

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



A los filósofos hay que procurar entenderlos siempre “in melius”
We always should try to understand the philosophers “in melius”

Nietzsche como pensador de dualidades
(*Nietzsche as Thinker of Dualities*)

Presentation

Ignacio Falgueras Salinas

University of Malaga (Spain)

jifalgueras@uma.es

Leonardo Polo's contributions to philosophy and to knowledge in general are so important, extensive, and historically relevant that they deserve to be brought to the attention of the greatest possible number of lovers of knowledge. Limiting myself only to those that are central, among these great contributions are these three:

- 1) the discovery of a new method for doing philosophy (the abandonment of the mental limit), that does not exclude those methods that until now have been used, but rather includes them and continues them to the extent of their respective congruence with the truth;
- 2) the introduction of a transcendental anthropology independent of metaphysics, yet co-existing with it; and
- 3) the development of a theory of knowledge that studies, in an axiomatic manner that is at the same time meticulous and precise, the operations of our sensible knowledge and of our thinking (abstraction, reflection, and reason), and that undoes the entanglement of objective conscience that has paralyzed modern philosophizing today.

Because of its holistic character, philosophy does better with publications in books rather than with journals, given that the limited length and the usual variety of the articles' themes do not favor an overall view, but rather incline thought toward the fragmentation and the specialization of knowledge that is typical of the empirical sciences. Nevertheless, since journals can be very effective instruments of communication and of cooperation in the field of rigorous thought, its use for making Leonardo Polo's contributions and promoting its study can be very valuable, and is, indeed, indispensable for hastening its worldwide dissemination.

For this reason pioneering journals that promote knowledge of Leonardo Polo's philosophy in Spanish already exist: *Studia Poliana*

and *Miscelánea Poliana*, one in print and the other online. To these the *Journal of Polian Studies* is now added, a new English-language journal, which will significantly broaden the international **collaboration and diffusion** of Polo's philosophy, both in print and online.

An initiative of the *Leonardo Polo Institute of Philosophy*, this new annual journal has as its principal objective the publication of research on topics of anthropology, theory of knowledge, and metaphysics, with a special attention to the interdisciplinarity and rigor of works that address the principal problems of contemporary philosophy. The daring of this new endeavor rests on the profound hope, which all of us who commit to it have, in the unbloody, patient and silent light of the truth, at the service of which we place our resources.

TRANSLATION

Friendship in Aristotle

Leonardo Polo

RECEIVED: October 15, 2014

ACCEPTED: October 31, 2014

DEFINITIVE VERSION: November 20, 2014

Translated by:

Miguel Martí

University of Navarra (Spain)

mmarti.1@alumni.unav.es

&

Philip Muller

Rome Reports (Italy)

pjoshm@gmail.com

ABSTRACT: The aim of this paper is to show the difference between Aristotle's conception of friendship and the Christian charity. While the pagan charity only search for happiness in this life, the Christian charity moreover point out the eternal destiny in all the men and magnify the friendship in this life.

KEYWORDS: Friendship, Charity, Person, Happiness, Destiny.

In classical philosophy the distinction between intelligence and will is taken from the distinct intentionality of its acts. The intentionality of the intellectual acts is by likeness, while that of the voluntary acts points to the other. According to likeness, one knows the truth, and according to otherness, one tends to the good.

Goods are divided into means and ends. It is not unfitting to admit that the means are things, no matter how preferable it is to say that they are works produced by action, which is a voluntary act. It still remains to determine what is understood by final goods. In my opinion, the good that has the *ratio* of end is the person; firstly, human persons. For this reason it is not strange that Aristotelian ethics pays special attention to the virtue of friendship. Plato deals with friendship in his dialogue *Lysis*, and develops his theory of love in the *Symposium*. In the *Lysis*, Socrates says that friendship rests on love and that it is regulated by virtue. The love of friendship must be mutual, and thus brings with it a correlation of freedoms: the good of a friend must be looked after. I will now explain the ethical meaning of friendship and relate it with Christian love.

I

Aristotle dedicates books VII and IX of the *Nicomachean Ethics* to the study of friendship (*philia*—he mentions *agape* at least once). He states, from the beginning, that it is a virtue and that it comes with virtue, and he holds that it is what is most necessary (*anakaioiuton*) for life. No one would want to live without friends even though he possessed all other goods, because prosperity is useless if one is deprived of the possibility of doing good, which is carried out, above all, with friends. Furthermore, during misfortune, friends are considered as the only refuge. I summarize the passages in which Aristotle specifies these dimensions of friendship:

“On the other hand, the presence of friends in our prosperity implies both a pleasant passing of our time and the pleasant thought of their pleasure at our own good fortune. For this cause it would seem that we ought to summon our friends readily to share our good fortunes (for the beneficent character is a noble one), but summon them to our bad fortunes with hesitation; for we ought to give them as little a share as possible in our evils whence the saying ‘enough is my misfortune’. We should summon friends to us most of all when they are

likely by suffering a few inconveniences to do us a great service. Conversely, it is fitting to go unasked and readily to the aid of those in adversity (for it is characteristic of a friend to render services, and especially to those who are in need and have not demanded them; such action is nobler and pleasanter for both persons); but when our friends are prosperous we should join readily in their activities (for they need friends for these too), but be tardy in coming forward to be the objects of their kindness; for it is not noble to be keen to receive benefits”¹.

“This is why the question is asked whether we need friends more in prosperity or in adversity, on the assumption that not only does a man in adversity need people to confer benefits on him, but also those who are prospering need people to do well by. Surely it is strange, too, to make the supremely happy man solitary; for no one would choose the whole world on condition of being alone (...) Therefore the happy man needs friends”².

Men, even though they to be just, need friendship; and just men are the ones that are most capable of friendship. Friendship is, in addition to being necessary, beautiful. For this reason those who love their friends are praised, and good men are even equated with friendly ones. Aristotle then presents three types of friendship. In each one there is reciprocity; without some type of reciprocity, friendship is impossible. For this reason it would be ridiculous to desire the wine's good; its conservation is only desired for having it. It must be kept in mind that wine is a medial good.

The first type is perfect friendship, which is found among men that are good and equal in virtue, since these desire each other's good insofar as they are good in themselves (*kath-auto*). This type of friendship is more permanent. However, these friendships are rare because such men are few and, also, requires dealings because without it, there can be no mutual knowledge. The desire of friendship arises quickly, but not the friendship.

The second type of friendship is that of those who love each other for *interest*; not for themselves, but rather to the extent that they benefit each other with regard to something. The third type of friendship

¹ ARISTOTLE, *Nicomachean Ethics*, IX 1171 b 14-25 (translation by W. D. Ross).

² ARISTOTLE, *Nicomachean Ethics*, IX 1169 b 15-21 (translation by W. D. Ross).

is that of those who love each other for pleasure. Therefore, among those who love each other because of interest, friendship is due to the proper good; and among those who love each other because of pleasure, to their own liking. In these cases, friendship is subordinated to the medial goods. In sum, these two types of friendship are imperfect, and for this reason easy to dissolve: when they are no longer useful or pleasant to each other, the friendship disappears.

Complaints and recriminations are proper to the friendship of interest. In contrast, they are not present in true friendship. For this reason, someone who has received more benefits than his friend is not reproached, since the two seek to exchange goods. Evil men can be friends in the last two ways, because evil persons do not delight in each other unless some advantage or pleasure exists.

In the first kind of friendship the friend is defended from accusations, because it is not easy to believe what someone else says of a friend, with whom one has dealt with for a long time. Furthermore, among good persons there is mutual trust and the impossibility of taking offense, and all the other requirements of true friendship. In contrast, in the other types of friendship there is a mixture of some evil, for which reason, strictly speaking, they are friendship only by analogy.

The virtue of a friend consists in loving [*querer*]. For this reason flatterers are not true friends nor those who seek their own profit. Since loving is an activity (*energeia*), friendship is most excellent in the most active human beings.

From here, Aristotle examines how the different political regimes favor or degrade friendship. On the other hand, the good man's intellect makes him abundantly fit for *contemplation*. For this reason, the good man is concordant with his friends and seeks their company, but can also spend some time with himself inasmuch as he contemplates, although later, because of the effusion that friendship entails, he communicates it to a friend.

The essence of friendship lies in sharing and in conversation and in empathizing with each other. In this man finds himself in the same relation with respect to a friend that he has with himself. For this reason Aristotle argues that a friend is another self, an idea that Cicero repeats. Adulation, flattery and subservience are incompatible with friendship, because they are contrary to the love for the truth.

Ultimately, friendship lies in a moral growth that is facilitated by the joint actions that it orders. The acts of this virtue consist in cooperating. Cooperation implies equality, which is characteristic of friendship: the intention of the other increases insofar as it is common, in such a way that friends help each other in this task, and not only in remedying unfortunate situations.

These discoveries of Aristotle are very relevant. I will point out the following extremes. First, that true friendship emphasizes the good that is found in the human person as a final good. A man is loved because he is good, and the good is loved because it is human. The evil man is not capable of true friendship. He is incapable of delighting in the good and of appreciating it in another, because neither is he capable of appreciating it in himself as good, since he is not. His intention of other is deficient and is not ratified by himself.

Second, having clarified the reciprocity of friendship, it is clear that *philia* entails a legitimate *autophilia*. If a friend is another self, then oneself is also a self. Martin Buber's musings concerning the *I-thou* relationship, and that of Emmanuel Levinas concerning the *other* add nothing new, and are even less well balanced than the Aristotelian position.

Loving oneself is usually called selfishness. Aristotle's position on this issue is very clear: he censures those who love themselves more than anyone else, and he calls them selfish as if this were shameful. The man of base condition does everything for love of self, and even more so the worse he is; for this reason he is reproached for not doing anything apart from his own interest. In contrast, the good person acts out of honor, and even more so the better he is, or for his friend and puts aside that which concerns him; the best friend is he who loves the good of he whom he loves for their own sake. But this applies best of all to oneself, because each one is one's best friend; therefore, we must love ourselves above all³.

Aristotle clarifies the question of selfishness by looking to the goods that are sought. The selfishness of bad men consists in assigning the greatest quantity of wealth, honor and corporal pleasure to themselves. Those who are greedy for these things seek to satisfy their desires, and, in general, the irrational part of their soul. Since this

³ ARISTOTLE, *Nicomachean Ethics*, IX, 1168 a 28-35; 1168 b 1-14.

happens frequently, the epithet of the selfish man has acquired a pejorative meaning, because love of oneself is for the most part evil. Now, it is clear that if someone is always striving to practice virtue, and to follow the path of virtue, then he would not be called selfish, nor would he be censured. But a man like this is more a lover of self than one who is bad: he takes the highest goods and satisfies the principal part of his self. For this reason he will also be lover of himself to a higher degree than he who is the object of censure, and he is as distinct from that man as living according to reason is from living in accordance to the passions and he will aspire to what is virtuous without reducing himself to what seems useful. Indeed, if everyone were to compete in carrying out the best actions, then community matters would function as they should.

In sum, the good man must be a lover of self, because in this way he benefits himself and, at the same time, he will be useful for others. In contrast, the evil man must not be so, because in this way he harms both himself and his neighbor. It is also true, that the good man does many things for the sake of his friends and for his country, even unto dying for them if it is necessary. And he would rather live nobly for a year than to live many in just any way whatsoever. He will also divest himself of his money so that his friends might have more; a friend will thus have money and will have glory. Therefore, he chooses for himself the greatest good⁴.

It is clear that Aristotle is inspired by Socrates, as Plato presents him in the *Gorgias*: good action benefits he who does it more than he who is benefited by it, and bad action harms he who does it more than it does the victim.

In sum, the measure of ethics is found in virtue and in the good man. Friendship is reciprocal because it consists in loving. Compared with loving, being loved is passive; consequently, friendship exists only if the friends are active. If a friend limits himself to waiting for benefits, then the friendship disappears. Philanthropy appears in its place. For this reason, Thomas Aquinas argues that he who loves seeks not only the loved one, but also their love. And this is true to the point that if the love is not reciprocal, it is extinguished⁵

⁴ ARISTOTLE, *Nicomachean Ethics*, IX, 1168 b 15-35; 1169 a 1-37.

⁵ THOMAS AQUINAS, *Summa contra gentiles*, III, 151.

Man can only love himself if he is good; the evil man cannot find delight in himself if there is no possibility of some profit, which strictly speaking is different from himself, since what he profits from is a medial good. But only if the man is good will his intention of the other be complete. For this reason Aristotle says that friendship is accompanied by virtues, and that without them friendship is not possible.

II

Christian friendship differs from the pagan sense of friendship, which was exclusivist; one loved a friend and hated the enemy. Also, for Aristotle, friends are few. To this it should be added that Aristotle does not see how one can be a friend of God, because friendship is between equals. From this he concludes that a friend does not want the greatest goods for his friend, because if his friend were divinized, he would cease being a friend.

The *Gospel* of charity surprised the pagans, because it brought with it brotherhood of spirit in accordance with divine filiation. However, Christian charity, which elevates friendship, must also have characteristics that are proper to it.

Thomas Aquinas holds that friendship is a virtue. He knows the *Nicomachean Ethics* well, and comments upon it calmly and in an almost literal way; but he also argues that friendship and charity are different. For this reason, in the *Summa Theologica*, strictly speaking, he does not speak of friendship, but rather of charity⁶.

The Aristotelian virtues tend to natural happiness. In contrast the Christian man pursues perfect happiness, something that is not possible without the support of the love of charity.

Nevertheless, charity cannot leave friendship aside, first of all, because Jesus Christ made us his friends. Since charity is completely universal, since there is also love for enemies, it is not confused with human friendship, except as a mere disposition, since it is not possible to be everyone's friend. Now, if one completely does away with friendship and reduces the love of Christians to fraternity, then this can lose operativity and become insipid.

⁶ A. VÁZQUEZ DE PRADA, *Estudio sobre la amistad*, Rialp, Madrid, 1975, p. 68.

Although this assessment is not characteristic of the ancient pagans, it has been formulated by the modern critics of Christianity. When charity cools off, it usually becomes rigid, and loses its vitality or is reduced to a philanthropic sentiment. Philanthropy is directed to humanity in general, that is, to an abstraction. For this reason it is subject to crisis, as noted by the Scottish moralists since David Hume, and also by August Comte. Given these cases, the modern critique has a point. However, it is directed toward a caricature of true charity.

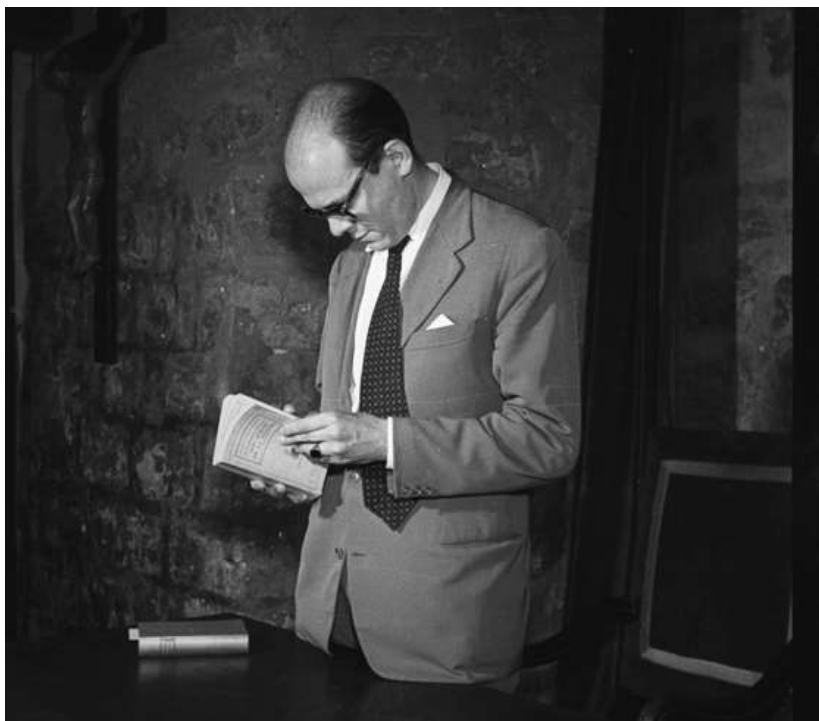
To begin with, Christian charity points to the eternal destiny of man and not only to happiness in this life. But, furthermore, it perfects human friendship. This can be gleaned from the description that **St. Paul makes of this virtue**: “Charity is patient, is kind; charity feels no envy; charity is never perverse or proud, never insolent; does not claim its rights, cannot be provoked, does not brood over an injury; takes no pleasure in wrongdoing, but rejoices at the victory of truth; **sustains, believes, hopes, endures, to the last**”⁷.

Glossing upon this text, it can be said that fidelity and loyalty are dimensions of friendship; these dimensions show its constancy. To these, sincerity, respect, generosity, and affection must be added. Sincerity is speaking straightforwardly and with trust, as well as disagreeing without hypocrisy and freely opening up one's interior: this is called frankness. Generosity entails not giving importance to little defects that we all have, and leads to giving ample credit to a friend.

Truthfulness is also a dimension of friendship, which links it to freedom, and is incompatible with constriction. But a friend is not left alone if he falls into errors of certain gravity, but rather he is corrected. In this sense friendship has a pedagogical value. A friend is, indeed, another self. Correction is an appeal to the friend's *synderesis*, the light of which is incompatible with grave errors, especially with regard to loving. In sum, correcting a friend is a manifestation of the elevation of prudence and of justice as virtues that accompany friendship.

Prudence is the corrector of voluntary acts aimed at the means. For its part, the just correction has a penal character. In contrast, the friendly correction attempts to directly reestablish the purity of a friend's conduct.

⁷ ST. PAUL, *First Letter to the Corinthians* 13:4-7.



Pensar es pararse a pensar
To think is to stop and think

Curso de Teoría del conocimiento Tomo II
(*Course on Theory of Knowledge, Volume II*)

ARTICLES

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

Marga Vega

University of Berkeley (CA)
Dominican School of Philosophy
and Theology
mvega@dspt.edu

RECEIVED: September 2, 2014

ACCEPTED: October 31, 2014

DEFINITIVE VERSION: November 20, 2014

ABSTRACT: Posing *qualia* as the mark of the mental presents problems for both reductionist and non-reductionist views on the mind. An alternative platform to understand the ontology of mental states is presented using Polo's retrieval of Aristotle's notion of *energeia*. My proposal is that mental states are characterized in terms of temporal integration, a feature of mental states by which they happen in time but they do not require duration in time. Other features like simultaneity, commensurability and non-failure are derived from this 'zero time' that characterizes mental states. Some consequences that the 'zero-time' approach entails for a theory of the mind, especially for our understanding of the relationships between consciousness and intentionality and the structure of the mind are presented.

KEYWORDS: Qualia, Intentionality, *Energeia*, Aristotle, Leonardo Polo

1. THE ONTOLOGY OF THE MENTAL

What is the mark of the mental?¹ Is it intentionality, consciousness, or something else? If it turns out to be, for example, that intentionality characterizes mental states, then, we have to question what the status of non-intentional states is, as well as investigate the relation of intentionality to consciousness. Would there be any ontological structure articulating intentionality and consciousness or is their existence a brute fact? Could all consciousness be reduced to intentionality, in which case explaining the mind would amount to explaining intentionality? If, on the contrary, we come to the conclusion that the mark of the mental is consciousness, then explaining the mind would amount to explaining consciousness. Also, other important questions emerge, like what is the status of mental states that are non-conscious, and whether is it possible to naturalize consciousness?

