities that make them look for support (“*sussidio sociale*,” *ST*, 691) in the act of forming associations—or what he calls “consortia”—with the requisite direction of an authority or superior.

Every association within the social hierarchy has its proper ends, its own authority (relative to the concrete conditions of social formation), its own principles of action, and therefore its own being and rights. This social support *is a right*, that is, the right to association, precisely because it is a human necessity, both for the animal survival of individuals and for the cultivation of human perfection. The necessity and the right culminate in the moral *duty* to associate, the obligation to associate with others toward the fulfillment of the common human good. In describing this duty, he accepts the rubric of sociality, taken from Pufendorf through Burlamaqui, but roots it not in animal self-interest rather in a correct understanding of the common good, which, in both its material and supernatural dimensions, obliges us to seek the good of others.²⁰

Taparelli’s definition of sociality, developed in one direction as the “solidarism” of Heinrich Pesch, is an anticipation of the principle of “solidarity” in later Catholic social doctrine. Sociality and subsidiarity that entail both duties

and rights, for Taparelli are complementary principles, which when applied to concrete, historical conditions of particular social formations, provide for a coherent discourse on social justice in the practical formulation and critique of public policy.

The main social rights and duties can be summarized fairly briefly. In joining together, as a synthetically formed association, the individual or the smaller society does indeed lose some part of his or its independence in order to share in the increase of “social liberty” created by the larger society (*ST*, 693), but, the following primary social right is deduced from those conditions:

Every consortium must conserve its own unity in such a way as to not lose the unity of the larger whole; and every higher society must provide for the unity of the larger whole without destroying the unity of the consortia.²¹

Which is to say, he continues, “given the facts of the association, it would be as against nature for the consortia to reject the unity of the social whole as it would be for the whole to abolish the consortium....”

Taparelli surely has in mind consortia such as the guilds and charitable associations that were abolished by liberal and revolutionary regimes wherever they came to power, but he also had specifically in mind the abolition of the lower and more local administrative and political structures of civil society in the drive toward centralization that characterized not only revolutionary republican regimes but also absolutist monarchies.²² The historical movement toward Italian unification at the time, of course, gave an added urgency to bringing these principles to bear on public debate.

The laws that derive from the first principles of hypotactics provide a number of critical norms. One of the first laws is that the larger society must promote the liberty of association within and among the consortia, interfering only to the extent necessary to orient them toward the larger common good, which the protarch is itself obliged to know and to make known (*ST*, 701–4). When the protarchy might hypothetically be compelled to direct individuals at some more elementary levels, such authority must be exercised with attention to “efficiency and gentleness” and strive to effect such direction via those authorities who are closest physically to the individuals and who know the situation best. Considerations of justice, prudence, but also of charity are equally at stake.

A proper sphere of liberty of subsidiary authorities, even in their orientation toward the pursuit of the common good, is the *sine qua non* for the social whole itself, since the lower authorities are the indispensable means to the superior authority’s pursuit of that good. Thus, “*deprecating or weakening the*

inferior is to deprecate and weaken even the superior.”²³ The rights of the lesser societies are founded not merely on abstract considerations of natural right but also on concrete considerations of utility or efficiency, further lending content to a method of practical evaluation for questions of social justice and prudence.

An example of the sort of analysis that Taparelli’s theory engenders is illustrative. Protarchs might always be tempted to interfere heavy-handedly or impatiently in the workings of their secondary societies, and they could be, hypothetically, even entitled to do so under certain circumstances, down perhaps even to the nearly inviolable “domestic sanctuary,” should serious dangers or ruin be at stake. However, even in such a case, where the right to directly interfere for the common good has arisen, justice, prudence, and charity dictate restraint.

