

Journal of

ISSN: 2375-7329

Nº 1 / 2014

Polian



Studies

PRESENTATION

Ignacio Flagueras (University of Malaga)

TRANSLATION

Friendship in Aristotle (Miguel Martí & Philip Muller)

ARTICLES

Marga Vega (University of California)

What is the Mark of the Mental: Polo's Retrieval of Aristotle's *Energeia*

Juan Fernando Sellés (University of Navarra)

The Anthropological Foundation of Ethics and its Dualities

José Ignacio Murillo (University of Navarra)

Leonardo Polo and the Mind-Body Problem

Idoya Zorroza (University of Navarra)

Justice and Dominion in Light of Transcendental Anthropology

Blanca Castilla (Complutense University of Madrid)

Transcendental Anthropology and Foundation of Human Dignity

Daniel Castañeda (Panamerican University)

Requirements for the Study of Time and Action in Polo's Notion of Law

Aliza Racelis (University of the Philippines)

The Leader as Friend in Polo and Aristotle

CONFERENCES & NOTES

Juan A. García González (University of Malaga)

The Personal Being in Leonardo Polo's Philosophy

Gustavo González Couture (University of Los Andes)

A Brief Introduction to Polo's Ethics

REVIEWS & NEWS

Journal of Polian Studies

ANNUAL JOURNAL OF PHILOSOPHY SPONSORED BY
THE LEONARDO POLO INSTITUTE OF PHILOSOPHY

Printed ISSN: 2375-7329
FOUNDED IN 2014
VOLUME I December 2014

www.leonardopoloinstitute.org/journal-of-polian-studies.html

EDITORIAL BOARD

EDITOR-IN-CHIEF:

Alberto I. Vargas

ASSISTANT EDITOR:

Gonzalo Alonso Bastarache

CONSULTING EDITORS:

Roderick Esclanda

Gregory L. Chafuen

Mark Mannion

COLLABORATORS

Robert DeSimone

Marial Corona

SCIENTIFIC ADVISORY BOARD

Adrian Reimers

UNIVERSITY OF NOTRE DAME (USA)

Alex Chafuen

ATLAS NETWORK (USA)

Roderick J. Macdonald

UNIVERSITÉ DU QUÉBEC À MONTREAL
(Canada)

Alice Ramos

ST JOHN'S UNIVERSITY (USA)

Juan Arana

UNIVERSITY OF SEVILLA (Spain)

Juan A. García González

UNIVERSITY OF MALAGA (Spain)

Consuelo Martínez-Priego

PANAMERICAN UNIVERSITY (Mexico)

Jon Lecanda

NEW YORK UNIVERSITY (USA)

Elena Colombetti

UNIVERSITÀ CATTOLICA DEL SACRO
CUORE (Italy)

Ángel Luis González

UNIVERSITY OF NAVARRA (Spain)

Daniel B. van Schalkwijk

AMSTERDAM UNIVERSITY
COLLEGE (Netherlands)

Martin Schlag

PONTIFICAL UNIVERSITY OF THE
HOLY CROSS (Italy)

Antoine Suarez

CENTER FOR QUANTUM
PHILOSOPHY (Switzerland)

Aliza Racelis

UNIVERSITY OF THE PHILIPPINES
(Philippines)

Juan Fernando Sellés

UNIVERSITY OF NAVARRA (Spain)

Maciej Dybowski

ADAM MICKIEWICZ UNIVERSITY
(Poland)

PUBLISHER

Leonardo Polo Institute of Philosophy
1121 North Notre Dame Ave.
South Bend IN 46617
www.leonardopoloinstitute.org

SUBSCRIPTIONS

1 Issue..... 15 USD
3 years subscription... 40 USD

COVER DESIGN AND LAYOUT

Carlos Martí Fraga
Gonzalo Alonso Bastarache

The Publisher, Leonardo Polo Institute of Philosophy, and Editors cannot be held responsible for errors or any consequences arising from the use of information contained in this journal; the ideas, views and opinions expressed do not necessarily reflect those of the Publisher and Editors.