The relevance of what may be the mark of the mental is clear if we consider that what the mental is may dictate whether there is something common to diverse mental phenomena, and what kinds of explanations we can obtain in the sciences that study the mind or depend on a theory of the mind. The proposal in this essay is that *energeia teleia*, not phenomenal consciousness and *qualia*, is the mark of the mental. The motivation is not that *qualia*, consciousness, may be reduced to intentionality and then naturalized as many physicalists intend.² The reason is that the qualitative aspect of consciousness, the ‘what it feels like’ is not the root for mentality.

Leonardo Polo has retrieved Aristotle’s intuition about the distinction between *energeia* and *kinesis*, as it is presented in *Metaphysics* 1048b.³ Following Leonardo Polo’s thought, the notion of *energeia*

1 The notion of “the mark of the mental” has been used in the literature to refer to Brentano’s thesis that intentionality is what characterizes the mental. See for example, T. CRANE, *Intentionality as the Mark of the Mental*, Cambridge Univ Pr., 1998; D. MORAN, “The Inaugural Address: Brentano’s Thesis,” *Aristotelian Society: Supplementary Volume*, 1996 (70); R. RORTY, “Incorrigibility as the Mark of the Mental,” *Journal of Philosophy*, 1970 (67); J. TARTAGLIA, “Intentionality, Consciousness, and the Mark of the Mental: Rorty’s Challenge,” *Monist: An International Quarterly Journal of General Philosophical Inquiry*, 2008 (91:2).

2 M. TYE, *Consciousness Revisited: Materialism without Phenomenal Concepts, Representation and Mind Series*, Cambridge, MA: MIT Press, 2009.

3 J. BARNES, *The Complete Works of Aristotle. The Revised Oxford Translation*, Princeton University Press, Princeton, NJ, 1995. I will not be attempting here an

comes to light as an alternative path to both *qualia* and intentionality, about what may be considered the mark of cognitive mental states. The proposal is that cognitive mental states are not characterized mainly by consciousness, *qualia*, or intentionality, but by exemplifying, in a paradigmatic way, what an “act” is.

Nonetheless it is indispensable to note that there are more mental states than cognitive acts like perception and belief: desires, intentions, deliberation, emotions and feelings are also part of our mental life. However, I will restrict the search for the ontology of the mental to cognition for two main reasons. One is that perceptual states and beliefs take the center stage when the philosophy of mind tries to decipher the mark of the mental. The second is that figuring out the mark of the mental in the case of cognitive states may shed light on how other mental states may be understood.⁴

2. PROBLEMS WITH *QUALIA*

Non-reductionism appeals to *qualia*, the “what it feels like to be in a certain mental state,” as one of the most indicative features, if not the central one, of the mind.⁵ But also, many non-reductionist positions rely on *qualia* to argue for the irreducibility of consciousness to a physicalist explanation.⁶ For physicalism, *qualia* has turned the problem of consciousness into an intractable problem. Not in vain, some of the most popular objections to materialism rely on *qualia*.

exegetical analysis of Aristotle’s philosophy but I am trying to capture his insights and apply them to our contemporary concerns.

4 The goal is to bring close some of Polo’s intuitions to the current debates on the analytical philosophy of mind. In so doing, I will translate some of Polo’s questions into the terminology of this tradition. However, the reader must be alerted that in many cases, this transfer is not a faithful translation where the content of an original notion perfectly finds a replica in the analytic jargon. It is more like a temporary bridge that does not make up for the need of crossing over both sides of the river and fully understand their traditions.

5 Cfr. D. CHALMERS, *The Conscious Mind*, Oxford University Press, Oxford, 1996; J. LEVINE, *Purple Haze: the Puzzle of Consciousness*, Oxford University Press, Oxford, 2001; C. MCGINN, *The Problems of Consciousness: Essays Toward a Resolution*, Basil Blackwell, London, 1991.

6 See for example D. CHALMERS, *Phenomenal Concepts and the Explanatory Gap*, Oxford Univ Pr, New York, 2007; J. LEVINE, *Purple Haze: The Puzzle of Consciousness*, Oxford Univ Pr, 2001; G. MADELL, *Materialism and the First Person*, Cambridge Univ Pr, 2003; N. MEHTA, “How to Explain the Explanatory Gap,” *Dialectica: International Journal of Philosophy of Knowledge* 2013 (67:2).

Nagel's bat, Zombies, the Chinese Nation, the Inverted Spectrum, Black and White Mary.⁷ Unfortunately, making *qualia* the defining feature of mental states has undesirable consequences for our understanding of the mental and even for defending the irreducibility of consciousness. I will review next some of the reasons.

On one hand, placing *qualia* at the heart of mentality does not yield the results that it promises as it leads to circularity or tautology. The reason is that if *qualia* expresses what conscious experience is but conscious experience is characterized as having a qualitative character, namely, *qualia*, then it looks like consciousness is nothing but having *qualia*, and that having *qualia* means nothing else but being conscious, having a first person experience. If this is the case, *qualia* defenders are not saying much about what the mark of the mental is and it is not clear what the role of *qualia* is in our picture of the mind after all. More than explaining the mind amidst the whole physical reality, *qualia* defenders seem to be referring to a phenomenon with very special features that is threatened to disappear in the physicalist worldview. But *qualia* defenders are not actually providing an account of what *qualia* are or why they are the way they are. This may be the source of why we still attempt at a physicalist reduction of *qualia*.

A second difficulty is that, if *qualia* are the mark of the mental, what is the status of non-conscious mental states? Should all mental states be conscious? The empirical evidence suggests that *qualia* and mentality do not always come together. Even if one is to agree with G. Strawson, J. Searle, and T. Horgan and J. Tienson that all conscious mental events have a qualitative aspect to them,⁸ the idea that all mental states are conscious seems questionable. Although this possibility would have horrified René Descartes, Brentano and even Sartre, there is evidence for it. The idea of mental states that are not conscious originated in a currently discredited Freudian unconscious but also

7 N. BLOCK, "Troubles with Functionalism," in N. BLOCK (ed.), *Readings in the Philosophy of Psychology*, Volume 1, (Harvard University Press, Cambridge, 1980) 268–305; T. NAGEL, "What Is It Like to Be a Bat?," *Philosophical Review* 1974 (83); F. JACKSON, "What Mary Didn't Know," *Journal of Philosophy* 1986 (83).

8 T. HORGAN and J. TIENSON, "The Intentionality of Phenomenology and the Phenomenology of Intentionality" in D. CHALMERS (ed.), *Philosophy of Mind: Classical and Contemporary Readings*, (Oxford University Press, 2002); G. STRAWSON, *Mental Reality*, MIT Press, 1994; J. SEARLE, *The Rediscovery of Mind*, MIT Press, 1992.

comes from the emergence of a hypothetical 'cognitive unconscious' in Cognitive Science, and from neurological evidence. There are mental states that normally would be accompanied by awareness, but they lack it due to some neural pathology. Blind sight patients report that they do not see objects, but if asked to take a guess about the object with which they are presented, they will guess correctly most of the time.⁹ In brief, these patients see, but they do not feel that they see. Therefore, blindsight shows the possibility of vision without the experience of perception. Another example is *petit mal* patients who are able to carry out activities in the absence of any awareness.¹⁰ What are we to do with mental states that lack awareness? A possible way out is to suggest some unconscious rule following, or to create a divide between *phenomenal consciousness* and *access consciousness*.¹¹ J. Searle has postulated the Connection Principle by which an unconscious mental state would be the type of thing that could be brought up to consciousness. Its ontology would be one of a neurophysiological brain state with the potential of becoming mental.¹² This view tries to circumvent the difficulties of having a full blown mental state in the dark attic of the unconscious, waiting to be shined upon by the light of consciousness. However, the problem is how the subject can have access to that information when she is not aware of its presence. For example, blind sight patients have access to a visual content although that content has not been brought up to consciousness yet. The question is what makes that content possible, and how we can possibly turn off consciousness and still have mental contents about the world.

A third difficulty is that, in order to make the world of physics compatible with mental states, *qualia* are reduced to a causally inert byproduct of brain activity.¹³ This has the undesirable consequence of making mental states that possess a qualitative aspect, like pain, causally inefficient. If the mark of the mental is *qualia* but there is no pre-

9 See B. KROUSTALLIS, "Blindsight," *Philosophical Psychology* 2005 (18:1).

10 Other examples that indicate that phenomenal consciousness is posterior and epiphenomenal to brain activity are Benjamin Libet's experiments, and cases of motor cognition where the awareness comes later. See B. LIBET, A. FREEMAN, and J. K. B. SUTHERLAND, *The volitional brain: Towards a neuroscience of free will*, Imprint Academic, 1999.

11 See N. BLOCK, "A Confusion about a Function of Consciousness", in *Behavioral and Brain Sciences* 1995 (18), 227-47.

12 J. SEARLE, *The Rediscovery of Mind*, MIT Press, 1992.

13 J. KIM, "Epiphenomenal and Supervenient Causation," *Midwest Studies in Philosophy* 1984 (9).

cise way of explaining where the features of *qualia* come from, and no way to know how *qualia* are related to other aspects of mental states like intentionality, then it appears that they are just like the steam that our brain gives off in its frantic neuronal processing. Although an attractive solution in many ways, epiphenomenalism leaves us clueless as to what are the obscure reasons that guide our behavior and decision making, since we cannot attribute causal power to mental states like desire, sadness and elation, and it would be up to our inaccessible neurophysiologic basis to take the lead for action.

A fourth issue is that a solution to the problem of *qualia* could suggest that the phenomenal character that some of our experiences exhibit can be subsumed under intentionality. That is what the representationalist accounts of consciousness by P. Carruthers, D. Dennett, F. Dretske, W. Lycan and M. Tye propose.¹⁴ As a representational state, *qualia* signify “a relation to a mind.” According to this view, *qualia* do not require any particular ontology other than the one given by intentional states. Moreover, intentional states are nothing but a causal functional relation to the world. The representational, not qualitative, character of *qualia* paves the way for the naturalization of *qualia* but it loses the element of subjective qualitative feeling. Moreover, these proposals fail to tell us what is so special about a mind that it is only in relation to mind that we obtain *qualia*.

Fifth, if subjective experience is the key to understanding the nature of mental life, explaining the mind amounts to explaining consciousness. For some (Nagel, McGinn),¹⁵ this is an endeavor bound to fail from the outset, whereas for others it is just a matter of time when science will produce an explanation of how the brain causes the mind. However, even if causation turns out to be the right model to explain the mind-body problem, and one day we are able to scientifically explain how the brain causes mental states, still our scientific explanation would obtain something of the form: “Neural activation

14 P. CARRUTHERS, *Phenomenal Consciousness*, Cambridge University Press, Cambridge, 2000; D.C. DENNETT, *Consciousness Explained*, Little, Brown, 1991; F. DRETSKE, *Naturalizing the Mind*, MIT Press, 1995; W. LYCAN, *Consciousness and Experience*, MIT Press, 1995; M. TYE, *Ten Problems of Consciousness*, MIT Press, 1995.

15 C. MCGINN, *op. cit.*; T. NAGEL, *Mind and Cosmos: Why the Materialist Neo-Darwinian Conception of Nature Is Almost Certainly False*, Oxford University, New York, 2012.

XYZ causes consciousness".¹⁶ The problem is that providing the neuro-physiological basis for consciousness gives us a *genetic* explanation but it does not tell us what mental states *consist in* as opposed to non-mental states. We could state differences between mental and non-mental states by referring to the types of causes that sustain them, but we would still not know what a mental state is and why it has properties like subjective feeling and *aboutness*.

We could object that we do not apply such an exhaustive criterion for other scientific endeavors, namely, we seem to be happy saying that water is H₂O, that gravity is caused by the attraction of masses, without further trying to understand what on earth gravity *really* is.¹⁷ Why not to say that consciousness is the way it is in the same way that gold and iron are, and so on? In other words, at some point our inquiry about what something is has to stop with the brute fact that those things happen to be they way they happen to be, period. Consequently, why not just be content with saying that a neural activation of such and such characteristics causes consciousness? That answer would be satisfactory if the relation between the mental and the physical was one of identity. We would be able to apply both ontological and causal reduction and say that consciousness is caused by this brain configuration in the same way that water is H₂O. Yet again, giving the causal basis for a type of consciousness, would explain how that type of consciousness came to happen, but not what the mental consists in.

It is possible to object that we *do* know what the mental is: it has first person ontology, qualitative character and subjectivity. Or perhaps is it that it has intentionality and *aboutness*, and that *qualia* could be subsumed under intentionality? Far from having a ready answer to what the mental is, there is still much to do in understanding what is common to mental states that have intentionality versus those that do not, those that have consciousness versus those that do not, and those that have a qualitative aspect versus those that do not. We need to know what makes possible a first person experience and intentionality in the first place.

16 See for example J. SEARLE, *Mind: A Brief Introduction*, Oxford University Press, Oxford, 2005.

17 *Ibidem*.

In brief, there are at least two main reasons for advancing the question of what a mental state is. One is that finding the neural correlate of consciousness is not philosophically sufficient as an explanation of what constitutes a mental state. Another reason is the disunity between consciousness and intentionality. Between the cracks of this divide some scholars pay attention to mental states that are not conscious, but that still bear information. They opt for understanding all mental states as representational and intentional so that the mind can be reassumed in a general theory of input-output relations of the organism and the environment. Alternatively, others focus on *qualia* and minimize unconscious mental states as the type of state that could be brought up to consciousness. Among the latter, some wish that consciousness may run free, possibly paying the price of epiphenomenalism. In the end, we are left with the following situation: If we place the mark of the mental in *qualia* but *qualia* are not able to tell us much about what a mental state is or why its first person experience is able to produce *aboutness* in the case of intentional states, then it seems that *qualia* are unable to shed light on the nature of the mind. On the other hand, if we opt for naturalizing *qualia* and intentionality, the nature of subjective feeling seems to suffer to the point that it becomes unaccounted for. This great divorce between *qualia* and intentionality seems to signal that none of these options, *qualia* irreducibility or *qualia* naturalization, solely are the adequate platform and that some more basic feature is at the root of the mental.

Is there any other option between the Cartesian approach that privileges consciousness and the pseudo-Freudian Cognitivism that highlights information processing in a functionalist fashion? Or does one of the options need to engulf the other?

3. *ENERGEIA* VS. *KINESIS*

As stated earlier, the purpose of this paper is to present an alternative candidate for the mark of the mental other than *qualia* or intentionality. The proposal is that the mark of the mental can be a type of *energeia*. More specifically what Aristotle calls *perfect energeia* (*energeia teleia*) can circumvent some of the problems that arise from a

defective characterization of the mental.¹⁸ In particular, Leonardo Polo's reading of this notion sheds light on the question of what the mark of the mental may be.

Aristotle distinguished two types of actualizations relative to different types of potentialities in the *Metaphysics* Bk. VI, one he called motions, *kinesis*, or *energeia atelés*, the other *energeia teleia*, that is, *actuality proper*.¹⁹

Kinesis is the "act of a being in potency insofar as it is in potency"²⁰ because it is the actualization of something as far as that actualization is still lacking. Motions, *kinesis*, are defined for having *peras*, limit. When an alteration or event has a limit, *peras*, the event does not reach its end during the motion until it is completed. But once the end is achieved, there is no motion. The end of the motion is achieved only after the motion has stopped. Therefore, the end, the final state, is external to the event, and the end and the process of achieving it never happen at the same time: "Since of the actions which have a limit none is an end but all are relative to the end, e.g. the process of making thin is of this sort, and the things themselves when one is making them thin are in movement in this way (i.e. without being already that at which the movement aims), this is not an action or at least not a complete one (for it is not an end)".²¹ An example among others offered by Aristotle is building which, in terms of temporal logic, can be expressed as:

18 In this regard Polo states: "Aristotle uses in a strict way in some passages of Book IX of his *Metaphysics*, the term *energeia* to refer to the cognitive operation." L. POLO, *Curso de teoría del conocimiento*, vol. 4/1, Eunsa, Pamplona, 1984, p. 53. On Polo's interpretation of the *energeia* see among others Miquel Bastons, "Movimiento, operación, acción y producción: explicitación poliana de la teoría aristotélica de la Acción," *Studia Poliana: Revista sobre el pensamiento de Leonardo Polo*, 2004 (6) and Genara Castillo, "El incremento de la filosofía sobre lo intemporal y lo temporal: balance poliano de los aportes y límites de la filosofía aristotélica," *Studia Poliana: Revista sobre el pensamiento de Leonardo Polo*, 2003 (5).

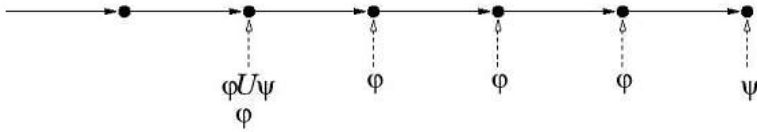
19 ARISTOTLE, *Metaphysics*, 1048b 18-23. For some studies on the interpretation of these Aristotelian notions see G. A. BLAIR, "Unfortunately, It Is a Bit More Complex: Reflections on *Energeia*," *Ancient Philosophy*, 1995 (2); M. F. BURNYEAT, '*Kinesis*' Vs. '*Energeia*': A Much-Read Passage in (but Not of) Aristotle's '*Metaphysics*,' Oxford Science Pub/Clarendon Pr, 2008.; S. MENN, "The Origins of Aristotle's Concept of *Energeia*," *Ancient Philosophy*, 1994 (14:1); Ronald POLANSKY, "*Energeia* in Aristotle's *Metaphysics* IX," *Ancient Philosophy* 1983 (3) and Ricardo YEPES, "El origen de la *energeia* en Aristoteles," *Anuario Filosófico* 22 (1989).

20 ARISTOTLE, *Metaphysics*, 1065b, 14-15.

21 ARISTOTLE, *Metaphysics*, 1048b 18-23.

$\phi \cup \psi$

ψ holds at the current or a future position, and ϕ has to hold until that position is reached. At that position, ϕ does not have to hold any more.



Example: *start building* (ϕ) a house (ψ) \Rightarrow *build* (ϕ) until the house is finished (ψ).²²

For this reason Polo notes: “Transitive movements are continuous which does not mean that they cannot be interrupted but that interrupting them amounts to making them fail, because they only take place as far as they proceed to their goal: an external action is not achieved all at once (...). Therefore, it is possible for actions to fail, to remain half done. On the contrary, in the case of seeing that is not possible”.²³

Events that have *telos*, instead of *peras*, are said to achieve their end product simultaneously with the action and they are called *energeia teleia*: “at the same moment (*hama*) we are seeing and have seen, are understanding and have understood”.²⁴ As noted by L.A. Kosman, the use of the perfect in Greek does not have primarily a past tense, but it is related to the aspect. “I have seen” does not mean “I saw”, but “I am (presently) in the state of having completed (i.e. perfected) an act of seeing”.²⁵ The awkwardness of Aristotle’s use of present and past tense is elucidated by Kosman: “The present and perfect of an actuality verb are simultaneously true, not because of

22 Some Aristotelian examples are “but it is not true that at the same time we are learning and have learnt, or are being cured and have been cured” (*Metaphysics*, 1048b 24-25). See also *Metaphysics*, 1048b 29, *Nicomachean Ethics* 1174a 20-30.