So long as there are appropriate intermediary authorities, who are, *prima facie*, in a better position to know the issues and the risks at stake and to repair the problems with “gentleness and efficiency,” the right does not convey the duty (to intervene). Only malfeasance or incompetence of such intermediary authorities, could confer the duty, in addition to the right, to take direct and elemental intervention (*ST*, 706–7). In such a case, the malfeasance, a sort of tyranny, will have deprived the consortium of its unity and being, loosing its members as a “mass of individuals closed in certain limits of space,” and its authority—which, it should be recalled, is nothing other than the right to direct a society to its proper end—has become no authority at all. Taparelli calls this the “law of correction” (*ST*, 708).²⁴

The liberty that is lost in such a case is not that of the subjects (“sudditi”) of society—since liberty, Taparelli recalls, is defined as the freedom to act in conformity with one’s nature (*ST*, Note VI)²⁵—but that of its government. The liberty of the subjects of society is actually enhanced by the just protections of their natural rights by the larger, more perfect society (*ST*, 709).

This is the significance of the law of correction against the tyranny of an abusive parent or corrupt official: the more perfect and global the society, the greater the potential liberty of all the associates in the pursuit of their proper ends, and of their universal end, against tyrannical abuses at all levels, with the possibility for the peaceful resolution of conflicts made possible through appropriate judicial mechanisms. Such liberty would be a product of precisely the progress of *both* the moral and material conditions of a society that was ordered justly, maximizing individual freedom to associate at all levels.

Following the principles of sociality—or solidarity, and hypotactics—or subsidiarity, the liberty and perfection of individuals is proportionally

enhanced, in Taparelli's view, with the integration into ever larger human communities, indeed up to the eventual global society of peoples, the democratic ethnarchy, (*ST*, 714; *CE*, 120, II) which he foresaw as the fulfillment of the immutable laws of nature.

The perfecting of the extension of social communications introduces little by little a wise cosmopolitanism habituating one to consider all of the nations as families in the universal society, without, however, losing the special love of one's own.²⁶

Universal solidarity would express itself in a *saggio cosmopolitanismo*, that is, without losing sight of the autonomous purposes and active principles of associations at all levels of global society. Though his vision of the future international order differed significantly from what he criticized as the overly abstract ratiocinations of others, Taparelli had no less a fervent faith in the ability of a just, universal order to resolve conflict and to advance the satisfaction of all but the ultimately transcendent longings of humanity.²⁷

Notes

- * This paper was presented in earlier versions at a conference of the American Maritain Association, and, *in absentia*, at a conference of The Historical Society. As this is an overview of some of the main points from my Ph.D. dissertation in history, I would like to acknowledge with grateful appreciation the support and inspiration of my dissertation director, Georg Iggers, and those who read my work and offered comments, especially Russell Hittinger, along with those who have given guidance and encouragement at various times, including Emile Poulat, Gabrielle De Rosa, Fr. Paul Droulers, S.J., Samuel Gregg, and especially Frank Annunziata. I would like to thank the *Civiltà Cattolica* for according generous access to their archives. I am also very grateful for the financial support that has facilitated my research, from the State University of New York at Buffalo, the Institute for International Education—Fulbright Program, and the Earhart Foundation. I would like to thank particularly in this context the Erasmus Institute at Notre Dame, and the participants with me in their 2001 Summer Seminar, led by Fr. Arthur Madigan, S.J., during which I wrote the first drafts of this paper.
- 1. Very little has been written on Taparelli in English. In French, for the bibliography generally, see R. Jacquin, *Taparelli* (Paris, 1943), and in English, including details of his relationship to the teaching of Leo XIII and Pius XI, and the continuing significance of his work, see T. Behr, "Luigi Taparelli and the Nineteenth-Century Neo-Scholastic 'Revolution' in Natural Law and Catholic Social Sciences"

(Ph.D. diss., SUNY Buffalo, 2000). For his influence in the development of neo-Scholastic theology, see G. McCool, *Nineteenth-Century Scholasticism* (New York: Fordham University Press, 1989).