CONTENTS

Ignacio Falgueras Presentation	7
<i>TRANSLATION</i>	9
Leonardo Polo Friendship in Aristotle	11
<i>ARTICLES</i>	23
Marga Vega What Is the Mark of the Mental: Leonardo Polo's Retrieval of Aristotle's <i>Energieia</i>	25
Juan Fernando Sellés The Anthropological Foundation of Ethics and its Dualities	47
José Ignacio Murillo Leonardo Polo and the Mind-Body Problem	79
Idoya Zorroza Justice and Dominion in Light of Transcendental Anthropology	93
Blanca Castilla de Cortázar Transcendental Anthropology and the Foundation of Human Dignity	105
Daniel Castañeda Requirements for the Study of Time and Action in Polo's Notion of Law... and in Jurisprudence	121
Aliza Racelis The Leader as Friend: Implications of Polo's <i>Friendship in Aristotle</i> for Humanistic Corporate Governance	163

<i>CONFERENCES & NOTES</i>	197
Juan A. García González The Personal Being in Leonardo Polo's Philosophy	199
Gustavo González Couture A Brief Introduction to Polo's Ethics	215
<i>REVIEWS & NEWS</i>	227
<i>INSTRUCTIONS FOR AUTHORS</i>	253

Justice and Dominion in Light of Transcendental Anthropology

M^a Idoia Zorroza

University of Navarra (Spain)

izorroza@unav.es

RECEIVED: October 5, 2014

ACCEPTED: October 30, 2014

DEFINITIVE VERSION: November 18, 2014

ABSTRACT: This paper aims to show the connection of the classical notions of 'justice' and 'dominion' with 'human freedom' and 'person'. This connection is needed in order to understand human being relationship with the world as a relationship of dominion and to have a better understanding the special freedom characteristic of personal reality. For Leonardo Polo's transcendental anthropology, human being is a being 'who has' in different levels (bodily-practical having; having according to *logos* or knowing –immanent having–; intrinsic having –habits and virtues–). But all kind of dominion over that which is real is found in the dominion exerted over one's own actions. And, as a social being by nature, the social plexus is the condition by which any possible appropriation is possible. In conclusion, the character of being *additionally* (*además*) that defines a person is revealed (as well as his co-existential nature with the world and with others) in the way that human beings interact with the world, where they both need it and humanize it.

KEYWORDS: Polo; Transcendental Anthropology; Dominion; Justice; Aristotelian; Practical Having; Freedom; Person; Co-existence.

INTRODUCTION

This paper aims to address a classic theme surrounding the problem of *justice* and *dominion*¹ using Leonardo Polo's transcendental anthropology. In the context of the connection between anthropology and theory of justice, to solve how human being is in relationship with his world (as a relationship of dominion) it can help us to understand better the special freedom that is characteristic of a personal reality. Then, I consider that these two terms: justice and dominion, give us access to significant elements of personal reality.

Do human beings have dominion over reality? Are they in fact capable of dominion? These questions have a long trajectory within the context of legal and economic sciences². However, answering these questions ultimately requires one to appeal to the intellectual tools proper to transcendental anthropology.

From this classical overview about dominion³, we can make some conclusions:

1 The context of the connection between justice and dominion is the Aristotelian-Thomistic philosophy, mainly the *Politics* of Aristotle and Thomas Aquinas' *Commentary on Aristotle's Politics* and *The Summa Theologica*. They have also a long trajectory in the history of juridical studies (see, footnote 3). My main interest is the study of this subject in the Spanish scholastics of the sixteenth century (the Salamanca's School). This paper wants to give some light over this subject from a new Aristotelian-Thomistic contemporary reader: Leonardo Polo. About Polo's relationship with this tradition, see F. MÚGICA, "Introducción" a L. POLO; *Sobre la existencia cristiana*, Eunsa, Pamplona, 1996, p. 16.