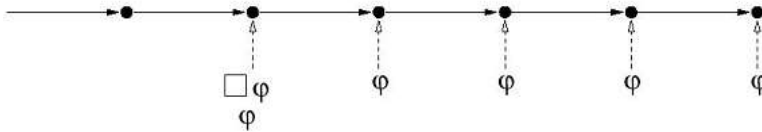
23 L. POLO, *op.cit.*, p. 63.

24 ARISTOTLE, *Metaphysics*, 1048b 22.

25 L.A. KOSMAN, “Substance, Being, and *Energeia*” in *Oxford Studies in Ancient Philosophy*, 1984 (2), 121-149, p. 124.

facts about the actuality's past and its present, but because of two facts about its present: it is happening, and it has accomplished in that happening the perfection marked by our saying it has happened".²⁶

Unlike *peras*, *telos* is not a limiting condition that stops the process, but what makes the actualization present. As Polo states: "To know in act, if the act is an operation, is to possess what it is known. We need to add something else: it is to possess *already* what is known, in a perfect tense. In knowing *already*, we have already known, and what is known has the character of a present perfect. The cognitive operation does not proceed gradually towards a result, but it has been *already achieved*".²⁷ In temporal logic this could be expressed:



Examples: Start seeing the house (ϕ) \Rightarrow *Seeing the house* (ϕ)

Energeia teleia is not the act of what is potential as far as it is potential, but the act of what it is in act, because it is being simultaneously actualized. For this reason, *energeia teleia* can be described as the "act of the perfect", *entelés*: it is completed at the very same time it is performed: "Seeing seems to be at any moment complete, for it does not lack anything which coming into being later will complete its form".²⁸ *Energeia teleia* then, as opposed to *kinesis*, is the act of something existing in act. For this reason, it would make no sense to us to say that we are exercising our capacity for seeing but that we are not seeing and that only when we stop seeing, then we see the house. The act of seeing and the object of seeing are simultaneous, and this is possible because seeing is the kind of activity like living, being hap-

²⁶ L.A. KOSMAN, *op.cit.*, p. 125.

²⁷ L. POLO, *op.cit.*, p. 54.

²⁸ ARISTOTLE, *Nicomachean Ethics* 1174a14-15.

py and so on, that attains its goal in its very own activity: “To possess what is seen is not a passage from potency to act, or from act to act, but simultaneity. The passage from act to act is to persist seeing”.²⁹

Polo takes this Aristotelian discovery to be the foundation of his axiomatic theory of knowledge. The notion of *energeia teleia* is formulated in Axiom A:³⁰ “knowledge is always active”. However, in the case of human cognition, the active character of knowing is first noticed in operative knowledge. This is not, however, the only way in which cognition as act is found. Habitual knowledge is also an act, as well as knowledge as Being, which is the kind of knowledge proper of the Absolute Being.³¹ Next I will spell out some of the features of mental states that we can derive from the notion of *energeia teleia* as presented by Polo.

4. SIMULTANEITY, CONMENSURATION AND ZERO TIME

The alternative platform to understand the ontology of cognitive states presented in this essay relies on the notion of *energeia teleia* as it is recovered by L. Polo. In saying that cognition is an *energeia teleia*, we are not just saying that cognition is act, but that by exploring the peculiarity of cognition, we come to understand better what an act is, namely, a perfect actualization, as opposed to *kinesis*. Therefore, in reference to this perfect actualization, we may be able to understand what the status is of other mental states like intention, desire, emotions and feelings. L. Polo’s proposal for the ontology of those mental states is not presented here, but his insight about cognition as a perfect act allows us to draw some conclusions about whether intentionality or consciousness should be regarded as the mark of the mental. It also permits us to draw a preliminary sketch for the structure of the mind.

29 L. POLO, *op.cit.*, p. 66.

30 “El axioma A se formula así: “el conocimiento es siempre activo” L. POLO, *op.cit.*, p. 39.

31 “Cognition is an act. It is not always act as operation; it may also be act as habit: the habit is another act. It can also be act as Being; in that case we have God’s knowledge. Divine intellection is the Divine Being” L. POLO, *op. cit.*, p. 39. Also: “Although it is not necessary (*ex supposito*) that the act be operation, it is necessary in CTC I, because organic faculties only allow for operative knowledge” L. POLO, *op. cit.*, p. 40.

a) Simultaneity

From the notion of *energeia teleia* with which Aristotle characterizes cognitive states, we can see that there is simultaneity between a cognitive act and its end. Only if the mental act is taking place, there is the achievement of an end, and vice versa: having the end means that there is a mental actualization taking place. Only if someone is engaged in seeing a house, the house can be seen, and if a house is seen then there has to be an act of seeing. This simultaneous correlation between activity and end is the relation between a mental activity and its object/content,³² that is, its end and completion. The aspect that should be noticed here is that there is no actualization without its simultaneous completion or completion without simultaneous actuality.

The notation for the modal operator ALWAYS from temporal logic, mentioned earlier, tries to capture this intuition about simultaneity, but only to a certain extent. The logical form could also accommodate the idea of constant conjunction through time, or of two events coincidentally happening at the same time. However, that is not what Aristotle's *energeia teleia* expresses. Another possible difficulty with Aristotle's notion is that it would seem that *energeia teleia* is only a matter of linguistic parsing of events in terms of identity of the activity in question. In other words, it would seem that all Aristotle is saying is something like 'if I see, I see', which would be similar to saying 'if I am walking, then I am walking', 'if I am building, then I am building'. That may be trivial for any other activity, and not specific to cognitive acts. The notion of *energeia teleia* would constitute a projection of ontological existence into a statement about identity or a tautology.

On the contrary, the kind of simultaneity that is described with *energeia teleia* is not the one of simple identity of events and tautological parsing. The simultaneity proper of cognitive acts derives from a peculiar kind of relation to the end. *Energeia teleia* happens in

32 In order to keep the commensurability between the cognitive act and its end in cases where the act is not an operation, and therefore there is not an intentional object, I will refer to the end of the cognitive act as content/object. Habits would have operations as their content whereas operations have objects.

time, but does not take time.³³ Conversely, *kinesis* requires time to achieve its completion. Cognitive acts happen in time, but if they took time like other processes do, they would never achieve their content. Because cognitive acts happen simultaneously with its end, **content/object, it is possible for them to acquire their content**: “Cognition is not an imperfect act, namely, it is the act of the being in potency as far as it is in potency. From this perspective, the perfect actuality is immobile. That is what the notion of *simul/signifies*”.³⁴

Since action and completion cannot happen separately, there is a special unity between them that grants what we could call with contemporary terminology a quantized, non-divisible, structure.³⁵ A corollary is that there cannot be mental content that is separate from an act of cognition. Thus, the cognitive act is enactive of the mental content and the content is actually not separate from the activity. Whereas completion is not a necessary or sufficient condition for regular processes that Aristotle calls *kinesis*, completion is a necessary condition for having a mental act at all. In other words, it is not possible to have a mental act that lacks attainment, namely, that has not been satisfied.

From this simultaneity enclosed in Axiom A, Polo derives two lateral axioms, E and F. “Axiom E establishes the correlation of the object with the operation: there is no object without an operation”.³⁶ It also has a complementary formulation, Axiom E’: “if there is no object without operation, there is no operation without object”.³⁷ In other words: “it is not possible a knowing that does not know anything’, ‘knowing something that is not known in connection with an act of cognition, is not possible either’”.³⁸ Aristotle’s way of saying this is that “actual knowledge is identical with its object”,³⁹ which expresses the simultaneity of the mental act and its content. The content is nothing but the end term of the operation, its *telos*: “But that which the mind thinks and the time in which it thinks are in this case

33 A. KOSMAN, *op.cit.*, p. 124.

34 L. POLO, *op.cit.*, p. 66.

35 Quanta are considered to be discrete packets of stored energy. I am using this terminology in a metaphorical way.

36 L. POLO, *op.cit.*, p. 40.

37 *Ibidem*.

38 *Ibidem*.

39 ARISTOTLE, *De Anima*, 431a 1.

divisible only incidentally and not as such”.⁴⁰ The peculiarity of this relation is that there is not a separation between cognitive acts and their content. Aristotle expressed this by saying that: “but it is the same thing that at the same time has seen and is seeing, or is thinking and has thought”.⁴¹

b) Commensuration

From the simultaneity condition we can derive a commensuration constraint: “There is not a “knowing” prior to what is known, or a “known” prior to knowing. Neither more knowing than known, nor more known than knowing. Simultaneity implies commensuration”.⁴² In this sense, we cannot have more mental activity than what the mental activity obtains, and this is in virtue of their simultaneity: “This can be expressed in the following way: as much cognitive operation as cognitive object. The operation and what is known are strictly commensurate. If there was more operation of cognition than known, a ‘portion’ of the cognitive operation would be blind. If there was more known than what is known through the operation, what is known would be alien to the operation; there would be a ‘portion’ of what is known that would not correspond with the operation. Therefore, simultaneity leads to commensuration: as much act, as known; as much known, as act. The cognitive act cannot be less than the act; the act cannot be less than what is known. This commensuration can also be called ‘congruence’”.⁴³ In brief, it is not possible to say that someone sees but that she is exercising more act of seeing than object seen or that there is more seen than what the activity of seeing allows for: “Since there is not known without knowing, nor knowing without known (as much operation, as known), the commensuration is reciprocal, although not symmetric. If the act was “wider in scope”, then it would know more, but each cognitive act knows what it knows and not more, but not less either. This reduction excludes the operation measuring in a unilateral way, and instead instates commensuration”.⁴⁴

40 ARISTOTLE, *Ibid.*, 430b 16.

41 ARISTOTLE, *Metaphysics*, 1048b 34.

42 L. POLO, *op.cit.*, p. 78.

43 L. POLO, *op.cit.*, p. 77.

44 L. POLO, *op.cit.*, p. 78.

The simultaneity and commensuration between the mental event and what it obtains, seems to be more constitutive of the cognitive acts than *qualia*. For cognitive acts, the content that is acquired in the act of cognition, that is, the attainment of the content, and not just the “what it feels like” to have that content, is a necessary condition. What is characteristic of cognitive states is not that they are brain states, but rather is that they are conscious, and that they have a qualitative feel to them. We can isolate any of these features, and still have a cognitive act. As different neuropathologies show, consciousness and intentionality are separate in some cases. However, subtracting consciousness from some forms of intentionality does not amount to saying that consciousness is epiphenomenal or that there is a divide between *access consciousness* and *phenomenal consciousness*. Namely, it does not amount to saying that intentionality is representational and consciousness is not. Consciousness cannot be cashed out as intentionality in the way of blind information processing either at the level of neurons, or at some functional level that runs hidden from our consciousness. Information processing, either neuron based or representation based, follows the model of the *kinesis*, which, if applied to mental life, hinders the achievement of content, as the process and the end of the process are not simultaneous.

Still, both unconscious cognitive states, as well as conscious ones, have this simultaneity because they do not require any duration in time even if they happen in time. Therefore, consciousness is only one of the modalities of the mind, and figuring out consciousness (sensible consciousness) does not amount to figuring out mental life.⁴⁵

This proposal does not force us to conclude that all cognitive acts are intentional because they all have content. If we understand the mind as a plurality of activities, each one commensurate with its content, then a hierarchy of operations follows, in which some activities

45 The qualitative feeling that consciousness provides seems to be more of a second order cognitive act, that is, a mental act that has as its content another mental act: of experiencing seen the ocean view, of having perceived the steps approaching. This is the role that Polo gives to the common sense, at the level of the sensibility (when we experience that we see). Because the mental act is commensurate with certain content, the mental state is about the content and not about the mental act itself. From this follows that, for example, in order to experience that we see, a different cognitive act is required, a mental act that has as its content the act of seeing.

are intentional whereas others verse, or have as its content, mental operations: they are second-order activities. There is then, a modularity of different operations that are both quantized and further integrated according to different actualizations and potentialities. This structure that is both quantized and hierarchical allows for both diversity of capacities and unification of those capacities under a higher activity. But in all cases the mental is characterized by its zero time, that is, its simultaneity, which does not have a relation of causation but which is not merely coincidental, either.

c) Zero-Time

The kind of act that the operation is takes the intentional object out of the temporal flow. Although this is not Polo's terminology, this actuality could be understood as 'zero-time' of cognition. In the sense explicated by the lateral axiom E, which states that there is no object without act of knowing: "If I see, I necessarily enact a content of seeing". However, mental events are not productive of their contents or objects:⁴⁶ "Immanence does not mean that the object proceeds from the operation (among other things because they are simultaneous. Aristotle states that we call simultaneous that which does not have a mediating relation of cause and effect). The operation is not the cause of the object: sustaining otherwise incurs into physicalism (or psychologism). Stating that there is no operation without object is not the same as understanding it as the cause of the object, because the object is end, and the notion of "end of the cause" makes no sense. The end is the first of the causes. Besides, in cognition, not even the end should be understood as a cause. The end is cause when the cause is the efficient cause. But now it should be understood as the possessed end, which is the most adequate status of the end".⁴⁷

The lack of *kinesis* that characterizes cognition places the *energeia teleia* in a different level than that of the physical causes. Although, as Aristotle noticed, the understanding of physical motion, *kinesis*, paves the way for our understanding what is not *kinesis* but perfect actuality, *energeia teleia*, its discovery leads us to suspend any com-

46 This may sound like it implies an internalist view, but that is not necessarily so, although discussing this corollary is not the scope of this paper.

47 L. POLO, *op.cit.*, p. 65.

parison of cognition to events where cause and effect are at stake. The actualization of cognition and its completion do not relate to each other as cause and effect: "Without cognition, the end would remain in a very peculiar impasse, namely, causing actions but remaining always external, remaining outside, refusing itself, because the action can never reach it or, if it does, it brings about its death".⁴⁸

Cognitive acts are not caused by their content, nor is their content caused by their cognitive act: "Cognition is not a transitive action. Since it is not a physical action it has no effect. What is known (the object) is not the effect (*peras*), but the end (*telos*): a present perfect in a strict relation of being possessed. Such is the drastic difference that separates what is physical from what is cognitive".⁴⁹

The Aristotelian idea of *energeia teleia* clashes with our current understanding of the physical world. The only case in physics that seemed to violate the principle of relativistic causality (the principle that says that causal influences cannot propagate faster than the speed of light) was what Albert Einstein called the *spooky action at a distance*. Quantum physicists like Einstein, Podolsky and Rosen⁵⁰ found a way of interpreting such a phenomenon that did not violate the principle (the hidden variable approach). But even if a physical phenomenon is to be considered instantaneous because it happens faster than the speed of light, the kind of instantaneity that we find in the physical world still entails that there is some time involved in the completion of the activity, not a pure 'zero time'. However, the notion of *energeia teleia* suggests that mental acts do not happen just instantaneously, which involves some arbitrary division of time, but simultaneously.

CONCLUSIONS

This paper has reviewed two existing strategies to provide a mark of the mental in the philosophy of mind. One solution is to claim that all mental acts can be reduced to some form of intentional content,

48 Ibidem.

49 L. POLO, *op.cit.*, p. 72.

50 A. EINSTEIN, B. PODOLSKY, and N. ROSEN, "Can Quantum-Mechanical Description of Physical Reality Be Considered Complete?," *Physical Review*, 1935 (47:10).

including *qualia*. The second strategy is to demonstrate that mental states possess an irreducible and intrinsic qualitative and phenomenal aspect to them. However, if we take *qualia* or intentionality to be the mark of the mental, we are taking an attribute that only some mental states possess to characterize the essential attribute that all mental states exhibit. Such an approach is faulty because it takes the part for the whole.

There is also a variety of positions between these two approaches. It is possible to defend the phenomenal character of certain states while endorsing the intentional character of others and their prospects for naturalization or, at least, their reducibility to a representationalist account. Nevertheless, maintaining this later view assumes that there is not a common denominator for mental states and leaves us with very little understanding as to what the mark of the mental is.

This paper has provided evidence for the insufficiency of either of those approaches, *qualia* naturalization or *qualia* irreducibility, to sufficiently account for the ontology of the mental. The contribution to the debate has been to present the notion of *energeia teleia* as characterizing the mark of the mental. Corollaries on simultaneity, commensuration, and zero time are presented to express the contribution that the notion of *energeia teleia* brings. Mental events are not characterized by their subjective feeling or by their intentional content, but by having a commensuration that is only possible if there is a relation of simultaneity made possible by a zero time. This feature characterizes non-intentional cognitive acts as well. Non-intentional cognitive acts need not be assimilated to blind information processing of the kind that takes place in a computer but according to *energeia teleia*. It remains to be explored why some mental states have qualitative feeling, and why others also include an intentional content. We can find in Polo's philosophy a reply to those questions, however, his answer would require a separate treatment.

Presenting *energeia teleia* as an alternative to *qualia* and intentionality implies that it is not possible to fully naturalize the mind, at least, not in the fashion presented by reductive physicalism. Ultimately, the ontology of the mental dictates the kind of approach to mentality that the sciences of mind can procure. If the brain causes the mind, then how can something that undergoes alterations of the kind that Aristotle calls *kinesis*, produce a kind of actuality that is an *energeia teleia*? What then is a brain? Here, the difficulty is not the

dichotomy between something that is material and something that is immaterial, as both Cartesian and post-Cartesian understandings of the mind claim, but between processes that take time and acts that do not take time for their completion. If we maintain the Aristotelian intuition about the *energeia teleia* for the ontology of mental states, then a better philosophical understanding of the physical world and its causality is required.

The Anthropological Foundation of Ethics and its Dualities

Juan Fernando Sellés
University of Navarra (Spain)
jfselles@unav.es

RECEIVED: September 30, 2014
ACCEPTED: November 20, 2014
DEFINITIVE VERSION: November 28, 2014

ABSTRACT: Ethics, according to L. Polo, is dual, not just in respect to other philosophical disciplines, but intrinsically dual, both for its double noetic method (synderesis and practical reason), as well as for its real dual themes: external realities, real ends (ultimate end and means), and internal realities (virtues and acts of the will and sensitive tendencies).

KEYWORDS: Ethics, Anthropology, Leonardo Polo, External Dualities, Internal Dualities, Thematic Dualities and Methodical Dualities.

1. ETHICS IS A *DUAL* DISCIPLINE

First of all, in order to set up the *foundations of ethics*¹, it is necessary to take into account that ethics consists in *dualities*, that is to say, various real dimensions that are combined, forming pairs.

The aim of this paper is to explain the following brief and condensed passage of the Spanish philosopher Leonardo Polo: “Ethics is dual, for it deals with *norms* and *goods*. Moral norms themselves also offer a duality: the first moral principle (enclosed in synderesis, an innate habit... that is also dual) and directly prevailing laws, which are in their turn positive or negative. In turn, goods are internal (virtues) and intended, or external, according to the duality of means and ends”². In this text, the author holds that ethics –the supreme practical knowledge– deals with two main themes: norms and goods. And yet in other writings of different times he asserts that ethics has three bases: norms, goods and virtues. We must therefore clarify this apparent discrepancy³.