2. P. Pirri, *Carteggi del Padre Taparelli d'Azeglio* (Torino, 1932), 712–18, esp. 717.
3. *Ibid.*, 713.
4. “Abbozzo del Progetto d'Ordinazione intorno agli Studii Supp.” *Archivio della Civiltà Cattolica* [Sc.8, n.3, (7b1)] See also, “Ai lettore di Filosofia cattolica. In che consiste essenzialmente quella che chiamasi Filosofia degli Scolastici.” *ACC* [Tap sc.8, n.4]. “La Filosofia nello assegnarci le cause dell'essere ed operazioni dell'Uomo, dee necessariamente attribuirle o all'anima sola o al corpo solo, o ad entrambi in quanto congiunte. La filosofia cartesiana attribuisce tutta l'azione corporea al corpo solo, l'azione animata all'anima.” Other early efforts in putting down on paper his philosophical ideas, largely unpublished and incomplete, were equally written in response to specific demands, for example, the “Osservazioni sulla filosofia,” *ACC* [Tap sc. 8, n. 3], a polemical response to one of his Collegio Romano critics from around 1829 and “Corso di Filosofia moderna,” *ACC* [Tap sc. A9] probably from around 1832 when he was charged with teaching an elementary philosophy course at the Royal Convent of Lecce, which is incomplete but does explain his appreciation for the concept of hylomorphism and makes an effort to describe which ideas among the French eclectics have a basis in sound doctrine.
5. *CC*, s.II, v. 1 (1853), 369ff, 481ff, 626ff, quotation at page 378. “Mostreremo dunque che la filosofia degli Scolastici può come *dimostrativa* contrapporsi alla moderna *inquisitiva* per quattro sue proprietà: vale a dire perchè:
 1. Quella moveva dal *certo*, questa dal dubbio;
 2. *Proprio* scopo di quella era *l'evidenza*, di questa la certezza;
 3. Quella per accertare nelle sue sentenze invocava a sostegno *qual-sivoglia elemento ragionevole*, questa ne accetta un solo, il raziocinio;
 4. Quella produceva negli animi una disposizione cattolica, sociale, pratica, questa una disposizione eterodossa, antisociale, impraticabile.”See also “Dell'Armonia filosofica,” in s.II, v.II (1853) 128ff, 253ff, 378ff, which, together with the former, appear to be the reworking of the essay on “Tradizionalismo” with the references to the Traditionalist position expunged.
6. See P. Droulers, *Cattolicesimo sociale nei secoli XIX e XX. Saggi di storia e sociologia* (Roma: Edizioni di storia e letteratura, 1982).
7. Behr, 63, n. 57.
8. *Saggio Teoretico*, hereinafter “*ST*,” XV. Jean-Jacques Burlamaqui (1694–1748) was a Swiss philosopher and natural-law theorist who influenced Rousseau's idea of social contract.