2 For example, the text and commentaries on "De adquirendo rerum dominio" (*Digesto*) and "De adquirenda possessione", in *Corpus iuris civilis*, P. KRUEGER (ed.), Weidmannos, Berolini, 1954; *Corpus iuris canonici*, A. FRIEDBERG (ed.), Akademische Druck, Graz, 2 vols., 1959; and the medieval and renaissance glossators and commentators as Butrio, Gratian, Ancharano, Segusio (Hostiense), Johannes Andreae, Tudeschis, Palude, Paulo de Aretio, etc. A brief analysis is done in: W. DECOCK, *Theologians and Contract Law: The Moral Transformation of the Ius Commune (ca. 1500-1650)*, Martinus Nijhoff Publishers, Leiden/Boston, 2013.

3 For further readings in my previous studies about this subject: "La definición del dominio según Alberto Magno", *Cauriensia. Revista Anual de Ciencias Eclesiásticas*, 2013 (8), pp. 411-432; "Aclaraciones sobre la noción tomista de *causa sui* en relación a una antropología del dominio en la Escuela de Salamanca", in *Causalidad, determinismo y libertad. De Duns Escoto a la escolástica barroca*, Eunsa, Pamplona, 2014, pp. 67-82; "La teoría del dominio humano sobre lo real en Francisco Suárez", IN J. A. GARCÍA CUADRADO (ed.), *Fundamentos antropológicos de la ley en Suárez*, Eunsa, Pamplona, 2014, pp. 177-193; "Del 'dar a cada uno lo suyo' al derecho a la propiedad. Aportaciones barrocas", IN I. MURILLO MURILLO (coord.), *Barroco*

a) First, a distinction between *dominion* and *property*, when we talk about property, we point out specific human form of managing means. Through property both individuals and collectivities meet their needs and, as Aristotle says, they can *live*, *live well* and *be virtuous*.⁴

b) The exercise of *dominion* falls naturally to human beings; on one hand, he has been given power and a task with respect to creation; on the other hand, this power is donated, entrusted and, consequently, participated.

c) Human beings hold dominion over that which is real when they are masters of their actions; and they have said dominion in as far as they are created in the image of God, endowed with reason and freedom, as Aquinas quotes: "when stating that man was made in the image of God, we understand image as 'a being endowed with intelligence, free will and dominion over his own actions.'"⁵

Two questions are bequeathed to modern thought (although they took in a different meaning): First, what does property and dominion have to do with human nature and freedom? Are they necessary or **complementary for ensuring human beings' viability and freedom as such?**⁶ The second problem pertains to how to reconcile this level of

Iberoamericano y la Modernidad, Editorial de la Universidad Pontificia de Salamanca, Salamanca, 2013, pp. 119-136.

4 ARISTOTLE, *Politics*, I, 4, 1253b; english translation: *The Politics of Aristotle*, translated with an introduction, notes and appendixes by Ernest Barker, Clarendon Press, Oxford, 1968.

5 THOMAS AQUINAS, *Summa Theologiae*, I-II, proemium: "homo factus ad imaginem Dei dicitur, secundum quod per imaginem significatur intellectuale et arbitrio liberum et per se potestativum; postquam praedictum est de exemplari, scilicet de Deo, et de his quae processerunt ex divina potestate secundum eius voluntatem; restat ut consideremus de eius imagine, idest de homine, secundum quod et ipse est suorum operum principium, quasi liberum arbitrium habens et suorum operum potestatem"; here Aquinas quotes JOHN DAMASCENE, *De fide orthodoxa* II, 12 (PG 84, 920). See also: I, q. 93, q. 96; *In II Sententiarum*, d. 16; *Contra Gentes*, IV, c. 26. About the metaphysical and theological consequences of the notion of *imago* in Aquinas, cfr. E. REINHARDT, *La dignidad del hombre en cuanto imagen de Dios: Tomás de Aquino ante sus fuentes*, Eunsá, Pamplona, 2005, and its bibliography.