In order to do this, what we must first consider is that in ethics, as in any other discipline, we must distinguish between those *themes* or subjects that are known and the proper cognitive *methods* with which we know the former. Both methods and themes are *dual*. Ethics’ themes are indeed two: external goods and moral virtues (which are internal goods). The methods or levels of human knowledge to acquire the objects of ethics are also two: synderesis and the acts of

¹ Cfr. about this topic: SWEET, W. (ED), *The Basis of Ethics*, Milwaukee, Marquette University Press, 2000; FLIPPEN, D., “On Two Meanings of Good and the Foundations of Ethics in Aristotle and St. Aquinas”, *Proceedings of the American Catholic Philosophical Association*, 58 (1984) 54-64; JOHNSON, D. H., “The Ground for a Scientific Ethics According to St. Thomas”, *The Modern Schoolman*, 40 (1963) 347-372.

² POLO, L., *Antropología*, I. *La persona humana*, Pamplona, Eunsa, 1999, 165. In the following pages, Polo’s writings will be quoted according to the standardized method set forth by the journal *Studia Poliana*.

³ See *Lecciones de ética*, Pamplona, Eunsa, Astrolabio, 2013. Even though this book was only recently published, it belongs to the academic year 1981-2. See also: “La ética y las virtudes del empresario”, an interview with Patricia Pintado Masca-reño, published in *Atlántida*, Madrid, 14 (1993) 80-92, and reproduced in *El Mercurio* de Santiago de Chile, 29-VIII-1993, 14-15; “Ética y empresa”, a speech given at the Universidad de Piura (Perú), in 1992. *Ética: hacia una versión moderna de temas clásicos*, was published in 1995; *Sobre la existencia cristiana*, from 1996; “Las virtudes morales”, a talk to professors in the Programa de Alta Dirección (PAD), Universidad de Piura, Lima, 14, septiembre del 1998.

practical reason. Both are called ‘norms’, even though they are distinct, for *synderesis* offers the first moral rules (‘first practical principles’, to employ the medieval terminology), while practical reason provides concrete action guidelines. Here, too, we have therefore an apparent paradox, for even since the Middle Ages we have distinguished three noetical dimensions in ethics, namely, *synderesis*, conscience, and the acts of practical reason. We must thus find out whether these are three really distinct dimensions or whether one of them is just nominally different from one of the others. If conscience, for example, were an act and not a habit, it could only be an act of practical reason.

If we manage to arrive at this conclusion, the preceding will show that both the *method* and the *theme* of ethics is dual, even more so, ‘doubly dual’, for its own noetic method has two dimensions, each of which is also dual: on one hand, the superior noetic level of ethics is an innate habit, that of *synderesis*, which has, according to Polo, two dimensions: the superior illuminates the will; the inferior illuminates the intellect. On the other hand, the inferior noetic level of ethics is made up of acquired habits and the acts of practical reason. And the subject of ethics is also ‘doubly dual’: the internal subjects are virtues, which are dual; the external subjects are goods, which are of a double order: particular and common. Every virtue has also two dimensions, just like the contrary vices to each virtue. Likewise, particular and common goods are dual: in particular goods we can distinguish means and ends; while within common goods we can distinguish the ‘common social good’, which is different and inferior to the ‘common ultimate end’, which coincides with God.

The Polian text we have referred to above speaks of the *intrinsic* dualities of ethics. But we must also take into account that this human knowledge is not and cannot be isolated from other human forms of knowledge, forming dualities with them. Indeed, it submits to two superior forms of knowledge and is connected with many more inferior forms of knowledge. On one hand, ethics dualizes with a superior form of knowledge that deals with the human person⁴, and that is the *transcendental anthropology*—which studies the personal *act of being*—, to such a degree that without it, it cannot be justified.

⁴ Cfr. about the relationship between Ethics and Person: GALLAGER, D. M., “Person and Ethics in Thomas Aquinas”, *Acta Philosophica*, 4 (1995) 51-71.

And it also dualizes with a superior form of knowledge that deals with the *principal* non-human reality: metaphysics, which deals with extra-mental, real acts of being (first principles).

All inferior forms of knowledge must also dualize with ethics: both those that deal with human affairs and those that not. Indeed, regarding humanistic forms of knowledge inferior to ethics, as this binds together family and education, the so-called *sciences of the family* and *sciences of education* must inevitably be grounded in ethics. Since it also sheds light on the psychic and the social, *psychology* and *sociology* must also be subordinated to ethics. And as such without ethics, we cannot legitimize law and intersubjective human communication; ethics also grounds *Law* and *communication sciences*. It is also ethics, the discipline that grounds entrepreneurial activity and the economy, as well as culture and the fine arts, so there cannot be *economic-business sciences* and a *theory of culture* without ethics. The same can be said of *history*. As for other forms of knowledge that do not have the human being as its subject but other physical realities, that is to say, *experimental sciences* in league with technology, they must also be dualized with ethics, for if they proceed without, or against it, their actions would lack human meaning.

The preceding words mean that ethics dualizes above with anthropology first, and with metaphysics in the second place; and below with the other human knowledges in the first place, and experimental sciences in the second. The themes that are superior to ethics are the *acts of being*, within which are in the first place the personal ones, and then the non-personal ones. The inferior themes are the *essences*, within which are firstly the human essences, and then essences of the physical universe. Acts of being belong to the *transcendental* order; essences are of the *categorical* order. Ethics is, therefore, the only link between the transcendental and the predicamental order. As their extrinsic dualities with other forms of knowledge are many, in this paper we must limit our focus only to its *intrinsic dualities*, which are, as we have indicated, *methodical* and *thematic*. Furthermore, as their detailed study would involve an excessively extended investigation, here we will confine ourselves to their ordered presentation and a succinct description, because the goal of this paper is to emphasize that the right approach to ethics is *dual*, both in its *themes* and in its *methods*. To that end we will intend to summarize here hundreds of Polian pages full of dense information.

As a consequence of this, it may be seen that the study of ethics is *systemic*. We can therefore hold that the usual *analytical* studies about each dimension of ethics responds to a reductive view. It will also be seen that the Polian discoveries in this field are in line with classic Aristotelian-Thomistic philosophy, and in opposition to modern and contemporary philosophical proposals, inasmuch as they left this path.

2. THE METHODICAL DUALITIES OF ETHICS

The Polian theory of knowledge understands '*method*' as a determinate noetic level appropriate to the understanding of a specific subject or theme. Ethics has two noetic levels to study its objects: *synderesis* and *practical reason*. The first is supra-rational; the second, rational. Both are plural for, on one hand, *synderesis* is dual as it has two cognitive members: the superior, that illuminates the will and which Polo calls *willing-I*, and the inferior, which illuminates the intellect, called by him *seeing-I*. On the other hand, in practical reason we must distinguish two dimensions: the superior, made up of the *acquired habits* –conceptual practical habit, *eubulia*, *synesis*–*gnome* and *prudence*–, and the inferior, formed by the respective *acts* or *immanent operations* of those habits –the act of the practical concept, deliberation, practical judgment and *imperium*–. Habits allow for the knowledge of the acts, and these for the knowledge of real physical goods. But only the *willing-I* of the *synderesis* knows the virtues and acts of the will.

Apart from that, *synderesis* is not limited to shedding light over immaterial faculties, their habits and virtues, but also over organic faculties, for otherwise we would have no experience of their current state. Let us proceed, then, from the superior to the inferior, to expound these noetic levels. We must keep in mind that with *synderesis* we can know about human *essence*, and with practical reason we can know about the essence of physical reality, but only from a practical point of view (its theoretical knowledge provided by theoretical reason).

a) *Synderesis*⁵

It is the protagonist of this study, for, excluding the final end, it is the superior reality studied in this article. Still, it is a noetic reality, which means it is a *method*, not a *theme*. We must keep in mind that “in the (human) essence, the method is superior to the theme”⁶; on the other hand, regarding the *act of being*, the contrary is true. To sum up, in ethics, knowing is superior to that which is known, excluding the reality of the final end. Nevertheless, ethics does not know this final good as it is and that is why our adhesion to it cannot be complete in this life. According to Polo, synderesis is the ‘apex’ of the human *essence*⁷, the most superior part of it⁸ (the rest, the slopes,

⁵ Cfr. BOURKE, V. J., “The Synderesis Rule and Right Reason”, *The Monist*, 66 (1983) 71-82; GONZÁLEZ, A. M., “Precepts, Synderesis and Virtues in St. Thomas aquinas”, *The Thomist*, 63 (1999) 217-240; MOLINA, F., *La sindéresis*, Pamplona, Universidad de Navarra, 1999; SELLES, J. F., “La sindéresis o razón natural como la apertura cognoscitiva de la persona humana a su propia naturaleza”, *Revista Española de filosofía Medieval*, 10 (2003) 321-333.

⁶ *Antropología, II. La esencia de la persona humana*, Pamplona, Eunsa, 2003, 73.

⁷ This Polian notion appears for the first time in *Antropología I*: “La sindéresis es un hábito innato que ha de considerarse en orden a la voluntad y a la inteligencia. Por tanto, la sindéresis es el *ápice* de la esencia del hombre. Designo ese ápice con la palabra *yo*. El yo no es idéntico con la persona humana, sino el ápice de la esencia del hombre en tanto que depende de la persona; por eso, la distinción real en antropología no se confunde con la distinción real del ser extramental y su esencia”. Ed. cit., 160. “El *ápice* de la esencia del hombre se cifra en la sindéresis, que es un hábito innato realmente distinto del carácter de *además*. Esa distinción se formula del siguiente modo. En primer lugar, por depender de la persona, la sindéresis es un hábito, asimismo, dual. Se ha dicho también que equivale al yo. La dualidad del yo es, por lo pronto, su respecto a las dos potencias inmateriales: yo significa ver (*ver-yo*) y querer (*querer-yo*). El ver deriva del *intellectus ut co-actus*, y el querer deriva del amor donal, es decir, de transcendentales personales. Ahora bien, ni *ver-yo* ni *querer-yo* son transcendentales”. *Ibid.*, 161.

We must nevertheless keep in mind that “en suma, el Tomo II de la *Antropología transcendental* estudia la esencia cuyo ápice es el hábito innato llamado sindéresis, y que depende de los transcendentales antropológicos”. *Antropología, II*, 11.

It continues to appear in later publications: “Hay que decir que el ápice de la *esencia* humana es un *hábito innato*, del que ya se ha tratado en la *Antropología transcendental II*, la *sindéresis*, así llamado desde el Medievo”. *Epistemología, creación y divinidad*, Pamplona, Eunsa, 2014, 87. “La esencia es la *manifestación* de la persona. Esa manifestación tiene lugar de acuerdo con la dualidad que llamo *ver-yo* y *querer-yo*, que son las dos dimensiones de la *sindéresis*, que –como se ha indicado– es un hábito innato, que se corresponde con el ápice de la *esencia humana*”. *Ibid.*, 257.

⁸ “La sindéresis como disponer global se describe como el ápice de la esencia del hombre. Sin embargo, ese ápice se distingue de la perfección esencial, la cual radica en los hábitos adquiridos. Que el ápice de la esencia se distinga de su perfección es

are made up by the immaterial faculties). The human *essence* is really distinct, because it is inferior, to the human *act of being*⁹, whence it is born¹⁰; it is also equivalent to what modern philosophy calls an ‘I’¹¹, which is really distinct from the person. It is also equivalent to what classical philosophy called a ‘soul’, which must be seen as distinct from the human *spirit*¹². The ‘I’ or the *soul* is also equivalent to what we term today *personality*.

Human essence is a manifestation of the personal act of being¹³. Synderesis, therefore, manifests our personal being. As such, just as an act of being is composite, so is synderesis. It is effectively an innate

posible por la dualidad del yo, es decir, porque se trata de una globalidad dual”. *Antropología*, I, 162.

⁹ “En cuanto que ápice de la esencia del hombre, la sindéresis tiene carácter potencial (en otro caso, la distinción real no se puede sentar). Ese carácter potencial es más neto en el *ver-yo* que en el *querer-yo*, precisamente por eso... el *ver* suscita la potencia inmaterial, es decir, la visibilidad. Las operaciones, los actos detenidos o actuales, no son suscitados por el *ver*, sino ejercidos por la potencia”. *Antropología*, I, 161. “La sindéresis no equivale a la co-existencia, sino que es el ápice de la esencia del hombre, del que la persona se distingue realmente no co-existiendo con él, sino en términos de dependencia”. *Ibid.*, 196. “El ápice de la esencia del hombre, la sindéresis, se ha descrito como *ver-yo* y *querer-yo*. La manifestación esencial del yo es inseparable del *ver* y del *querer*. Pero ni *ver-yo* ni *querer-yo* significan *yo soy*”. *Ibid.*, 210. “La distinción real equivale al descenso de la pura transparencia hasta el *ver-yo* y el *querer-yo*”. *Ibid.*, 199.

¹⁰ “La esencia (humana) nace de ella (de la persona); sencillamente se trata de que mirando hacia abajo la persona *alumbra* y *halla*... ese mirar se llama *querer-yo* y *ver-yo*”. *Antropología*, II, 81.

¹¹ “En cuanto que el *yo* es la consideración primordial –o en su ápice– de la esencia del hombre, su dependencia de la persona es la más estrecha”. *Antropología*, I, 184. “El ápice de esa dependencia se llama *yo*. Por tanto, el *yo* –que se malentiende como unitario, es decir, como *yo mismo*– es dual: *ver-yo* y *querer-yo* se distinguen”. *Ibid.* “La persona considerada hacia la esencia, es decir, en tanto que la esencia depende de ella, se designa como *yo*. El *yo* es una dualidad: por una parte, *ver-yo*, por otra parte, *querer-yo*. La distinción estriba en que en el primer caso el *yo* no es constituyente, y en el segundo sí”. *Ibid.*, 182. “En esta dimensión humana aparece lo que en la filosofía moderna entiende por *yo* o subjetividad”. *Epistemología*, 137.

¹² “El alma humana es la manifestación esencial cuyo ápice es la dualidad *ver-yo* y *querer-yo*. Por tanto, el alma humana consta de dos potencias: la inteligencia y la voluntad”. *Antropología*, II, 68.

¹³ “La manifestación de la persona humana es el proseguir del hábito innato llamado sindéresis; pues ese proseguir se realiza de acuerdo con lo que llamo *ver-yo* y *querer-yo*”. *Antropología*, II, 12. “La sindéresis es un hábito innato dual; de acuerdo con dicha dualidad se manifiesta la intimidad de la persona como luz iluminante”. *Ibid.*, II., 22. “La dualidad *ver-yo* y *querer-yo* es la manifestación de la intimidad de la persona, y la sindéresis es el ápice dual de la esencia humana”. *Ibid.*, II., 23.

habit with two dimensions¹⁴: the inferior, *seeing-I*, allows the activation of theoretical reason, and the superior or *willing-I* allows the knowledge of the will and, in a derivate way, the knowledge of practical reason. This does not mean there are two 'I's or two souls'¹⁵, but rather two different views on the part of the human person to its superior faculties. We may remember here that one of the main themes of Western philosophy is the age-old polemics that has debated the supremacy of the intellect or the will. Polo brings a solution to this problem, as in other cases, by 'elevating' it. The point is that the duality between intellect and will does not mean a duality between seeing-I and willing-I, but rather the other way around. The former faculties are really distinct because their root, synderesis, is double. In the same fashion, seeing-I and willing-I are really distinct because of their roots –the personal radicals, personal knowledge and personal love, respectively¹⁶– that conform to a transcendental duality.

¹⁴ "El ápice de su esencia, la sindéresis, también es dual: significa *ver-yo* y *querer-yo*". *Antropología*, I, 161-2. "El ápice de la esencia del hombre es la sindéresis, es decir, la dualidad *ver-yo* y *querer-yo*. La investigación acerca de la esencia del hombre pertenece al segundo tomo de este libro". *Ibid.*, 171. "Según dicha distinción el *yo* no es un transcendental ("hacia" la esencia equivale al ápice de la esencia, y la esencia del hombre no es transcendental)". *Ibid.*, 183. "El ápice de la esencia del hombre es dual: *ver-yo*, *querer-yo*". *Ibid.*, 185. "En tanto que la sindéresis es el ápice de la manifestación esencial, llega a la potencia intelectual, que no es saturada por el límite mental, y a la voluntad". *Ibid.*, 192. "Los dos miembros de la dualidad de la sindéresis son el *ver-yo* y el *querer-yo*". *Ibid.*, 199. "El ápice de la esencia humana es un hábito dual, cuyo primer miembro es *ver-yo* y el segundo *querer-yo*". *Ibid.*, II, 93. "El alma humana se manifiesta con los actos de dos potencias, a saber, la inteligencia y la voluntad. De acuerdo con esa dualidad el ápice del alma es la sindéresis, es decir, *ver-yo* y *querer-yo*". *Ibid.*, II, 126. "La esencia humana no es un cíclope, sino que tiene dos ojos: aquel que he llamado *ver-yo* y otro al que llamo *querer-yo*". *Nietzsche como pensador de dualidades*, Pamplona, Eunsa, 2005, 215. "La sindéresis tiene dos dimensiones, distintas jerárquicamente entre sí. A la inferior, que activa y perfecciona a la inteligencia, se la llamó *ver-yo*. La superior, la que conoce, activa, perfecciona la voluntad se la denominó *querer-yo*". *Epistemología*, 137. "La esencia es la manifestación de la persona. Esa manifestación tiene lugar de acuerdo con la dualidad que llamo *ver-yo* y *querer-yo*, que son las dos dimensiones de la *sindéresis*, que –como se ha indicado– es un hábito innato, que se corresponde con el ápice de la esencia humana". *Epistemología*, 257.

¹⁵ "La distinción entre *ver-yo* y *querer-yo* no obliga a admitir dos yoes, ni dos potencias cognoscitivas o volitivas espirituales. Con todo, es menester no reducir la voluntad a la inteligencia como hace Aristóteles al sostener que la voluntad está en la razón o, al revés, que la razón quiere –Schelling–". *Antropología*, II, 212. "La dualidad del ápice de la esencia no comporta dos almas, sino el proceder de la co-existencia". *Ibid.*, II, 213.

¹⁶ "El amor es el celo que consume a *querer-yo*". *Antropología*, II, 222.