9. *ST*, 1. Taparelli's larger interest was, no doubt, his hope of reconciling the triangular arguments in theology between the traditionalists, moderate traditionalists (who accepted the post-Kantian idea of the necessity of noumenal revelation, or intuitionism, for theological science), and the Scholastics, although these issues take shape over a much longer time.
10. Pirri, CCCLXXII; cited partially in Jacquin, 168–69. "... A misura poi che le teorie nascevano, la pietra di paragone, per assicurarmi di non avere sbagliato, era sempre di confrontarle con S. Tommaso.... Così mi avvenne di riconoscere che questa scienza si trova già bella e fatta negli scolastici, e particolarmente in S. Tommaso, Suarez, Bellarmine, Victoria, ecc.... "Taparelli also indicates the genesis, and perhaps the major weakness of the work: "... Quel po' di bene che va facendo il *Saggio teorico* [sic] non è frutto nè di studi profondi, nè di molta lettura. Fino a cinquant'anni io non avea sognato mai (e bastava l'inferm salute a dissuadermelo) di essere nè professore, nè scrittore. Giunto a quell'età fui destinato in Sicilia a insegnare Diritto di natura, [sic] e postomi in mano quel tristissimo Burlamacchi malamente corretto da un adoratore del potere temporale, il quale a null'altro avea badato se non agli interessi del governo. Sicchè per quel primo anno altro non feci, che confutare Burlamacchi. L'anno seguente rimostrai ai superiori che insegnare in questo modo era piuttosto tradire i giovani che un istruirli. Ed essi risposero che scrivessi da me il mio corso. Così nacque il *Saggio teorico*, che nella stessa sua forma si mostra improvvisato, ... senza disegno premeditato, senza simmetria di partizioni...."
11. *ST*, 5–6.
12. *ST*, 10–11; and also, Luigi Taparelli, *Cours Élémentaire de Droit Naturel à l'usage des écoles*, trans. C.-A. Ozanam (Tournai: H. Casterman, 1863), xii–xiii. The "Epilogo Ragionato" was published as a separate "synthesis" on natural law in the early years of World War II, based on the high regard that Pius XI had for Taparelli's work, which he recommended at various times, and acting on the advice of Pius XII in his first encyclical: "Le energie, che devono rinnovare la faccia della terra, devono procedere dall'interno, dallo spirito. Il nuovo ordine del mondo, della vita nazionale e internazionale, una volta cessate le amarezze e le crudeli lotte presenti, non dovrà più riposare sulla infida sabbia di norme mutabili ed effimere lasciate all'arbitrio dell'egoismo collettivo e individuale. Esse devono piuttosto appoggiarsi sull'inconcusso fondamento, sulla roccia incrollabile del diritto naturale e della rivelazione divina." Printed on the frontispiece, Luigi Taparelli, *Sintesi di Dritto Naturale* (Bologna: Nicola Zanichelli, 1940), vi.
13. *ST*, 5. "Coll'analisi accurata che abbiám dato dei *due elementi sociali dell'astratto cioè e del concreto*, delle due persone sociali *superiore e suddito*, e della idea di *sovranità* consistente in una *superiorità indipendente*, ci sembra ormai esserci posti in istato di *potere senza gran difficoltà riguardare* i progressi della

società nel fatto naturale (i.e., the historical record), *comprenderne le leggi più universali...* Questa varietà [of governmental forms] è il gran fatto di cui vo cercando le differenze essenziali e le cause *reali*; domando a me stesso quali sieno le *essenziali* varietà di *forme nel Governo*, e *d'onde abbian dovuto spuntare per legge naturale?* e come nelle stesse forme essenziali tante si osservino differenze singolari? ma lo cerco da filosofo, non già da storico; il filosofo li contempla, ne scevera tutte le circostanze puramente individuali, e li coordina in un sistema razionale. Ma per coordinarli, per ragionarne, sempre si dee fondare sul fatto....” Jacquin’s characterization of Taparelli’s method and use of “facts” is not entirely accurate when he suggests that Taparelli essentially misuses the word. See below, part 2.