6 The Spanish Scholasticism is a clear precedent to theories of property from HOBBS (*Ents of law natural and politic*, Oxford University Press, Oxford, 1994; *Leviathan*, Cambridge University Press, Cambridge, 2007), LOCKE (*Second treatise of government*, Hackett Pub. Co., Indianapolis, Ind., 1980), HUME (*A Treatise of Human Nature*, L. A. Selby-Bigge / P. H. Nidditch (eds.), Clarendon Press, Oxford, 1978) or ADAM SMITH (*An inquiry into the nature and causes of the wealth of*

'naturalness' with the fact that property manifests itself in a specific political context and seems to be solely defined by it.⁷

The classical approach is based on two claims: firstly, that within creation human beings are the only beings that exercises dominion over that which is real. Secondly, that the root of said dominion is found in the reason why human beings are made in the image of God.

I will use the following elements from Leonardo Polo's thought to enlighten the classical theory of dominion:

a) First, the definition of man as a being who *has*.

b) Second, that all dominion over that which is real is found in the dominion exerted over one's own actions.

c) Third, that the social plexus is the condition by which any possible appropriation is possible. With them, the character of *being additionally (además)*⁸ that defines a person is revealed (as well as his co-existential nature with the world and with others) in the way that human beings interact with the world, where they both need and humanize it.

These elements of Leonardo Polo's anthropology allow us to take on—in its full anthropological depth—the reality of human exercise of dominion and property over that which is real.

1. THE HUMAN BEING, A BEING THAT *HAS*

Polo analyzes the human mode of *having* as a part of his 1987⁹ text entitled *Tener, dar, esperar* (*To have, to give, to hope*). While concentrating on the first part of the text, it is important to note that

nations, Modern library, New York, 1937); cfr. N. SAN EMETERIO MARTÍN, *Sobre la propiedad. El concepto de propiedad en la Edad Moderna*, Tecnos, Madrid, 2005.

7 C. B. MACPHERSON, "Property as Means or End", IN ANTHONY PAREL & THOMAS FLANAGAN (EDS.), *Theories of Property: Aristotle to the Present: Essays*, Calgary Institute for the Humanities / Wilfrid Laurier University Press, Waterloo (Ontario), 1979, pp. 3-4.

8 Cfr. L. POLO, *Why a Transcendental Anthropology?*, Leonardo Polo Institute of Philosophy Press, South Bend (IN), 2014, pp. 34-35; 48-53.

9 L. POLO, "Tener y dar", in F. Fernández (coord.), *Estudios sobre la Encíclica 'Laborem exercens'*, BAC, Madrid, pp. 201-230; published also in *Filosofía y economía*, Eunsa, Pamplona, 2012, cfr. pp. 207-268; see Introduction: pp. 22-25.

this focus on the human mode of having (which was a Greek discovery)¹⁰ does not imply a disregard for giving and hoping, which also offer a deep transcendental look at human beings as person. In the context of having we focus on "human nature and its faculties",¹¹ and with this nature we discover that *we have* according to hierarchical levels of possession: a) having in accordance with the body or bodily-practical having; b) having according to logos or knowing (immanent having); c) and intrinsic having (habits and virtues).¹² In this having we can see that which distinguishes human nature from other realities: man is a being that *has reason*,¹³ or even a being that *relates with* the properties that constitute him while *having them*. Polo's reflection on *having* reveals several elements:

a) Having manifests a certain superiority of *he who has* over *that which is had*.¹⁴

b) This superiority *is not absolute* because it is accompanied by a certain impoverishment: human beings have a relationship of superiority to that which they have, but they also need what they have, thus a reality without this need —like angels— would not have this particular form of dominion over reality because they would not need it. In turn, in this "needing," there is also an ontological superiority since the world, reality, is a *means* of realization for human beings.