Synderesis also has knowledge of the organic faculties, senses and appetites, even though reason has no knowledge of them, for its abstractions proceed from the objects of the particular senses, and it is obvious that cognitive and appetitive faculties are not identical to their known objects. It may be seen that knowledge from synderesis is unifying, for it knows both the intelligence in relation with the senses and the will in relation with the appetites. It can thus be explained, for example, that abstraction, in which internal senses and reason are involved, depends upon it¹⁷. At any rate, if synderesis knows the complete human *nature*, and knows it inasmuch as it must grow in active correspondence with physical reality, this may indicate that synderesis depends both on the knowledge of the human natural law¹⁸ and natural physical law¹⁹. Knowledge of the former depends on synderesis in a direct way, while knowledge of the latter depends directly on reason. So the fact that the present day world has lost the value of human natural law and also infringes upon natural physical

¹⁷ “La primera operación intelectual es la abstracción. La dependencia de la potencia intelectual respecto de la sindéresis ha de entenderse según lo que, en la filosofía tradicional, se llama iluminación de los fantasmas, la cual es previa a la suscitación de las operaciones intelectuales”. *Antropología*, II, 22. And in a footnote he adds, “La iluminación de los fantasmas se atribuye al intelecto agente. Pero si el intelecto agente se asimila a la luz transparente, la cual es superior a las luces iluminantes, es más ajustado sostener que la iluminación de los fantasmas corresponde a la sindéresis, es decir, una luz iluminante a la que equivale el inspirarse en la vida añadida”.

¹⁸ “El conocimiento de la ley natural (humana) corre a cargo de la sindéresis a la que, en cierto modo, equivale. En cambio, no corresponde a la razón práctica”, *Antropología*, II, 185. In another place he writes, “Como preside cognoscitivamente la naturaleza humana, se puede decir que la sindéresis es la fuente del conocimiento de la *ley natural*. En este sentido se puede entender como vigilancia atenta a la realidad y como capacidad de juzgar”. *Epistemología*, 137. And in another footnote, “La interpretación exclusivamente práctica de la acción humana, al dejar de lado los temas realmente transcendentales, se presta al olvido de la *ley natural*”. *Ibid.*, nota 6. Cfr. over this topic: SELLÉS, J. F. “Natural Law, Essential law and Personal law”, in GARCÍA, A. N., TORRALBA, J. M. (eds), *Natural Law*, Cambridge, Cambridge Scholars Publishing, 2008, 349-360; J. M. GREENE, R. A., “Instinct of nature: natural law, Synderesis and the Moral Sense”, *Journal of the History of Ideas*, 58 (1997) 173-198; RHONHEIMER, M., “The cognitive Structure of the Natural law and the Truth of Subjectivity”, *The Thomist*, 67 (2003) 1-44.

¹⁹ “La noción de ley natural (física) -aunque haya evolucionado mucho- es la base de la ciencia física moderna”. *Quién es el hombre. Un espíritu en el mundo*, Madrid, Rialp, 1993, 188. Elsewhere he adds: “la *fís*is es ley natural, es ley de acuerdo con la naturaleza... Por tanto, si se acepta que hay ley natural, ésta se da en ellas, en el orden de los artefactos, y si no se la acepta, entonces éstos quedan desasistidos”. *Filosofía política*, pro manuscrito, 16.

laws, shows that the natural light of synderesis has dimmed. And as synderesis knows such realities from a practical point of view²⁰, it impels some (human realities) to act upon the others (physical realities)²¹.

The fact that synderesis is open to the knowledge of the entire human nature and that reason is open to the knowledge of the entire physical nature assumes two previous positions. First, that human nature is superior both to physical reality and to the natural human resources that must operate upon the said physical reality, and therefore that the person is called to ameliorate both, not to impoverish or debase them. Now then, the *act of being of the human person* is known by means of the *habit of wisdom*. Secondly, since the nature of physical extra-mental reality is not a human invention, it must be accepted and perfected on its own way of being according to its final addressee, which is not man but the divine being. Therefore, the knowledge of the essence of the physical world depends on the previous and superior knowledge of its foundation: the *act of being of the universe*, and its origin: the *divine act of being*. All these are topics of metaphysics, which may be known by means of the innate habit of *first principles*. Consequently, synderesis dualizes with, or is dependent on, its superior side, the habit of wisdom, which allows knowledge of the human personal act of being, which the human essence depends upon; on the inferior side, it dualizes with the habit of first principles, that notices the act of being of the universe²², upon which the essence of the universe depends (physical tetracausality).

²⁰ “En lo más hondo de la inteligencia existen principios directivos de alcance global o supernormativo. Para nombrarlos, el término tradicional es *sindéresis*. La *sindéresis* es el conocimiento de los primeros principios de la realidad en tanto que en ella se sitúa la acción práctica. El conocimiento de los primeros principios incluye el bien transcendental. También la voluntad se refiere al bien. Por tanto, los primeros principios intelectuales son susceptibles de ser tomados desde el punto de vista práctico”. *Ética*, 160.

²¹ “El primer principio cognoscitivo que rige la acción humana, que suele llamarse *sindéresis*”. *Ética*, 24.

²² The act of being of the universe and the human personal act of being are known to be open to the divine act of being. But the latter is known in a different way when knowing each of the former: the act of being of the universe, corresponding to the divine being, is adverted as ‘origin’ or necessary ‘fundament’, while in the second case, referred to human being, it is known as ‘pluri-personal free being’. It is evident that what is personal and free is superior to what is impersonal and necessary.

Now then, keeping all this in mind, “synderesis holds that acting is a matter of principle; it does not say what to do, only that something is to be done”²³. We must also take into account that such a principle **impels us not only to ‘act’ upon the world, but** rather to its being known by the intellect, being desired by the will and that the rest of the human potencies correspond to it according to their proper way of being, that is to say, to behave with it in a way that is appropriate to its being and its proper growth, and in a way that respects the way the world is and may be perfect²⁴. Synderesis allows us, therefore, to know our natural disposition in correspondence with physical and cultural realities, and impels our actions over them. Let us now attend to the two dimensions of synderesis²⁵.

a.1) The *willing-I*. This is the superior member of synderesis, born out of the person; it illuminates two human themes: directly, the will and by redundancy, practical reason. Regarding its activation by the will, Polo writes that “just as the will, its acts and moral virtues depend on synderesis, so the ‘I’ designates the ‘I’ as *willing*: ‘I’ means ‘willing-I’”²⁶. Without this knowledge, the will could not be known, traversed by meaning, sense, or truth, given that reason cannot have any knowledge of it, inasmuch as it knows through abstraction and the will cannot be abstracted, as it is not sensible²⁷. This dimension of

²³ *Ética*, 162.

²⁴ “El hombre tiene principios morales que en definitiva se reducen a esto: quiere, haz. Esto es conocido por *sindéresis*. El hombre es un ser en el mundo y la realidad tiene una estructura primordial a la que el hombre debe responder con su acción y con la contemplación: contempla y actúa, pon de tu parte; pero no seas pasivo, no omitas”. *Ética*, 162.

²⁵ “En el fondo, el hombre conoce que debe hacer. Es la *sindéresis*. Por los primeros principios el hombre conoce su puesto en la realidad y desde ahí se da cuenta ante todo de que debe tener iniciativa. A veces se dice que el principio que se conoce por la *sindéresis* es ‘haz el bien y evita el mal’. Prefiero formular ese principio simplemente así: ‘haz el bien, actúa’; actúa todo lo que puedas y mejora tu actuación”. *Ética*, 161.

²⁶ *Antropología*, I, 160. “Corre a cargo de la *sindéresis* el descubrimiento de la verdad de la voluntad... Por consiguiente, *querer-yo* puede describirse como el *verdadear* de la voluntad”. *Ibid.*, II, 23. “El estudio de *querer-yo* conduce a la exposición de la voluntad y sus actos”. *Ibid.*, II, 93. “En tanto que ilumina la voluntad, la *sindéresis* se denomina *querer-yo*. En este sentido sostengo que *querer-yo* constituye los actos voluntarios de acuerdo con el *verdadear* propio de la voluntad”. *Ibid.*, II, 128.

²⁷ The will, its acts and virtues cannot be known by reason because they are immaterial, and what is immaterial cannot be abstracted. But as we clearly know our will,

synderesis is superior to the other one (the one that knows and activates the reason), because the will is **not** ‘clear’ –as it is not a cognitive faculty–, and throwing light upon it requires more light than upon reason²⁸. This means that the *willing-I* and the will depend more upon the human person than the *seeing-I* and the reason²⁹. Even more, synderesis takes its name from its endorsement of the will, more than that of the reason³⁰.

Furthermore, while the inferior dimension of synderesis is reduced to illuminating, the superior constitutes the acts and virtues of the will³¹, which also indicates that the will itself is more closely connected to the person than reason. That is why the will does not will **unless ‘I will to will’, that is to say, unless the *willing-I* supports the willing of the will.** Ultimately, unless the person herself wills. This indicates that if the act of willing of the will is good, synderesis must endorse it; if it is not good, it must disrupt it³². **In light of the subject’s implication, Polo holds that ‘I’ means ‘willing-I’³³.** At the same time, as synderesis knows the will perfected with moral virtues, and that these are the key for human morality, we may call this knowledge

our acts of willing and our virtues, we must affirm that there is a distinct instance, superior to reason, that knows them: synderesis.

²⁸ “El *querer-yo* ilumina la voluntad. Dicha iluminación es requerida por la constitución de lo voluntario y, en vez de “desintensificarse”, se incrementa. Por consiguiente, el *querer-yo* es el miembro superior de la dualidad de la *sindéresis*”. *Antropología*, I, 198. “La voluntad, que es la potencia del alma iluminada por *querer-yo*”, *Ibid.*, II., 22. “*Ver-yo* y *querer-yo* son iluminaciones esenciales que se distinguen por su intensidad”. *Ibid.*, II., 213.

²⁹ “El despliegue de lo voluntario es esencial y señala que *querer-yo* depende de la persona más intensamente que *ver-yo*”. *Antropología*, II, 127. “*Querer-yo* constituye sin desprenderse del *yo* por ser el compromiso de la persona”. *Ibid.*, II, 231.

³⁰ “*Ver* –es decir, el *yo*– puede considerarse también como un hábito innato al que en atención al *querer-yo* se llama *sindéresis*. Por tanto, el *querer-yo* también es un *ver*: *ver*, iluminar a la voluntad, equivale a constituir lo voluntario (ante todo, lo que Tomás de Aquino denomina *simplex velle*)”. *Antropología*, I, 182.

³¹ “El *querer-yo* es superior al *ver-yo* porque es constituyente de actos”. *Antropología*, I, 184. “El *querer-yo* es el miembro superior de la dualidad de la *sindéresis*”. *Ibid.*, 189. “Los actos voluntarios son *constituidos*: todos ellos son modalidades dispositivas de *querer-yo*”. *Ibid.*, II, 23. “Los actos voluntarios tienen que ser constituidos –aportados– por la *sindéresis*. Tal constitución se designa como *querer-yo*”. *Ibid.*, II, 126. “*Querer-yo* constituye lo voluntario”. *Ibid.*, II, 133.

³² “Si el acto es malo. En ese caso, *querer-yo* está obligado a rechazarlo”. *Antropología*, II, 200.

³³ *Antropología*, I, 160.

‘moral experience’³⁴. To sum up, “the will is spiritual, not sensible, and the knowledge of it corresponds to a habit –synderesis– which is not an acquired rational habit”³⁵. Even so, the will is not always known by synderesis, but rather “the will is known as long as it constitutes itself as ‘the voluntary’, in which case we do not speak of *seeing-I* but of *willing-I*”³⁶.

a.2) *The seeing-I*. This is the inferior member of synderesis, which is born out of the person³⁷ and illuminates the intellect: “inasmuch as the intellectual faculty (reason), as well as its operations and acquired habits, depend upon synderesis, I shall describe the ‘I’ as *vision* or *seeing*. ‘I’ means *seeing-I*”³⁸. According to this, Polo holds that “I describes the intellect as an immaterial potency *aroused by seeing*, because it is a potency, I shall denominate it *visivity*. In turn, *see* means *seeing-I*. *See-I* is a dimension of synderesis, that is to say, of an innate habit that depends upon the *intellectus ut co-actus* (the personal knowledge, at the level of *act of being*). The person is the act of being as co-act”³⁹. On the upper side, seeing-I dualizes with two cognitive levels, the inferior is the habit of first principles⁴⁰, and the superior, personal knowledge (what the Aristotelian tradition calls the ‘agent intellect’)⁴¹. According to Polo, unlike the willing-I, the seeing-

³⁴ “La experiencia moral pertenece al otro miembro de la sindéresis, al que llamo *querer-yo*”. *Nietzsche*, 277.

³⁵ *Curso de teoría del conocimiento*, IV, Pamplona, Eunsá, 2004, 634.

³⁶ *Antropología*, I., 183. This thesis, however, opens up numerous other fronts. First: how can synderesis be always active, being an innate habit, and yet not always activate the intellect or the will? Second: Polo holds that “el conocimiento de los principios morales es integrante de la ciencia ética” (*Curso de teoría*, IV, 634), because ethics depends on synderesis; does this mean that the first practical principles are nothing different than the impulse synderesis gives to the faculties of the human composite so that they may act according to them and honor their hierarchical order?

³⁷ “*Ver-yo* procede de la persona, de la que nace”. *Antropología*, II, 72. “*Ver-yo* es método esencial, no acto de co-ser”. *Ibid.*

³⁸ *Antropología*, I, 160.

³⁹ *Antropología*, I, 160.

⁴⁰ “La luz iluminante esencial, el *ver-yo*, es dual con la concentración de la atención, esto es, con la advertencia de los primeros principios” (es decir, con el hábito de los primeros principios). *Antropología*, I, 185. “Aunque el *ver-yo* no sea constituyente, expresa la dependencia del *ver* respecto del *intellectus ut co-actus*. Por eso, el *ver-yo* posee valor de luz iluminante”. *Ibid.*, 186.

⁴¹ “Del *intellectus ut co-actus* depende el *ver-yo*”. *Antropología*, I, 185.

I encompasses reason, its acts and habits⁴². This does not mean it is equal to the sum of these, for it is separated from them⁴³. It is a light that pours out over the inferior and weakens as the entity of that which is illuminated is reduced⁴⁴. This level has no self-knowledge, but rather is like a torch that throws light over inferior noetic dimensions: “the seeing-I is not seen, but is rather that which is all encompassing, full of human dualities”⁴⁵, which are of the order of the human essence, which indicates that such a ‘seeing’ cannot stay in itself, but is entirely transmitting. This means it is only a *method* of knowing, and not a known *theme*⁴⁶. That is why there is no pride in it: “we must exclude intellectual pride; the seeing-I plays in favor of the *seeing-intellected*”⁴⁷, that is to say, of what is known by the intellect.

Polo formulates four theses, as synthetic as they are complicated, about the *seeing-I*: “1) The method *seeing* means, directly or without reflection, an *intellected* theme. 2) Therefore, seeing –in itself– does not mean seeing-intellected. 3) The method *seeing-I* arouses –directly or without reflection– *seeing-intellected*, which is its theme. 4) Therefore, neither ‘seeing’ nor ‘I’ –in itself– mean *seeing-I*”⁴⁸. Thesis 1) indicates that what is understood is either an object corresponding to an act of reason or an act of the reason by means of an acquired habit. Theses 2) and 4) indicate that the consideration of seeing ‘in itself’ is erroneous, that is to say, that *seeing-I* is a *method*, not a

⁴² “Por su carácter de ápice descendente, el *ver-yo* engloba la potencia intelectual, el límite mental y los hábitos adquiridos”. *Antropología*, I, 192.

⁴³ “La sindéresis se separa más de las operaciones que éstas de sus objetos”. *Antropología*, II, 19. “*Ver-yo* ilumina iluminaciones menos separadas que dependen de él”. *Ibid.*, 65.

⁴⁴ “El *ver-yo* se entiende como una iluminación gradualmente descendente, pues tanto los hábitos adquiridos como las operaciones intelectuales son también iluminantes. Además, el *ver-yo* ilumina los objetos de la fantasía. Con otras palabras, el *ver-yo* es una iluminación que se va ‘desintensificando’. *Antropología*, I, 198.

⁴⁵ *Antropología*, I, 199.

⁴⁶ “El estudio de *ver-yo* se ha de atener a su carácter metódico”. *Antropología*, II, 63.

⁴⁷ *Antropología*, II, 70. “*Ver-yo* no significa *míó*”. *Ibid.*, II, 214. “*Ver-yo*, que es el ápice del método esencial procedente de la persona, y que he descrito como olvido de sí”. *Ibid.*, II, 73. “*Ver-yo* significa activación libre de ver que se olvida de sí al suscitarse”. *Ibid.*, II, 236. “*Ver-yo* es olvido de sí sin sobresaltos”. *Ibid.*, II, 236. “*Ver-yo* no significa *yo veo*”. *Antropología*, I, 210. “Estimo imposible que en la línea del *ver-yo* el yo aparezca como tema”. *Nietzsche*, 215. “El yo no implica egoísmo, pues la sindéresis es el principio de la actividad de la esencia del hombre, que no se queda en sí misma, a menos que se incurra en pecado”. *Epistemología*, 328.

⁴⁸ *Antropología*, II, 69.

theme. Thesis 3) indicates that *seeing-I* activates the knowledge of reason, which is the theme of *seeing-I*; therefore, it indicates that *seeing-I* is not reflexive (no cognitive level is). Actually, the four theses indicate that the noetic reflexivity of an act of knowledge is impossible. This, which is so evident at the sensible level (i.e. the act of seeing does not see itself), has been put into doubt at the rational level by many recent authors that try to sustain their hypothesis in the Thomistic *corpus*⁴⁹. Polo nevertheless wholly rejects reflection at any noetic level, which can easily be seen in the *seeing-I*⁵⁰, i.e. in the apex of the human *essence*, and in personal knowledge, i.e. in the personal *act of being*⁵¹.

If *seeing-I* is an *innate* habit that illuminates reason, its illumination cannot be intermittent, but constant, which means that through this habit we *always* know we have intelligence, i.e. that reason is a faculty we possess, which also implies knowing that a person is not its intellect, and also, that the intellect is not a person. Even so, we must still explain how is it possible that the *seeing-I* always illuminates the reason and yet the reason is not always *in actu*, for it is clear that natively the reason is pure potency.

⁴⁹ See J. F. SELLÉS: "Revisión de la teoría reflexiva del conocer humano", *Sapientia*, LXIX/233 (2013) 67-95.

⁵⁰ "La *sindéresis* consagra la imposibilidad de conocer reflexivamente. Si el conocimiento fuera reflexivo, el abandono del límite mental no sería posible". *Antropología*, I, 155, nota 11. Indeed, to 'abandon the mental limit' means to know the operative act of knowledge by means of a superior knowing act, namely, a habit. That is why holding that acts of knowledge are reflexive implies a lack of understanding of the noetic mission of cognitive habits, and makes it impossible to explain the hierarchy of human knowledge and its unification. Furthermore, it would imply defending an act of knowledge not being an act, for the 'reflexivity' hypothesis entails 'potentiality', that is to say, that the act has two phases: a first phase in which the act is not known and a second phase in which it is. Furthermore, as the operative act is limited in its knowledge, abiding by it implies not adverting that human knowledge is susceptible of unrestricted growth. These four theses: 1) knowledge is an act; 2) the distinction of acts is hierarchical; 3) superior acts unify inferior acts; and 4) cognitive operativity is unrestricted, are the four central tenants that are present in the Thomistic-Aristotelian system, and are translated into axioms by Polo, upon which other lateral axioms depend. And if human knowledge is susceptible to a formulation of axioms, in which all axioms are interlaced, holding to a 'reflexive theory' would mean violating the entire way of being of human knowledge, a wild issue.