14. *ST*, note LXV, 3: “... dobbiam riconoscere che lo Spirito delle leggi fu una transizione del dritto sociale dall’astratto al concreto; e se l’empietà allora regnante non avesse strappato all’A. degl’incensi ch’egli abbinò morendo; se la sua mente, falsata da dottrine repubblicane, non avesse pervertite le idee suggeritegli dal suo ingegno; il pensiero di ricercare nelle individualità di ogni popolo la base della individualità di sue leggi avrebbe potuto meritargli riconoscenza per parte della filosofia politica. Ma egli precipitò nel puro empirismo allora regnante, e invece di ravvisare nelle condizioni individuali un fatto determinante le leggi universali ed immutabili di natura, parve talora (benchè altrove si contraddica) voler seppellire in questo materiale elemento e la umana libertà e la virtù e la giustizia, deducendo da tali elementi ogni moralità, o almeno assoggettandola ad essi.” (Citing also, *De L’Education*, l. 24 c.5 and c.19).
15. Taparelli is convinced that the errors of his predecessors rest most frequently on the failure to identify the first principles of their science, which in all cases must lead one to consider the metaphysical perspectives on the essential specificity of its proper object (*ST*, Note XXIII).
16. *ST*, sec. 1673–85. Rommen suggests that the difference between realism and empiricism is not in the preference of the one for speculation (deduction) and the other for experience (induction), but rather in “the fact that empiricism remains content with what is in the foreground, with actual reality, whereas realism, with its delight in knowledge, holds it to be both possible and necessary to push beyond the cheerfully affirmed actuality to that which is in the background.” *Natural Law: A Study in Legal and Social History and Philosophy*, trans. Thomas R. Hanley, O.S.B. (Indianapolis: Liberty Fund, 1998), 145.
17. *Esame critico degli ordini rappresentativi nella società moderna* (Rome, 1854), French edition, vol. 1, 223, n. 5., and Rommen, *Natural Law*, 193.
18. It is not clear who Latinized or coined the term, but some ambiguity has frequently attended its subsequent applications. Clearly the idea and the exact term *subsidy* in its primary modern sense of “to help” was used by Taparelli as well,

but essentially in the context of *sussidio sociale*, which is indeed the final, or teleological cause of society, and which resonates more with Catholic social doctrine on “solidarity” than with “subsidiarity” *per se*.

O. Nell-Breuning, S.J., who virtually wrote the encyclical *Quadragesimo Anno*, in his book analyzing the encyclical, *Reorganization of the Social Economy: The Social Encyclical Developed and Explained*, rev. ed. (Milwaukee: Bruce Publishing Company, 1937) cites Taparelli and quotes him at length as the authority on social organization and the principle of subsidiarity. Nell-Breuning’s other references are to the Jesuits Pesch and Grundlach, on the related concept of Solidarism, who were equally familiar with Taparelli’s writings.

Even though Mussolini understood the criticisms aimed at Fascism and centralization, inherent in the encyclical, the ideas in the theoretical sketch of “corporatism” did lend themselves to misinterpretation then and now. Cf. National Conference of Catholic Bishops, *Economic Justice for All* (Washington, D.C.: United States Catholic Conference, 1986), esp. secs. 96–124. Also see Paul Misner, *Social Catholicism in Europe from the Onset of Industrialization to the First World War* (New York: Crossroad, 1991), chap. 9, for the history of corporatism in Austria and France.

Nell-Breuning took responsibility for not adequately contextualizing the sections dealing with a corporate organization of society in the encyclical, secs. 81–87, which were the only parts actually written by the pope and sought to decisively distinguish the Catholic from the Fascist view, 212–32. Cf. Michael Novak, *The Catholic Ethic and the Spirit of Capitalism* (New York: Free Press, 1993), 63, especially n. 3; and Rommen, *The State in Catholic Thought*, 36ff, also on subsidiarity in the general organic concept of the State in Catholic philosophy, 298–305.

19. The *Corso Elementare*, which I cite in its French translation, is essentially an expanded version of the “Epilogo Ragionato” of the *Saggio*, where the author presents a review of the entire structure of the work, reduced to propositions, proofs, and corollaries. It refers the reader to the related sections in the main text. The “Epilogo” was also published separately, Luigi Taparelli, *Sintesi di Dritto Naturale* (Bologna: Nicola Zanichelli, 1940), cited hereinafter as “ER,” see generally, secs. 71ff, 71. Prop. XIX. Una società può comporsi di molte società minori (685 seg.) N.B. Dirò queste *deutarchie* o *consorzi*, la maggiore *protarchia*. Prova: Ogni *deutarchia* è un essere intelligente (69); l’unione di esseri intelligenti per tendere ad un fine (43) è società; or molte *deutarchie* possono unirsi per ottenere un fine di ben commune ... 72. Coroll.1. Le *deutarchie* nel consociarsi non perdono (59) l’essere, se non abbandonano il fine anteriore che aveano prima di associarsi; e se per conseguenza non vien meno il superiore *deutarchico*. Coroll.2. Il fine della *protarchia* è diverso da quello delle *deutarchie*. Coroll.3. (690 seg.) In ogni gran società dee trovarsi un sistema di *deutarchie*, essendo necessario che vi sieno diversi *fini* subordinati al fine della *protarchia*: e diversi *superiori* che