c) *Having* implies unity as a relationship (even though it is not the strongest: God would be beyond in having as He is a pure Being¹⁵).

d) Human having is medial and is related to *ends*.¹⁶

10 Cfr. L. POLO, *Filosofía y economía*, pp. 208-209. Cfr. as well J. J. PADIAL, *La antropología del tener según Leonardo Polo*, Cuadernos de Anuario Filosófico Serie Universitaria 100, Servicio de Publicaciones de la Universidad de Navarra, Pamplona, 2000; J. URABAYEN, "Estudio del tener según Marcel y Polo", *Studia Poliana*, 2003 (5), pp. 199-239.

11 J. F. SELLÉS, "Introducción", to *Filosofía y economía*, p. 23.

12 *Filosofía y economía*, pp. 212 ss.

13 *Filosofía y economía*, p. 211; also: cfr. J. J. PADIAL, "El viviente y su vida, ausencia, pretensión y disposición del sí mismo humano", *Studia Poliana*, 2009 (11), p. 96; *Presente y futuro del hombre*, Rialp, Madrid, 1993, p. 112.

14 *Filosofía y economía*, p. 212. A definition of dominion as superposition is clear in: ALBERTO MAGNO, *Super Dionysium De divinis nominibus*, in *Alberti Magni... Opera omnia ad fidem codicum manuscriptorum edenda apparatu critico notis prolegomenis indicibus instruenda curavit*, Institutum Alberti Magni Coloniense, W. Kübel (pres.), Monasterii Westfalorum in Aedibus, Aschendorff, 1987 ss., vol. XXXVII/1, c. 12, pp. 429-430. This definition works mainly in a formal sense.

15 *Filosofía y economía*, p. 212.

This *having*, therefore, correspondingly *possesses* appropriation.¹⁷ Appropriation also has levels, as Polo indicates: "if a level of appropriation is less intimate and less intense than another, it is a means with respect to the other [...] the virtues and immanent operations are the ends of bodily-practical actions."¹⁸ Thus, higher levels are also "conditions of possibility for the inferior levels."¹⁹

Furthermore, "the need of an end" (found in the most basic, bodily level of dominion and appropriation) "is compatible with human dignity and with the intensification of its possessive capacity" because, as Polo notes, "the needs that *means* have are not intrinsic to them, but rather are commensurate with human need. Human needs are particularly evident in corporeality. Moreover, practical-corporeal possession is inseparable from the problem of the biological viability of man. It seems clear that only a body not determined as such can be open to a possessory relationship with objects."²⁰

Polo pauses on this "having according to the body." He points to something more than the body's relationship to any of its parts (such as wool and sheep), since it is "an ascription to a body, something that is distinct from it."²¹ Having is a *relationship*, it is *ascription*. "The human body is defined by establishing relationships of belonging with objects. For example, as Aristotle notes, a ring is had; it is possible for a ring to be put on an animal, but the animal does not really have it. At this level, many aspects of having appear and can be summarized in the word inhabit. Man is the being that inhabits the world and the word inhabit has its etymological origins in the word to have. An inhabitant of the world is one that *has* the world. [...] Indeed, in the Book of Genesis, man has dominion over the world

16 *Filosofía y economía*, p. 213.

17 *Filosofía y economía*, p. 212.

18 *Filosofía y economía*, p. 215.

19 *Filosofía y economía*, p. 215.

20 *Filosofía y economía*, p. 215.