⁵¹ If personal knowledge knew itself completely, not only would God be unnecessary, because a human being would not need any illumination from a superior being, but also a contradiction would follow, since it would entail accepting that a human being does not initially know itself, but eventually does after the reflexive circle, which would mean educating knowledge from ignorance.

b) Practical reason

The *willing-I* illuminates, as it has been said, the will, but also practical reason⁵², and yet not directly, but rather as a result of *seeing-I*⁵³. If synderesis illuminates the will and practical reason, it discovers these faculties are configured for action, since they are constituted as passive potencies. From this illumination, obligation is derived⁵⁴.

⁵² “Se ha de distinguir la intelección de la voluntad en cuanto que tal, de la razón práctica, que es la presentación de los bienes a la voluntad. A dicha presentación sigue el ejercicio de actos voluntarios ordenados a bienes que son medios o fines”. *Ética*, 162.

⁵³ “Si se admite la dualidad de la sindéresis, es posible entender la distinción entre la razón teórica y la razón práctica. La explicación de la razón teórica es *ver-yo*, por su parte, la razón práctica es una redundancia de *querer-yo* en *ver-yo*. Si... la voluntad racional es una continuación de la voluntad nativa, y no una potencia distinta de ella, la razón práctica también ha de entenderse como derivada del segundo miembro de la sindéresis. Si esto no se tiene en cuenta, es difícil admitir que existe un conocimiento racional de los bienes”. *Antropología*, II, 159. “La distinción entre el conocimiento teórico y el conocimiento práctico sólo es posible si la sindéresis es un hábito dual; esto es, si se distinguen *ver-yo* y *querer-yo*”. *Ibid.*, 158. “Redundar es añadir actos -por ejemplo, los de la razón práctica-”. *Ibid.*, 230.

If the overflow of the human dimension, the willing-I, is superior to that over which it overflows, the seeing-I, and the latter activates the intellect, when the seeing-I relies on the overflow of the willing-I and illuminates reason, conforming to what is now called *practical reason*, does it mean that this operative line of the intellect is superior to theoretical reason? We should remember that both Greek and Medieval philosophy would answer negatively to that question, for they thought that practical reason is always true, while the ‘truth’ of practical reason consists of its correctness. Even so, they would admit that theoretical reason is not only about what is universal, necessary and the end, but also about the present, while they also held that practical reason does not only deal with what is particular, contingent and medial, but also with the future, and evidently knowing the future requires more cognitive light than knowing the past and the present.

⁵⁴ “Los primeros principios morales no se concretan *per modum conclusionis*, sino *per modum determinationis*. son determinables y no rígidamente concluyentes”. *Ética*, 119. “Las normas positivas no son normas concretas, sino principios universales primeros: ‘haz el bien’ admite una pluralidad”. *Ibid.* “A veces se dice que el principio que se conoce por la sindéresis es “haz el bien y evita el mal”. Prefiero formular ese principio simplemente así: “haz el bien, actúa”; actúa todo lo que puedas y mejora tu actuación *Ibid.*, 161. “El hombre tiene principios morales que en definitiva se reducen a esto: quiere, haz. Esto es conocido por sindéresis”. *Ibid.*, 162. “Como imperativo, ¡haz! se reduce a un precedente intelectual interno que la filosofía clásica llama sindéresis, sin el cual los actos voluntarios concretos no se explican. La sindéresis es propia de cada ser humano”. *Antropología de la acción directiva*, Madrid, Aedos, 1996, 125, nota 2. “A veces se dice que la sindéresis dirige a la voluntad el imperativo: «haz el bien y evita el mal». Estimo que no es exactamente así, sino que *querer-yo*, por lo pronto, anima a la voluntad a querer. La verdad se establece en la

Even so, illuminating a concrete action is not a competence of synderesis, but of practical reason⁵⁵. Without the *willing-I* of synderesis, the acts of the *voluntas ut natura*, which deal with ends, cannot be activated, and “without practical reason the acts of the *voluntas ut ratio* are not executed”⁵⁶, those that deal with means. The latter must also be accepted by *willing-I*, for “if *willing-I* does not accept the means, their corresponding voluntary acts remain suspended”⁵⁷. Given that we are faced with three different human dimensions – *willing-I*, practical reason and the will –, we can say that there may be disharmony between them, for “the will can move against practical reason, but that is a kind of vice and it affects the constitution of voluntary acts themselves”⁵⁸. At the same time, as the *willing-I* always endorses the willing acts of the will, the willing-I can also oppose practical reason, and therefore to that extent can also be vicious. So, even if

voluntad en orden al bien, con el que ella se corresponde como relación transcendental”. *Antropología*, II, 143. “La sindéresis anima a la voluntad de acuerdo con su verdad. No se trata siquiera de un deber moral impuesto, sino del principio mismo de la moralidad: «quiere, haz el bien, porque querer es tu verdad»”. *Ibid.* “Si el mal no pertenece, en principio, a la esencia humana, después del pecado es un deber moral apartarse de él y proponerse desterrarlo. Por eso, el primer imperativo de la sindéresis se amplía: *haz el bien y evita el mal*”. *Ibid.*, 197. “El precepto de la sindéresis es *haz el bien*, y secundariamente *evitar el mal*, aunque esto último le compete porque el mal ha sido incorporado a la historia del hombre”. *Ibid.*, 207. “El gran principio ético que es compatible con las normas y las virtudes es: haz el bien lo mejor que puedas”. *Filosofía y economía*, Pamplona, Eunsu, 2012, 454. “El verdadero estatuto de la normatividad es principal: haz bien el bien, haz lo que tengas que hacer, y hazlo bien”. *Ibid.*, 455. “De acuerdo con la formulación clásica, tal como es iluminado a partir de la sindéresis, el primer principio moral sería éste: «haz el bien y evita el mal». Pero, en rigor, la sindéresis es la comprensión intelectual del carácter enriquecedor del dinamismo en la esencia de la persona humana. Con lo que el primer principio moral juega a favor del actuar y del enriquecimiento del poder de actuar; por así decir, mira más a lo positivo que a lo negativo. Por eso el mandato de la sindéresis se centra en hacer el bien: ‘no te conformes con ser inútil’”. *Epistemología*, 149.

⁵⁵ “La sindéresis dice: te puedes cansar, pero tu deber es seguir... La sindéresis señala que no se puede uno parar. Luego, en cada caso, uno tiene que ver qué hace situado en la realidad concreta, atendiendo al entorno; y entonces viene el juicio: hago o no hago tal cosa. Así pues, no es lo mismo el juicio moral que los principios morales, es decir, el conocimiento moral tiene dos niveles: el conocimiento de los principios y el conocimiento de lo concreto desde el punto de vista de lo que hay que hacer decidiendo. Por eso, la libertad en la sindéresis impulsa y en la conciencia dilucida y elige: hago esto o lo otro”. *Ética*, 163.

⁵⁶ *Antropología*, II, 132.

⁵⁷ *Antropología*, II, 133.

⁵⁸ *Antropología*, II, 143.

“synderesis constitutes the truth of the will”⁵⁹, it may also constitute its falsity, for it is synderesis, and not practical reason, that knows and acknowledges the acts of the will⁶⁰. “According to this, it is possible to solve... the issue of how goods conceived by practical reason may be communicated to the will. As the will is not a cognitive faculty, this communication must be undertaken by the *willing-I*. That is why it may be said that the synderesis harmonizes practical reason with the acts of the *voluntas ut ratio*”⁶¹. We will now describe the two noetic dimensions of practical reason, whose superior level is formed by its *acquired habits*, while the inferior dimension is made up of its respective *acts* or *immanent operations*. We must keep in mind that each habit dualizes with the acts that underlie it. Similarly, each habit dualizes with the preceding one, and it is the same for each one of the acts.

b.1) *The habits*. They are noetic perfections intrinsic to practical reason⁶² that illuminate or manifest their respective acts or immanent operations⁶³. They are the result of the redounding of the *willing-I* over the *see-I*, and resulting from that redounding the activation of *see-I* over the reason. Polo calls the illumination of the acquired habits of reason by means of the synderesis ‘intellectual experience’⁶⁴. Unlike the habits of theoretical reason, the habits of practical reason are never completely acquired; they can decrease and even be lost. Due to their growth we can exercise more acts, even more cognitive

⁵⁹ *Antropología*, II, 145.

⁶⁰ “Que la razón práctica conciba bienes, y después juzgue y argumente sobre ellos, no equivale a que conozca los actos voluntarios”. *Antropología*, II, 160. “La iluminación de los medios pertenece por redundancia a la razón práctica y es una objetivación extrapolada en la acción, pero la iluminación de los actos voluntarios corre a cargo de *querer-yo*, esto es, de su constitución”. *Ibid.*, 213.

⁶¹ “Que la razón práctica conciba bienes, y después juzgue y argumente sobre ellos, no equivale a que conozca los actos voluntarios”. *Antropología*, II, 160.

⁶² “Los hábitos adquiridos son el perfeccionamiento de la potencia intelectual”. *Antropología*, II, 67. “En su sentido más propio, el hábito es la perfección adquirida por las potencias superiores del alma a través del ejercicio de sus actos. Por tanto, existen hábitos de la inteligencia y hábitos de la voluntad”. *Ibid.*, 174.

⁶³ “Los hábitos adquiridos manifiestan las operaciones”. *Antropología*, I, 224. “Por encima de cualquier operación, existe el acto de conocer la operación, el cual no es una operación. Eso es lo que, ante todo y hablando de manera global, es un hábito intelectual adquirido”. *Nominalismo, idealismo y realismo*, Pamplona, Eunsá, 4ª ed., 2001, 236, nota 24.

⁶⁴ “Llamo *experiencia intelectual* al conocimiento de los hábitos adquiridos, manifiestos por la *sindéresis*”. *Nietzsche*, 225.

ones⁶⁵. This kind of habit is not as hard to acquire as the virtues of the will, but they are more difficult to acquire than the ones of theoretical reason⁶⁶. They are also more similar to the virtues in that they are more inter-dependent⁶⁷, unlike the habits of theoretical and formal reason, which are more isolated from each other. Given that these habits are known by their respective acts, they should stand out more due to their acts than because of their own virtues⁶⁸. Even so, unlike the will, “operations and acquired habits do not saturate the intellect”⁶⁹, and yet they dispose the intelligence to know even more every time, which shows the irruption of freedom within it⁷⁰.

The acquired habits of practical reason are the following: a) The *habit of the practical concept*, through which we know all acts of ours that conceive of different realities as goods. b) The *eubulia*, which is the habit through which we know and compare between different acts of knowledge that deliberate about the greater or lower weight of real goods⁷¹ (its contrary vice is precipitation). c) *synesis* is “the virtue that perfects reason according to practical judgment”⁷², that is to say,

⁶⁵ “La prosecución operativa es imposible sin hábitos adquiridos”. *Antropología*, II, 66. “Los hábitos intelectuales adquiridos son los actos que perfeccionan la inteligencia, ante todo, porque sin ellos la prosecución operativa se detendría -las operaciones son actos detenidos o conmensurados con objetos-”. *Ibid.*, 78.

⁶⁶ “Las virtudes morales son trabajosas de adquirir; en cambio, no es ningún trabajo adquirir los hábitos intelectuales. Desde el primer acto intelectual, la inteligencia está en acto según un hábito. ¿Cuál? El correspondiente a esa operación. Así reforzada puede seguir, y con el nuevo acto adquiere otro hábito. Eso quiere decir que la pluralidad de hábitos se corresponde con la pluralidad de operaciones”. *Curso de teoría del conocimiento*, II, Pamplona, Eunsá, 1985, 233.

⁶⁷ “Los hábitos de la voluntad -las virtudes- son interdependientes. En esto se distinguen de los hábitos intelectuales adquiridos”. *Antropología*, II, 23. “La conexión entre las virtudes morales es más estrecha que la que existe entre los hábitos intelectuales adquiridos”. *Ibid.*, 176.

⁶⁸ “Las virtudes se destacan de los actos voluntarios menos que los hábitos intelectuales adquiridos de las operaciones de la inteligencia”. *Antropología*, II, 176.

⁶⁹ *Antropología*, II, 126.

⁷⁰ “Los hábitos abren la potencia a la libertad”. *Antropología*, II, 131. “Antes de los hábitos no hay libertad en las potencias espirituales”. *Ibid.*, 134. “Al adquirir hábitos la libertad entra en escena y las modulaciones de la acción humana son enormes”. *Ética*, 159.

⁷¹ “La *eubulia* sería la discreta distinción de la pluralidad de bienes mediales”. *Antropología*, II, 163. “Cuando la razón se perfecciona adquiriendo el saber aconsejar de modo recto y estable, se habla de un hábito que desde Aristóteles se denomina *eubulia*”. *Ibid.*, 178.

⁷² *Antropología*, II, 179.

“a good sense in the comparison of goods”⁷³ (its contrary vice is being inconsiderate⁷⁴). *Gnome* looks to obtain a judgment that is as upright as possible. It is the capacity to judge well⁷⁵ in exceptional cases (its contrary vice would be rigidity, i.e. to have judgment too fixated on a practical standard). d) *Prudence* is the highest habit of practical reason, the one that allows us to know our imperative acts or norms: “we must distinguish between the concrete moral norm and the awareness of this norm, between the act of *imperium* and the habit of prudence. Its contrary vice is negligence⁷⁶. We can also say that prudence has two dimensions according to the person it is directed to, regarding oneself or others.

Furthermore “Prudence is *genetrix virtutum*, for without it no other cardinal virtue can be acquired”⁷⁷. This does not mean that prudence is the end of all virtues and, therefore, superior to all of them, for, according to the medieval simile, we can say that just as maternity is ordered to filiation, so is prudence ordered to the acquisition of moral virtues; but, inasmuch as these differ hierarchically according to the greater or lower intention of the other prudence is superior to the virtues that regard oneself and inferior to those that regard others. Polo understands this service of prudence to the virtues as ‘conversion’⁷⁸. According to this, not only are the habits of

⁷³ See *Antropología*, II, 179.

⁷⁴ See *Antropología*, II, 179.

⁷⁵ See *Antropología*, II, 179. “La *gnome*, que también versa sobre el juicio práctico, pero en aquellos casos no previstos por la ley”. *Ibid.* “La *gnome* entendería que el plexo posee cierta flexibilidad, es decir, que excepcionalmente un medio admite una pluralidad de usos, sin que ello comporte astucia, sino ingenio”. *Ibid.*, 163.

⁷⁶ “La negligencia, o inhibición del imperio”. *Antropología*, II, 180. A este defecto los pensadores clásicos lo llaman *inconstancia*.

⁷⁷ *Antropología*, II, 133. “Sin embargo, la prudencia no es la única condición de la virtud moral; previamente se requiere el conocimiento del fin, que es superior al conocimiento de los medios dirigidos por la prudencia. El conocimiento del fin corre a cargo de la *sindéresis*”. *Ibid.*, 178.

⁷⁸ “Una virtud se ‘convierte’ en otra atendiendo a la intensificación de la intención de otro de los actos voluntarios con los que se adquiere. Según este criterio, la prudencia se ‘convierte’ en justicia, y la justicia en amistad... La justicia es prudente, y la amistad es prudente y justa, pero no al revés; por ejemplo, antes de su elevación, la prudencia no es justa. *Antropología*, II, 180. “La virtud de la justicia es superior a la virtud de la prudencia, a la que eleva a su propio nivel en tanto que los intercambios y las distribuciones implican medios”. *Ibid.*, 185. Por eso, “corregir al amigo es una muestra de la elevación de la prudencia y de la justicia como virtudes que acompañan a la amistad”. *Ibid.*, 192. Y también por eso, “para ser justo hace falta algo más

practical reason dualized, but also temperance and fortitude dualize with prudence⁷⁹, and the latter dualizes with justice and friendship⁸⁰. As prudence leads to acts of *imperium* over our practical conduct, prudence dualizes with (this) practical conduct⁸¹, which indicates that “acts of *imperium* must be continued by human activity in order to ameliorate natural and cultural realities. To this we owe the classic description of prudence as *recta ratio agibilium*, for ultimately, finding the golden mean”⁸². This does not mean that transitive human actions and real means are superior to prudence, but rather being inferior to (it) prudence, they make superior virtues possible when referring to others⁸³.

b.2) *The acts*. The immanent operations of practical reason present a thought object, which is intentional regarding external beings. Just as the acts of theoretical reason possess an object thought, so do the acts of practical reason possess an object thought. They are simple, for they do not present themselves but rather present what is known as such, i.e. they are not reflexive⁸⁴. In other words as any habit and cognitive act, whether acquired or innate, they are not self-intentional, simply because no act of knowledge is, as they all derive from the knowledge which is at the level of act of being, personal knowledge, which is likewise not reflexive⁸⁵. Known objects are intentional and not the acts of knowing. Precisely because there is a perfect commensuration, congruence or coincidence between the act of

que razón práctica (la prudencia) sino que se debe conocer la ley natural: *sindéresis*”. “Las virtudes morales”, pro manuscrito, 4.

⁷⁹ “La fortaleza y la templanza. Esas virtudes son privadas. Están al servicio de las virtudes de la prudencia y la justicia”. “La articulación público-privado”, pro manuscrito, 4.

⁸⁰ “Según este criterio, la prudencia se ‘convierte’ en justicia, y la justicia en amistad”. *Antropología*, II, 184. Prudence only deals with means and must be accompanied by other virtues that deal with the ends, like justice and friendship.

⁸¹ “La prudencia es una virtud dianoética; es decir, una virtud intelectual que marca el enlace de la inteligencia con la conducta práctica, en tanto que la conducta práctica puede y debe ser dirigida”. *Ética*, 49.

⁸² *Antropología*, II, 178.

⁸³ “Si las acciones no se detienen en la obra, se adquiere la virtud de la justicia”. *Antropología*, II, 169.

⁸⁴ “Los actos intelectuales no son reflexivos”. *Antropología*, II, 64. “La improcedencia de la reflexión es el sentido, por lo común insospechado, de la coincidencia método-tema”. *Ibid.*, 73.

⁸⁵ “Si esa condición de reflexivo no la tiene el cognoscente, menos la tendrán los niveles de conocimiento que desde él descienden”. *El conocimiento del universo físico*, Pamplona, Eunsa, 2008, 386.

knowing and the known object, the act can only go as far as presenting the thought object, without 'leaving' any residue to know itself or any other realities⁸⁶. As there is a plurality of distinct acts, we must establish that "if the intellectual acts are acts because they are simple –sincere, non-identical but coincident with their themes–, the faculty will be based on non-simplicity, i.e. in complexity"⁸⁷. The plurality of acts in a potency refrains from understanding them as potential, for what one does not know, a superior one knows, both being without potency⁸⁸. What is potential is the faculty; that is why, to explain the apparition of acts within it, a superior activating act is necessary. Besides, the mediation of the potency allows us not to confuse the act with its subject. On the other hand, unlike the acts of the will, "cognitive acts do not need to be constituted, precisely because they are possessive"⁸⁹.