guidano ai fini *deutarchici*. Abbiamo chiamato *dritto ipotattico* il complesso delle leggi risultanti da tali relazioni. Coroll.4. Una Protarchia può comporsi o di deutarchie preesistenti, ed aventi un autorità loro *propria*; o di deutarchie create dall'autorità protarchica, e però aventi da lei ogni loro autorità.

The "Corso" is the best place to approach specific areas of Taparelli's theory. Taparelli, *Cours Élémentaire de Droit Naturel à l'usage des écoles*, hereinafter, "CE, sec." See, generally, Lv. III, Ch.II, Art. III, 165ff.

20. ST, XXII.
21. "Ogni consorzio dee conservare la propria unità in modo da non perdere la unità del tutto; ed ogni società maggiore provvede alla unità del tutto senza distruggere la unità dei consorzii" (ST, 694).
22. "Livellare e cancellare ogni antica memoria delle province, delle città, degli Stati: ecco qual fu la smania dello spirito rivoluzionario ovunque allignò." ST, 695, note "f."
23. "Avilire ed indebolir la inferiore è avvilir e indebolir anche la superior." This is echoed almost verbatim in *Quadagesimo Anno*, par. 76–80.
24. In an eloquent refutation of the utilitarian concept of the family held by Beccaria and of the totalitarian extensions of that approach in Mazzini and the "egalitarian Communists," Taparelli quotes from a Jacobin writing: "la famiglia individuale debbe essere abolita, conciossiachè essa diparte gli affetti, rompe l'armonia della fratellanza la quale dee collegare gli uomini, ed è cagione di tutti i mali che possono gettarli nella ruina.' Così la discorrono coloro che hanno perduto colla fede nella rivelazione anche i sensi dell'umanità. Se il Beccaria, il Mazzini e i comunisti equalitarii avesser serbato memoria del quarto precetto del decalogo sul quale si fonda l'ordine della carità verso il prossimo, ne avrebbero inferito con l'Angelico: ergo illi sunt nobis coniuncti secundum carnis originem, sunt a nobis specialius diligendi. S.Th.2.2. q.26, a.8, o."
- Taparelli could have further clarified these biological associations, from civil societies and military societies, if he continued with Q. 26, "Wherefore in matters pertaining to nature we should love our kindred most, in matters pertaining to the relations between citizens, we should prefer our fellow-citizens, and on the battlefield our fellow-soldiers. Hence the Philosopher says (*Ethics*, IX, 2) that 'it is our duty to render to each class of people such respect as is natural and appropriate. This is, in fact, the principle upon which we seem to act....'"
25. This recalls the future dictum of Lord Acton, that "Liberty is not the freedom to do what one wants but the freedom to do what one ought."

26. “La perfezione di estensione nelle comunicazioni sociali introduce a poco a poco un saggio cosmopolitismo avvezzando a riguardare tutte le nazioni come famiglie della universal società, senza che perdasi però l’amore speciale alla propria” (*ST*, 937).
27. “... dans la nature il ya un tendance à remonter par les différents degrés de la société hypotattique [*sic*], jusqu’à ce que’on arrive à la société suprême où l’on espère du ciel la garantie que n’offre pas la terre: et confirme ainsi ce que nous avons fait remarquer ailleurs sur la tendance au développement de l’être sociale” (*CE*, 177). Compare the concept of “integral human fulfillment” identified by Finnis and Grisez, in Finnis, *Aquinas*, 111–17, esp. 115.