21 *Filosofía y economía*, p. 217. Polo refers to the distance between *being* and *having*. G. Marcel did the same in: *Être et avoir*, Aubier-Montaigne, Paris, 1935. See also: "Esbozo de una fenomenología del haber", in *Diario metafísico (1928-1933)*, F. del Hoyo (trad.), Guadarrama, Madrid, 1969, p. 194; J. URABAYEN, *El pensamiento antropológico de Gabriel Marcel: un canto al ser humano*, Eunsa, Pamplona, 2001, pp. 66 ss. Polo's theory of *having* is studied by J. J. PADIAL (*La antropología del tener según Leonardo Polo*, previously cited), and by C. MORALES LUQUE (*El tener en Xavier Zubiri*, Tesis doctoral, Universidad de Málaga, Málaga, 1996, *pro manuscrito*).

and he is created to work in and dominate the world."²² Beyond this ascription, there is a second *having*: "another way of having, which is constitutive of inhabiting, refers to having productive instruments by using them. These instruments and their use are derived from the kind of constitutive having found in inhabitation. This is a kind of manual having."²³

2. DOMINION OVER ONE'S ACTIONS, *CAUSA SUI*

It is common doctrine that the condition of possibility by which man can exercise any dominion over reality relates to him being *master of his actions*.²⁴ "For man, to be free means being master of his own actions, which is impossible without establishing means-ends relationships and without subordinating some levels (of having), some (possessive) actions, to others. Seen synthetically, the ability to have ultimately signifies freedom."²⁵ Polo further states, "to the extent that man implements the means-ends relationship, he is master of his practical actions from their immanent operations, and master of the latter from the virtues. The Greeks thought that being master of the practical from one's own operations is equivalent to freedom —Polo

22 *Filosofía y economía*, p. 217. See also: *Persona y libertad*, Eunsa, Pamplona, 2007, p. 86.

23 *Filosofía y economía*, p. 217. See also: F. MÚGICA, "El habitar y la técnica: Polo en diálogo con Marx", *Anuario Filosófico* 1996 (29), pp. 815-849; *Curso de teoría del conocimiento*, II, Eunsa, Pamplona, 1988, p. 219; L. POLO, "Prólogo", in J. A. Pérez López, *Teoría de la acción humana en las organizaciones*, Rialp, Madrid, 1991, pp. 13-15; J. J. PADIAL, "El viviente y su vida", pp. 108-109. In relationship with the notion of *use*, cfr. L. POLO, *La voluntad y sus actos*, Cuadernos de Anuario Filosófico, Servicio de Publicaciones de la Universidad de Navarra, 1998, esp., II, pp. 15 ss.

24 THOMAS AQUINAS, *Summa Theologiae*, I-II, Proemium: "ipse est suorum operum principium, quasi liberum arbitrium habens et suorum operum potestatem"); cfr. also: I-II, q. 1, a. 1, ad2; q. 6, a. 2, ad2; q. 17, a. 6; I, q. 83, a. 1, ad3; *Contra Gentes*, II, c. 48. The Spanish commentators to Aquinas (Franciscus of Vitoria, specially) are essential to enrichen this research: FRANCISCO DE VITORIA (*Comentarios a la Secunda Secundae de Santo Tomás*, vol. III: *De Justitia* (qq. 57-66), Vicente Beltrán de Heredia (ed.), OPE, Salamanca, 1934; q. 62, a. 1, n. 11; *De beatitudine*, Vat. Lat. 4630, ed. by A. Sarmiento, *Sobre la felicidad / De beatitudine*, Eunsa, Pamplona, 2012, pp. 214-215; DOMINGO DE SOTO, *Relecciones y opúsculos*, I, "Introducción general. De Dominio. Sumario. Fragmento, An liceat", San Esteban, Salamanca, 1995.

25 *Filosofía y economía*, p. 214; *Antropología transcendental*, vol. I, Eunsa, Pamplona, 1999; vol. II, Eunsa, Pamplona, 2003.

is possible precisely because man lives according to the means-ends relationship. This is the first meaning of freedom."²⁶

This freedom (defined from this perspective) does not correspond to he who *exercises* dominion and possession over his own actions as its efficient cause, but rather fundamentally by attending to the *final* cause. I recover here the notion of *causa sui* in Aristotelian texts: more than being efficient in itself, it is *causa sui* for itself, who has *itself* as an end to action. Here I find the radical difference between rational beings and other living things. This is why tradition emphasize on attributing dominion to rational beings alone, differentiating the use of dominion in the strictest sense.²⁷ In addition, this freedom is not identical to freedom of choice [*libertas electionis*], also called *free will*.