The acts of practical reason are four: "besides simple apprehension, the acts of practical reason are *counsel*, *judgment* and *imperium*"⁹⁰. a) The *act of practical concept* knows diverse objects as goods. b) *Deliberation*. Counsel is also called deliberation and it consists in weighing between different real goods. This is followed by the *consent* of the will. In turn, *eubulia* is the habit of practical reason that deals with the acts of deliberation. c) The act of *practical judgment* consists in highlighting one concrete good over others⁹¹. This act is followed by the voluntary act of *election* or *decision*. In turn, *synesis* and *gnome* are the habits of practical reason that deal with practical judgment. d) *Imperium*, *precept* or *command* is the act through which we prescribe to other faculties to put into practice the feasible good highlighted by practical judgment. This is followed by the *active*

⁸⁶ "Coincidir equivale a que el acto intelectual humano no se conoce a sí mismo". *Antropología*, II, 64. "Un acto detenido se conmensura con un objeto intencional, es decir, con la iluminación aspectual de la cosa". *Ibid.*, 68.

⁸⁷ *Antropología*, II, 76. "Si la esencia no fuera potencial no sería posible redundar, es decir, multiplicar actos". *Ibid.*, 230.

⁸⁸ "Los actos esenciales no son imperfectos como el movimiento extramental". *Antropología*, II, 231.

⁸⁹ *Antropología*, I, 186.

⁹⁰ *Antropología*, II, 178.

⁹¹ "La *sindéresis* señala que no se puede uno parar. Luego, en cada caso, uno tiene que ver qué hace situado en la realidad concreta, atendiendo al entorno; y entonces viene el juicio: hago o no hago tal cosa. Así pues, no es lo mismo el juicio moral que los principios morales, es decir, el conocimiento moral tiene dos niveles: el conocimiento de los principios y el conocimiento de lo concreto desde el punto de vista de lo que hay que hacer decidiendo". *Ética*, 163.

use of the will. On its part, “prudence in the strict sense deals with the so-called act of *imperium* or precept, which follows election and connects with action”⁹².

3. THE THEMATIC DUALITIES OF ETHICS

A classic topic of ethics is the *good*, which is of two orders: *interior* and *external*.

a) *Internal goods*.

They are all immaterial and they are of two kinds.

a.1) The *virtues* and the *acts of the will* are superior internal goods. Virtues are more perfect than acts.

a.1.1) *The virtues of the will* are intrinsic perfections in this faculty acquired through the repetition of acts endorsed by will-I and with the help of practical reason that acknowledges some realities as goods. These virtues are plural and are integrated. They are all natural and they are distinguished from the supernatural virtues, which can be of two kinds: a) *theological* (faith, hope and charity), that have God as theme and that elevate the diverse dimensions of the personal act of being (personal knowledge, personal freedom and personal love, respectively); and b) *infused cardinal virtues* (besides the infused virtue of prudence, that is proper to practical reason, justice, fortitude and infused temperance). We should add that the natural virtues of the will must be distinguished from other natural virtues that seem rather to belong to the human personal act of being (humility, responsibility, generosity, etc.). In the virtues of the will we may see that temperance dualizes with fortitude⁹³, fortitude with justice⁹⁴ and justice with friendship⁹⁵. In turn, the two inferior virtues dualize with prudence, and prudence with the superior virtues of the

⁹² *Antropología*, II, 179.

⁹³ “Las virtudes constituyen un orden, todas se requieren. La templanza es condición de la fortaleza; quien no sabe aguantar sus pasiones no puede ser fuerte, no puede afrontar un bien mayor futuro”. *Lecciones de ética*, 143.

⁹⁴ “El resplandor de la fortaleza es la justicia”. *Filosofía y economía*, 433. “Aparece la virtud de la fortaleza, que tiene que ver con la justicia: el fuerte es el que sabe subordinar lo propio a lo bueno”. *Lecciones de ética*, 115.

⁹⁵ See “Las virtudes morales”, pro manuscrito, 2, 4.

will. Prudence is actually superior to fortitude and temperance, but inferior to justice and friendship⁹⁶. Similarly, each virtue has two aspects. Thus the inferior dimension of temperance moderates the inclination towards food and drink, and the superior moderates the sexual tendency; the superior dimension of fortitude is resisting, and the inferior attacking; the superior dimension of justice is distributive, and the inferior commutative; the inferior domain of friendship regards created persons, and the superior, uncreated persons. We must keep also in mind that there are two possible defects against all virtues: by excess and by defect. So, for temperance, we have, by excess, intemperance; by defect, insensibility; against fortitude, by excess, temerity, by defect, timidity, pusillanimity or cowardice; against justice, by excess, coercion, by defect, arbitrariness (discrimination of people); against friendship, by excess false familiarity, and by defect, enmity.

The central virtues of the will are thus four: two deal with real themes inferior to them and two deal with real themes that are superior. The central inferior virtues of the will are: a) *Temperance*, the virtue that brings order to the concupiscible appetite: “the tendency to immediately enjoy a good thing, that can be virtuously habituated by temperance”⁹⁷. This virtue “differs from the others insofar as it has not so much the intention of the other, but rather looks to avoid disharmony, to establish an order before the willing of other radical biological appetites. This virtue does not trespass, so to speak, the subject’s constitution. It does not project him outwardly. Basically, it is directed towards interior harmony”⁹⁸. It is the most basic virtue⁹⁹, for without it no other virtue can exist. It frees the will from inferior tendencies so that it may occupy itself with that which is superior¹⁰⁰. b) *Fortitude* is the virtue that controls the irascible appetite¹⁰¹: “the tendency to overcome obstacles that the arduous goal may be achieved, to run away from a threatening evil, can be virtuously ha-

⁹⁶ “La justicia conlleva la prudencia”. *Filosofía y economía*, 433.

⁹⁷ *El método de la psicología*, pro manuscrito, 69.

⁹⁸ *Lecciones de ética*, 179.

⁹⁹ “La virtud de la templanza con no ser la más importante, es sin embargo, la virtud básica”. *Filosofía política*, pro manuscrito, 50.

¹⁰⁰ “Si la templanza domina las pasiones, la voluntad queda más libre para obedecer a la inteligencia”. *Las virtudes morales*, pro manuscrito, 3.

¹⁰¹ “El apetito irascible se controla con la fortaleza, y el concupiscible con la templanza”. *Antropología*, II, 110.

bituated by fortitude”¹⁰². The central superior virtues of the will are also two: first, *justice*, which inclines a person towards the good of **others over one’s own self**¹⁰³. In this virtue we can see that the natural tendency of the will is exceeded, for this consists in the search of goods for itself, not for others. Therefore, if it exceeds its inclination, it cannot be explained from it¹⁰⁴. That is why it must be explained **from synderesis, which reinforces the will’s intention of the other**. This indicates that it is synderesis, and not the will directly, that makes society possible. And as the bond of social cohesion is ethics, we should base ethics on synderesis rather than on virtue. That is why, for Polo, **“the term *social justice* is, in a sense, a pleonasm”**¹⁰⁵ or an excessive reduplication of words. For Polo, this virtue is embraced by an inferior one that looks to the past (*piety*), and a superior that looks to the future (*honor*)¹⁰⁶. Similarly, Polo holds, like classic philosophers, that **“above justice is *epiqueia* or the exception of rules (it is the flexibility of justice)”**¹⁰⁷. d) *Friendship* is **“above justice and equity”**¹⁰⁸; it is the superior natural virtue of the human *essence*, not only regarding other virtues of the will, but also habits of reason, which is why we can understand that friends can disagree over **theoretical outlooks without their friendship diminishing**¹⁰⁹. Following Aristotle, Polo sustains that we can be friends with other persons, but unlike Aristotle he claims we can also be friends with God¹¹⁰.

a.1.2) *The acts of the will* are immanent operations, which can be of two kinds. a.1.1) Some deal with *ends*. Thomas Aquinas distin-

¹⁰² *El método de la psicología*, pro manuscrito, 69.

¹⁰³ “La justicia es un hábito imprescindible porque la voluntad humana tiende naturalmente al bien, pero no tiende naturalmente al bien de los demás. Ese bien excede la capacidad natural, ya que cada uno apetece su propio bien. Dicho de otra manera, la justicia y la inclinación a la felicidad son divergentes, de manera que, sin una virtud sobreañadida la voluntad no podría llevar a cabo actos justos”. *Antropología*, II, 182. “La justicia es la capacidad de interesarme por la felicidad ajena, de asentir a ella sin subordinarla a conveniencias meramente individuales”. *Filosofía y economía*, 193.

¹⁰⁴ “Aunque la justicia sea una virtud de la voluntad, no se puede explicar desde ella, ya que excede su inclinación natural”. *Antropología*, II, 183.

¹⁰⁵ *Filosofía y economía*, 193.

¹⁰⁶ See *Quién es el hombre*, 127-134.

¹⁰⁷ “Las virtudes morales”, pro manuscrito, 4.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Antropología*, II, 213.

¹¹⁰ See “La amistad en Aristóteles”, en RUS, S. (coord.), *Aristóteles. El pensamiento político y jurídico*, Universidades de León y Sevilla, León 1999, 11-16.

guishes: a) simple willing (*simplex velle*), b) tending (*intendere*), c) enjoying (*fruition*). a.1.2) Those that deal with *means*. Aquinas distinguished: a) consenting (*consensus*), b) election or decision (*election*) and c) use (*usus*)¹¹¹. Polo explains the former kind of acts saying, “the first voluntary act is simple willing, in which the intention of other is not present or absent; and yet, as the intention of the other cannot go amiss in an absolute sense, goodness is experienced in a vague way”¹¹². In turn, in *intendere* “the end is absent inasmuch as it is not yet possessed by the act of tending”¹¹³. Regarding *fruition*: “only when the illumination of the will is complete can we say that its act is complete or final. This is what should be said by what tradition calls *fruition*”¹¹⁴. Similarly, Polo describes the acts of the will regarding means in the following fashion: regarding *consent* he holds that “above all, we assent to the plurality of conceived goods”¹¹⁵, i.e. this act of the will precedes the deliberation of practical reason, for without attending to a variety of goods that make up a plexus we cannot deliberate about them. About *election* he says “there is a certain limitation in the elective act, for election restricts itself to the available

¹¹¹ Los actos de la voluntad sobre bienes mediales –el consentir, el elegir o decidir y el uso activo– siguen a cada uno de los actos de la razón práctica: deliberación, juicio práctico e imperio. See mi trabajo: *La prudencia según Tomás de Aquino*, Pamplona, Cuadernos de Anuario Filosófico, Servicio de Publicaciones de la Universidad de Navarra, nº 90, 1999.

¹¹² *Antropología*, I, 189. “El simple querer es el acuerdo de la voluntad consigo, y es constituido por la *sindéresis*”. *Ibid.*, II, 142. “La verdad constitutiva del *simplex velle* es el libre despertar al querer. La voluntad no puede oponerse a ese despertar porque es su propia verdad. Por tanto, que la voluntad actúe desde el punto de vista de la intención de otro equivale al acuerdo consigo. Dicho acuerdo es iluminado por la *sindéresis* constituyéndolo como simple querer”. *Ibid.*, 143. “El simple querer es la declaración de la índole de la voluntad. Y así, aunque la voluntad sea una potencia pasiva pura, se puede decir que está de acuerdo consigo en tanto que su verdad es iluminada. La doctrina de Tomás de Aquino es acertada, pero conviene acentuar más la intervención de la *sindéresis*. *Ibid.*, 147. “A la relación transcendental con el bien, la *sindéresis* aporta la iluminación de su verdad, y al constituir el simple querer no ilumina el bien ni como presente ni como ausente, pues ello implicaría jactancia: pretender ser un querer sin bien o poseerlo en presente sin desearlo antes”. *Ibid.*, 208. “El primer acto voluntario constituido por la *sindéresis* no es orético... El primer acto voluntario es la iluminación de la voluntad como relación transcendental. Así entiendo el acto voluntario que Tomás de Aquino llama *simplex velle*. El *simple querer-yo* es la pura potencia pasiva elevada a la condición de acto esencial”. *Persona y libertad*, Pamplona, Eunsa, 2007, 18, nota 19.

¹¹³ *Antropología*, II, 125-6.

¹¹⁴ *Epistemología*, 137.

¹¹⁵ *Antropología*, II, 162.

resources at the moment”¹¹⁶. That is why, while this act has traditionally been considered as the paradigm of human freedom, it is not¹¹⁷. Regarding *active use*, Polo holds that this act unites human action with the intention of the end¹¹⁸.

a.2) *Inferior internal goods are the sensible organic tendencies*, which are of two kinds: a.2.1) those of the concupiscible appetite, which are dealt with by *temperance*; a.2.2) those of the irascible appetite, dealt with by *fortitude*. Regarding the former, Polo reminds us, “**knowing how to employ concupiscible temperance with the control introduced by the habit is called temperance**. Temperance, properly speaking, is a moral virtue, a moral habit, but only to a certain point, because it comes from the will and is improperly incorporated to the appetite”¹¹⁹. And with respect to the irascible appetite, Polo claims that it is more durable¹²⁰, that “it seems to correspond with superior sensitivity and with the development of the cogitative”¹²¹ and that “it is controlled with fortitude”¹²².

b) *External goods*

They are of two kinds.

b.1) *Goods that are also means*, are plural and sensible. They can be natural or cultural. We can produce both of them. For example, man produces more natural foods than nature, and he produces all sorts of cultural products by transforming nature. We know practical reason is the one that illuminates such goods¹²³. Consequently, with its diverse acts, the will wills these goods, chooses one of them and

¹¹⁶ *Antropología*, II, 137.

¹¹⁷ “Si la intención de otro es singular, la libertad se reduce a la elección. Pero la libertad de elección no es la cota más alta de la libertad”. *Antropología*, II, 137.

¹¹⁸ “Al estudiar el llamado uso activo se trató de aunar la acción y la intención del fin, y se sentó la tesis según la cual las obras son penetradas de sentido: la acción no se detiene en la obra, sino que la atraviesa, prolongando su intención de otro en el modo de la *intentio finis*”. *Antropología*, II, 185.

¹¹⁹ *El método de la psicología*, pro manuscrito, 69.

¹²⁰ See *Antropología*, II, 107.

¹²¹ *Ibid.* The text goes on: “Para construir algún proyecto, para postergar el fin en el nivel sensible, hace falta algo más que la sensibilidad externa. De manera que el apetito irascible tiene que ver con la sensibilidad interna”. *Ibid.*

¹²² *Antropología*, II, 110.

¹²³ See *Antropología*, II, 116.

realizes it or puts it into practice. The will naturally inclines towards the final felicitous end, but without choosing the adequate means to reach it, it cannot acquire it. Therefore, election is normative to it¹²⁴. Even so, it is evident that “the end is attained insofar as there are good means to it, but not in an inconsiderate way, for if we accept this, conscience, which is the immediate judgment over the fairness of the mean, switches off”¹²⁵. The Machiavellian proverb “the end justifies the means” is unjustifiable, for it promotes guile¹²⁶, i.e. it falsifies the habit of prudence and thus makes the virtues of the will impossible.

b.2) *The ultimate goal* is unique and immaterial. The noetic consideration of the end and the voluntary tendency towards it are necessary, for “if the end is not kept in mind, the coordination between means disappears. In this sense we may speak of the common good, and distinguish the human common good, which is the goal of society, from God, the common good *par excellence*”¹²⁷. But we can also deem as the ultimate end something that is not. In this circumstance, the will acquires the vice classically named the “prudence of the flesh”¹²⁸. Unlike the goods that are means, “the final end is not feasible (man cannot make God)”¹²⁹. This is precisely why some ethical theories (Nietzsche’s, for example) hold that there can be no final end, but Polo argues that, “if there were no final end, man could have no virtues and norms would have no meaning”¹³⁰. Indeed, on the one hand, virtues grow only insofar as the will increases its willing in order to attain the felicitous final end. We have to keep in mind, for example, with regard to the virtue of honor, in order to obtain the complete recognition due to our acts, it can only be rewarded by God; for neither oneself nor any other person can honor us *in vita* in a complete fashion. It is evident that we forget many of our actions and at the same time other people cannot bring many of our acts into

¹²⁴ “La tendencia al fin es tendencia al bien, y es norma para la voluntad elegir el medio adecuado al fin”. *Lecciones de ética*, 86.

¹²⁵ *Lecciones de ética*, 140.

¹²⁶ “Cuando los medios son simulados, se fragua otro vicio que se llama astucia”. *Antropología*, II, 180.

¹²⁷ *Antropología*, II, 156.

¹²⁸ “Cuando el fin al que se refieren los medios no es verdaderamente bueno, se habla de prudencia de la carne, que está estrechamente vinculada al deleite sensible”. *Antropología*, II, 180.

¹²⁹ *Ética*, 180.

¹³⁰ *Lecciones de ética*, 162.

consideration. On the other hand, norms only increase the perfection of the habit of prudence insofar as they promote better actions ordered to attain happiness.

We must also keep in mind that in this life, “in terms of operativity, man does not reach his ultimate end. Not even virtue is its ultimate end”¹³¹, but rather a means ordered to that end. Given that even if without virtues reaching the end is difficult, we can get stuck on the means, and virtues are not the final goal. But if virtue is the most perfect thing in the superior faculty, the will, and therefore what most perfects us in the present life, this only indicates that this life is not definitive, but rather a means ordered to the attainment of another. Besides, if virtue is taken as an end, we deny the will, which is intention of the other¹³². Indeed, the will looks for that which it lacks. If attaining virtue is kept as its goal, virtue remains in the will itself, and should stop being inclined to some otherness that it lacks, and therefore it would stop growing, i.e. it could not grow according to virtue. This is the proper attitude of old Stoicism, in which its distance from happiness is manifest. On the other hand, the final goal of the will is the common good¹³³, not God as a *personal being*, because the will is not a person, but *of* the person. For this reason also, ethics, when it refers to operations, is inferior to the anthropology of personal being. Anthropology is transcendental; ethics is not.

CONCLUSIONS

Ethics, according to Leonardo Polo, is practical human knowledge that dualizes, from above, with transcendental anthropology and from below with the other human forms of knowledge inferior to it (sociology, psychology, business theory, culture theory, etc.). It is also an intrinsically dual knowledge, both *methodically* and *thematically*.

¹³¹ *El hombre en la Historia*, Cuadernos de Anuario Filosófico, Serie Universitaria, nº 207, Pamplona, Servicio de Publicaciones de la Universidad de Navarra, 2008, 26.

¹³² “Una ética sólo de virtudes suplantaría el último fin a la facultad misma. Pero esto es una contorsión que destruye la misma virtud, porque ésta no está sin el último fin, porque está para perfeccionar la capacidad de fin. Esto quiere decir que a lo largo de la vida la potencia se debilita sin las virtudes, no porque ella misma entre en pérdida, sino porque se llena de cosas que entorpecen, y ella es impurificada”. *Leciones de ética*, 167.

¹³³ “El fin último de la voluntad no es particular, sino común (noción de bien común)”. *Lecciones de psicología clásica*, Pamplona, Eunsu, 2009, 319.

The *method* of ethics is dual. Its two levels of knowledge are: a) The superior, *synderesis*, conformed by two dimensions, with *will-ing-/* being the superior and *see-/* the inferior. b) The inferior, conformed by *practical reason*, which itself has two dimensions, the superior being the *acquired habits* (habit of practical concept, habit of *eubulia* or knowledge about deliberation, habit of *synesis-gnome* or knowledge of practical judgment, and habit of prudence), and the inferior, the *acts* or *immanent operations* corresponding to these habits: the act of practical concept, deliberation, practical judgment and *imperium* or command.