Freedom of choice is necessary —or as Padial argues, "human freedom can be exercised regarding the most appropriate means to an end—"²⁸, yet it is still more than merely choosing between means: "for freedom constitutes the world" and makes the world a human space, it *inhabits*; "the essence of the world is perfected using its virtues, inhabiting refers to novelty with respect to the essence of the world: the personal being."²⁹ With it comes a sense of freedom that free will encompasses, but it does not consist in free will.

The practical dimension of man makes sense *because* he knows; and *in order to know and love*.³⁰ "Man is only free when he establishes this means-ends relationship."³¹ This establishment is done by building habits that perfect the *faculty*. This could ultimately be considered an incorporation (moving from having to being):³² "Virtue is the point where having makes contact with the being of man, the combination of the dynamic with the constitutive ... incorporated in a **steady manner**."³³ Knowing is also medial, as Polo says: "there is another form of possession in man that follows from immanent operations and whose origin is immaterial. This derivation indicates that

26 *Filosofía y economía*, p. 214.

27 F. DE VITORIA, *Comentarios a la Secunda Secundae*, vol. III, q. 62, a. 1, n. 11.

28 J. J. PADIAL, *La antropología del tener según Leonardo Polo*, p. 60.

29 J. J. PADIAL, *La antropología del tener según Leonardo Polo*, p. 60.

30 *Filosofía y economía*, p. 225.

31 *Filosofía y economía*, p. 225.

32 *Filosofía y economía*, pp. 229-231.

33 *Filosofía y economía*, p. 235.

an immanent operation is, in its own way, a means for habits: it is by no means the highest element in man; immanence is not the most intimate or the most radical part of man. From it, an improvement or **a worsening of man's principle always follows. And this connection** to a consequence that exceeds him also points to his dignity. An immanent operation is open upward and downward; it is sufficiently ingrained to drive practice, but at the same time, leads to a kind of interior enrichment."³⁴

3. DOMINION FROM THE POINT OF VIEW OF *OPENNESS* AND THE PERSON'S *GIFT-LIKE* NATURE

I end this paper by considering a particularly evocative idea: human dominion is not only a relationship between the self and an object, but rather a relationship that starts from an open *us*, given the human person's gift-like character. We can delve into the topic by asking ourselves if we find a certain quandary in the definition of dominion: from the point of view of law and of the state, **Is dominion's foundation a mere recognition or is it really a constitutive reality?**

Leonardo Polo offers here some suggestions within his justification for person's openness to sociality. He points out an anthropological question regarding the apparent circularity between dominion and law or rights.

According to Polo, this classic requirement of dominion and ownership merely displays the result in a given derivative (the law and human law). This has a specific anthropological basis in a more fundamental dimension: the fact of the essentially social character of the person, *human society*, is neither given *a priori* nor is it a result of some kind of game of freedoms:³⁵ it is open for the manifestation of

34 *Filosofía y economía*, p. 234-235. More bibliography about habits in: S. COLLADO, *Noción de hábito en la teoría del conocimiento de Leonardo Polo*, Eunsa, Pamplona, 2000; J. F. SELLÉS, "Los hábitos intelectuales según Polo", *Anuario Filosófico* 1996 (29), pp. 1017-1036; *Los hábitos intelectuales según Tomás de Aquino*, Eunsa, Pamplona, 2008; *Hábitos y virtud*, 3 vols., Cuadernos de Anuario Filosófico Serie Universitaria 65-67, Servicio de Publicaciones de la Universidad de Navarra, Pamplona, 2001.

35 F. MÚGICA, "Introducción", p. 17.

man: "the demonstration."³⁶ Thus, "human society is not a fortuitous fact. Man forms societies while articulating his practical behavior. This articulation is natural —It is inherent in its nature— in as far as he is capable of *having* and able to communicate this feature to the inhabited world."³⁷ Therefore, the world built by man is a communal, rather than a particular, world: "the world made by man, the set of relationships, the referential plexus— is a communal world. It does not exist for one person alone, but rather for a community."³⁸ In this sense, with the nature of dominion defined, its articulation is specified within a community, it is *recognized* and modulated in a human community, by whoever sets out the components that regulate it: "The root of justice is embedded in human relationships precisely because man is a being who possesses, a condition that allows him to claim things as his own. Of course, distribution within this plexus obeys certain functional criteria and criteria that pertain to use, but justice is possible *a priori* in view of human nature's very definition."³⁹

Thus, Polo human nature's very definition "is to be owner ever because he possesses by nature. But, since the way in which he possesses at the most basic corporeal-constructive-practical level constitutes a plexus, private property (which is the assignment of a portion of the plexus) cannot come about by breaking the connections. In so doing property would lose its meaning. Property is justified by human nature's capacity for possessing, which, in itself, puts limits on property rights. Titles that allow someone to possess something in exclusion of other part of the plexus are, in principle, correct; however, property is not absolute. An ascription of means that implies a complete separation from the *total order of means* impairs and degrades those very means. And this degradation is reciprocal."⁴⁰

This foundation of dominion and ownership and its integration with the social plexus leads to several conclusions that corroborate the theses defended in medieval and pre-modern thought; even when they were promptly substituted by seventeenth-century modern An-

36 L. POLO, *Filosofía y economía*, p. 75. Cfr. J. J. Padial, *La antropología del tener según Leonardo Polo*, p. 70.

37 *Filosofía y economía*, p. 219.

38 *Filosofía y economía*, p. 219.

39 *Filosofía y economía*, p. 219.

40 *Filosofía y economía*, p. 220.

glo-Saxon philosophy. One such conclusion involves the idea that "absolute private property is a contradiction."⁴¹

CONCLUSION

For Leonardo Polo, the most complete understanding of the human person involves the overcoming of classical *transcendentals* with what he calls *personal transcendentals*: how to be personal is *freedom*. **This implies that freedom runs through each of human beings'** essential dimensions, even the most basic ones, such as having according to the body, which is the simplest form of human *having*.

Thus, Leonardo Polo enriches fundamental anthropological elements with those that can address the classic issue of human dominion over objects, including the availability of that which is real in accordance with the body, the subordination of means to ends and the determination of how to operate, and the constitutively social and open character of human action.

The fundamental elements that explain *dominion* are: first, that man is essentially a being that *has*, he appropriates. The second involves his ability to have because he has a peculiar way of dealing with his own reality, actions and faculties. In classical terms, man is capable of having because he is master of his actions. With them, he forms his way of being, because he is not master in as far as he performs actions, but rather in as far as he determines them. Third, **this dimension that concerns human beings's essential reality** is possible in a notion of specific freedom and personal being: humans are social and therefore "man is viable if he transcends his individuality."⁴²

41 *Filosofía y economía*, p. 220.

42 *Filosofía y economía*, p. 108.

Journal of

Polian Studies

AIMS AND SCOPE

The *Journal of Polian Studies* aims to encourage scientific cooperation and communication between researchers and academics concerning important themes of anthropology, metaphysics, and theory of knowledge. The *Journal of Polian Studies* focuses on and is inspired by Leonardo Polo's profound, wide-ranging and original philosophical proposals. Our principal aim is to publish articles that are models of interdisciplinary work and scientific accuracy, thus allowing readers to keep abreast of the central issues and problems of contemporary philosophy.



Leonardo Polo
Institute of Philosophy