The *theme* of ethics is dual. Its two thematic spheres are: a) The *external*, conformed by *goods* (which are the superior good, or the *common good*, and the inferior goods or *means*). b) The *internal*, conformed doubly by the superior goods or *virtues* and *acts* of the will, and the inferior or *appetitive* human sensible *tendencies*.

Leonardo Polo and the Mind-Body Problem

José Ignacio Murillo

University of Navarra (Spain)

Jimurillo@unav.es

RECEIVED: October 5, 2014

ACCEPTED: October 31, 2014

DEFINITIVE VERSION: November 19 2014

ABSTRACT: The mind-body problem is not only a philosophical problem but also a cultural one. Polo's philosophy offers an ambitious and profound frame to the study of the body and its place for the human person. His approach is not only confined to a single dimension of its philosophical method –the abandonment of the mental limit— but to all of them. A central aspect of this view is seeing the body not as a thing but as life, that is vital activity. Considered from the person, what we call body is 'received life', while 'added life' is the continuation that makes it apt to being the essence or manifestation of that person. In order to understand the body from this point of view, notions as synchrony and inhibition are central, as well as the question whether Polo's proposal is a kind of dualism.

KEYWORDS: Mind-Body, Dualism, Monism, Synchrony, Body, Added Life, Received Life, Inhibition.

What we usually call the mind-body problem is not just one of the main topics in contemporary philosophy, but is also the hallmark of a cultural debate of major consequences. What is at stake here is our vision of humanity and its place in reality, and this is not merely a theoretical issue. Our understanding of what is good and possible for human beings, and the kind of society we can and want to build, depends on the answer we give.

As this problem appears today, it depends on a particular theoretical framework. In my opinion, western philosophy has poorly explained the role of the body. However, the fact that mind and body are considered as things that are different enough to be understood separately, but are too difficult to conceive of together, is the consequence of certain theoretical and methodological paths that the main streams of thought within philosophy have undertaken in the last centuries. So it is necessary to bring them to light if we wish to solve or, at least, clarify the problem.

For analytical philosophy of mind, the mind-body problem can be traced to Descartes and his sharp distinction between the *res cogitans* and the body. **Descartes' ideas on this topic need to be kept in mind** because they reflect the theoretical framework still used by many scientists and a considerable number of philosophers. According to the general interpretation of the philosophy of Descartes, the body had to be studied with an objective and external methodology that could make it mathematically tractable. On the other hand, the mind, the point of view of the subject that experiences reality and intervenes in it, appears to us as a different and independent kind of reality, which, however, cannot be directly perceived from the outside.

It is a fact that human subjectivity is also linked to a body, but for Descartes there is no adequate unified intellectual methodology by means of which both realms of human experience can be understood together. The interaction between body and mind appears only as a mere fact, and the way it occurs as obscure and unintelligible. It is true that Descartes also attempts a metaphysical approach: both the objective body and the subjective soul have in common that they are substances created by an infinite and omnipotent God, but this does not seem sufficient for us to make the way they are put together intelligible.

Thus the grand rift is open. As a proof of this difficulty, other philosophers such as Spinoza, Malebranche, Leibniz and Kant, although

they accept the main features of the Cartesian view, feel constrained to propose different ways to solve this problem. Kant will accept the impossibility of reducing it almost as a philosophical method while others, such as Spinoza, will dare to make the leap of entering the very mind of God. The Cartesian approach, however, will continue to be a point of departure and a constant reference for the thinkers who came after.

In my opinion, the importance of the Cartesian view is due to its connection to Cartesian project of establishing a firm grounding for that new way of investigating reality that has resulted in modern science. **In short, modern science's success consists in having discovered** useful ways of objectifying, reducing and modelling phenomena in such a way that we can aspire to discover the laws that undergird them. But the clarity of this enterprise and the utility of its outcomes can obscure its limitations.¹

In fact, especially among natural scientists, but also among philosophers, there is a trend towards taking as the orthodox view the assertion that we can only accept the existence of a mind to the measure it is scientifically tractable, and that, among the various scientific approaches, the fundamental one is neuroscience. At the end everything is to be reduced to a fundamentally naturalistic explanation.

Even a shallow knowledge of the history of philosophy provides one with many objections and inconsistencies that affect this position.² The question is then why the “orthodox” position is so resilient and why many scientists and philosophers, sometimes against their profoundest convictions, find themselves with nothing to oppose it with intellectually.

I think the reason must be sought more in a cultural framework than in philosophical insights and argumentations: this situation is not due to new discoveries or to a new philosophy that seeks to prove its theses, but rather to the lack of philosophical formation both theoretical and historical among scientists and even some philosophers.

1 MURILLO, J. I.; ¿Son realmente autónomas las ciencias? In Aranguren, J., Borobia, J., Lluch, M. (ed.), *Fe y Razón*, Eunsá, Pamplona 1999, 473-480.

2 MURILLO, J. I.; El organismo inteligente: malentendidos en torno a una paradoja. In BOROBIA, J. J., LLUCH, M., TERRASA, E., MURILLO, J. I., *Idea cristiana del hombre*, Eunsá, Pamplona 2002, 86-103.

Some time ago positivism and naturalism were philosophical opinions, but now they are the default view among scientists, along with an impoverished kind of pragmatism. The intellectual debate has by and large simply abandoned the big questions and left them to the subjective realm, concentrating on scientific topics instead. God, soul, creation, morality..., these are relevant only to the extent they are tractable by what we call, here and now, science. Any attempt to think outside this scientific methodology (experiments, standardized observation, statistics, etc.) should be considered as something esoteric or else mere literary fiction.

This lack of an ambitious approach to the problem in contemporary philosophy makes Polo's proposal all the more interesting. In order to address the mind-body debate in properly Polian terms, we would have to look not only to his anthropology but also to his metaphysics, his theory of knowledge and his ethics; that is, to his entire philosophy. As is well known, Polo's main philosophical contribution is the method he proposes: the abandonment of the mental limit. But Polo's method is not univocal; in fact, its main advantage is its capacity to uncover and to deal adequately with transcendental plurality, that is, with the most radical distinctions. However, the mind-body problem is, in different ways, connected with all the dimensions of this method. In my opinion, there is not a single dimension of this method that exhausts our knowledge about what we call "the human body".

In fact, Polo has addressed several aspects of what we have called the body-mind problem in different parts of his work, and he returned to some of those approaches in the third part of the second volume of his transcendental anthropology. I recall that, during the time he was writing that book, he used to repeat "it is necessary to speak more about the body".

My purpose here, however, is only to offer an introduction to Polo's view on this topic. My paper is centered on some of his main theses about the human body and its relationship with the person to whom it belongs. More than a complete exposition of the ideas of Polo about the mind-body problem, I will present some of the ideas I have learnt from his philosophy, that are, in my opinion, especially relevant for enriching the intellectual debate on this topic.

A prior step to explaining this approach pertains to the understanding of what the body is in reality. The very notion of body is

dangerous, presupposing that the body is something well defined that lies in front of us. The German philologist Bruno Snell remarks that in Homeric Greek the term *soma* refers properly to the corpse and not to the living body.³ The body is mostly referred to via its members and organs, thus pointing to its functions in a way that seems not to recognize the body itself as something having a complete unity. In my opinion, this is coherent with one of Polo's theses. He doesn't understand the body as "something", but rather as life, and life is not a thing that is possessed by us, but the way through which possession is possible: "Living is activity: praxis and habit. We do not possess life, but we possess by living".⁴

From this point of view it appears clearly that the body must be seen more as a coordination of movements and activities than as a concrete and defined thing. This is a change of perspective, which entails a lot of consequences. One of them is that the term body is only a first phenomenological characterization, whose real meaning remains to be clarified.

But is it possible to distinguish between the body and the spiritual dimensions of the person? Interestingly, Polo also does not describe the spirit as something already completed, but describes it from the point of view of activity. This is why **time is so important in Polo's** characterization of the role of the body in the person.⁵

For Polo the human person is the act of being (*esse* or *actus essendi*) of the human being. He distinguishes carefully between being, understood as the actuality of the essence as it is presented by our mind, and the act of being, which is a real activity dependent on God and which is the *terminus ad quem* of the act of creation. In his opinion, the real distinction between the act of being and the essence is only intelligible from this point of view. Creatures, being distinct from God, who from a metaphysical point of view is the real correlate of real Identity (that is, not mere 'logical identity'), are in themselves and intrinsically inidentical. In the case of the person, this inidentity

3 SNELL, B.; Die Entdeckung des Geistes: Studien zur Entstehung des europäischen Denkens bei den Griechen. Göttingen: Vadenhoeck und Ruprecht 2000, 13-20.

4 POLO, L.; Antropología transcendental, tomo II: La esencia de la persona humana. Pamplona: Eunsá 2003, 289.

5 See POLO, L.; *Quién es el hombre. Un espíritu en el tiempo*, Madrid: Rialp 1991.

can be expressed as the inidentity between the person and its manifestation or its radical activity and the potency that follows it.

As we have seen, what we call ‘the body’ is a kind of life, but this does not exhaust human vitality. For non-personal living beings to live is to be. But for us, personal living beings, the life that comes through generation is received by the life which is added by the new person, which is directly created by God. These concurrent aspects of life are called by Polo respectively ‘received life’ and ‘added life’; together, both the received life and the added life configure the essence or manifestation of the human person.

It would be a serious mistake to understand this as meaning that the added life existed prior to the body, or else received life, being somehow in a state of expectation for it. The human person exists by receiving the body he or she is. The spiritual dimension of what we call soul is nothing but the life that is added to this received life. From the point of view of added life, received life is an inspiration that is continued by spiritual activity. From the point of view of received life, the added life is what frees received life to some extent from physical causality and thus makes received life apt for an unlimited growth. This reception distinguishes the personal body from the bodies of other living beings.

For Polo the distinction between the created person and the universe is transcendental. They are both created, but to be created is not the same for each of them. The universe is a created first principle. It is really distinct from God –this means in fact to be created and to exist–, but it is not a personal being, and its essence is not a personal manifestation, but a unity of order that can be analyzed as a concurrence of different causal meanings: material, formal, efficient and final cause. Thus material living beings are con-causalities that belong entirely to the universe. Polo calls them “tricausal substances” or ‘natures’ because they are not only, as Aristotelians use to say, hylo-morphic substances, but also include causal efficiency as an intrinsic cause. Natures of this kind are ordered by the final cause of the universe and cannot occur apart from it.

In the case of human beings, however, the body, although it belongs to some extent to the universe, orients itself to presence, which, as an activity that derives from the added life, does not depend on the

universe. As received by the soul, the body is characterized by Polo as “an attempt to overcome the delay of physical time”.⁶ This delay is introduced by matter, which is the “before” that confronts the “after” represented by the final cause.

What does this “attempt” consist in? To answer this question we have to look to the body, to its way of being. This is, by the way, a key point for all anthropology. Attention to the flesh⁷ and its concrete way of existing is the touchstone of a realistic anthropology. Another possibility is to try to explain man by focusing on the objectivities and mental constructions we use in practical life, or else on the poetic expression of our subjective experiences, thereby creating a structure where the real body is a stranger.

Nevertheless, the enterprise of understanding the body as it is encounters a serious difficulty. Our body does not appear completely in front of us. We have, to some extent, a direct experience of our bodies, as phenomenology has pointed out, with its notion of “lived body”. But this is partial, and even to have a single and unified view of the external aspect of our body we need mediations, such as a mirror in the case of sight, or a systematic exploration in the case of touching.⁸ In the majority of our sensory experiences the body is a condition but not the theme. In the case of intellectual presence the mind requires the body but leaves it un-thought. This is for Polo a unique sense of facticity that is irreducible to other facticities.⁹

What we know about our body depends mainly on the same methods that we use to understand all living bodies. This is the reason why it is easy to confuse ourselves with other material living beings. However, if we carefully inspect the human body, we find many characteristic features that are clearly visible. First of all, it is im-

6 POLO, L.; *Antropología transcendental, tomo II: La esencia de la persona humana*, Pamplona: Eunsá 2003, 295.

7 I use here the term ‘flesh’ with reference to the material body apart from the different connotations it can adopt.

8 In fact, for some phenomenologists, such as Hermann Schmitz, describe the immediate experience of the body as plural. See, for example, H. SCHMITZ, R. O. MÜLLAN AND J. SLABY, “Emotions Outside the Box—the New Phenomenology of Feeling and Corporeality,” *Phenomenology and the Cognitive Sciences*, 10 (2011), 241–59.

9 See POLO, L.; *Antropología transcendental, tomo II: La esencia de la persona humana*. Pamplona: Eunsá 2003, 277 ff.; (2006, 3rd edition) *Curso de teoría del conocimiento*, tomo III. Pamplona: Eunsá, 295 ff.

portant to realize that we can approach the body from different perspectives. From the point of view of the connection between anatomy and behavior, Polo has emphasized the Aristotelian view of the human being as being the animal with hands. In addition he stresses, among other topics, the relationship between hands and brain and the importance of having a face and the possibility of speaking.¹⁰ But he has also investigated the body, so to speak, in a more (scientifically) fundamental way.

From this perspective the body has a unity that is not to be confused either with the unity of ideas or with that of concepts. The unity of ideas is an objective and mental one, that is, the unity of the objects as **thought of by the mind**. The unity of the concept, that is, the **“one in many”** can be conceived of as a result of the consideration of the objectivities abstracted from the sensibility with reference to the matter as a causal principle by which those formalities exist outside the mind. But these kinds of unity do not exhaust the forms of ‘being one’. As I have pointed out before, the body does not have an objective unity the way ideas do, nor is it **“one in many”** as the concept is. On the contrary, the body has to be plural in order to be dynamic. This entails a process of differentiation whose unity consists in an **“organization by parts”** or in a **“one that organizes its parts”**.¹¹

Polo offers some examples of this particular kind of unity. One of them is the unity of the genetic code. As is commonly said, the genetic code is in all the cells of the body. But Polo remarks that, at the same time, each cell is a part of the unity of the genetic code. In fact, each cell expresses only a part of the code and this differentiation is, at the same time, organized at a second level. So the development and growth of living beings is a result of the unity of the living body, which is a unity that, at the same time, multiplies and unifies.

The body is one in parts that are different from each other, and its organization is not static: it is a process oriented to the presence. Polo characterizes the reality of the body as **‘synchrony’**. Synchrony is not presence, but it is the way by which life defeats the delay introduced by the material cause.

10 See POLO, L.; *Ética: hacia una versión moderna de los temas clásicos*. Madrid: Unión Editorial, 1997.

11 POLO, L.; *Antropología trascendental*, tomo II: La esencia de la persona humana. Pamplona: Eunsá 2003, 297.

Polo considers that presence does not belong to the material universe: it is only introduced by the mind, that is, by the way we present physical reality. The fact that mental presence begins by abstraction means that our intellects begin by presenting formal causes. The formal cause is the cause of the distinction, but in the mind its causal value is substituted by mental presence. But these causes can be properly understood as they are in reality because the mind is capable of understanding them in their interaction with the other causes, as matter, efficiency and finality. This implies that all material beings are real in and through movement. Some of them, such as, for example, living beings, incorporate movement, and so we can apply to them in an exact way the Aristotelian statement “*vita in motu*”, life in movement. Synchrony is especially clear in life. We shouldn't forget that synchrony is a dynamic process. But all vital processes we describe are coordinated in living beings. As realized in the physical world, synchrony is not a spiritual activity that can avoid temporality; rather, it is realized in and through physical movements. It is, so to speak, a synchronization of movements.

But where synchrony appears most clearly is in the nervous system. In the nervous system the kind of growth we have referred to is not central. For Polo, this suggests a different kind of growth and coordination. One can say that the function of the brain is processing information and converting it into an adequate response to the challenges of the environment. But the real question is: how it can do that? The brain is not a machine that is ready for that purpose; instead, its main advantage is its plasticity and its capacity for reconfiguration and adaptation. From Polo's descriptions I will pick out two suggestions.

The first is that the brain's unity cannot be understood as a totality. The brain is composed of neurons and thus it is a clear case of the way the body transforms itself into a formal potency, by division and incorporation into a unity. But in this case, the receptive activity of the brain does not produce new neurons; instead it profits partially from each of them and incorporates them into functional unities. This partial activation and use of the neurons, which is compatible with the participation of the neurons in other functional unities or circuits, shows that the unity of the brain is not that of a totality, but rather is de-totalizing. Polo also suggests that this model can be useful to understand other realities around us, such as social interactions. In sum, the unity of the brain is not that of a set of parts already orga-

nized, but rather that of a process that can produce new responses and coordinate in new ways.

Secondly, Polo suggests that intentionality, which is the characteristic of human knowledge (at the level of sensation as well), does not correspond in the brain to activation but mainly to inhibition. Activation corresponds to efficiency, but life—and especially human life—represents an increasing of formal causality. In the brain and in human behavior, the formal cause does not mean only configuration but also control. But control depends on the capacity to inhibit neuronal activity. A proof of this is the singularity of the human brain. It is often said that a salient and distinctive characteristic of the human brain is the development of a large prefrontal cortex (PFC), which **plays a decisive role in “higher” brain functions. Some neuroscientists call it the “executive brain”**.¹² It is involved in activities such as reasoning, planning, judgment and control of behavior. But the PFC often intervenes by inhibition. In his book on the PFC Joaquín Fuster says: **“Throughout the central nervous system, inhibition plays the role of enhancing and providing contrast to excitatory functions. That pervasive role of inhibition is evident in sensory systems (e.g. the retina) as well as motor systems (e.g. the motility of the knee). (...) In the prefrontal cortex, inhibition is the mechanism by which, during the temporal organization of actions in the pursuit of goals, sensory inputs and motor or instinctual impulses that might impede or derail those actions are held in check”**.¹³ This is also consistent with the response of Ramón y Cajal to the question about the differences between the human brain and other **animals’ brains**. He pointed out the large number of interneurons, which seem to be the kind of neurons involved in this kind of control.¹⁴ In my opinion, these observations could be better explained by following the suggestions of Polo about inhibition as the cerebral realization of cognitive intentionality.

As I have said, the reception of life from the parents orients received life towards presence, and this proximity of received life to presence is realized as synchrony. Synchrony is the means to achieve

12 See GOLDBERG, E.: *The Executive Brain: Frontal Lobes and the Civilized Mind*. NY: Oxford University Press 2001.

13 FUSTER, J., *The Prefrontal Cortex*: Edition 4th, Elsevier, 5.

14 FAIREN, A., Cajal and Lorente de Nó on cortical interneurons: Coincidences and progress, *Brain Research Reviews* 55 (2007), 430-444.

the domination of the formal cause over the other causes. But synchrony acquires a special significance in the human body, especially in the human nervous system and the objectivities of human sensibility. As an example, Polo mentions the images of space (regular extension) and time (regular duration).

Although this is a complex topic for a brief presentation, I wanted to refer to Polo's approach to formal causality because, in my opinion, this is one of his major contributions to the classical approach to the mind-body problem. Most classical non-reductive and non-dualistic approaches to this issue usually follow the Aristotelian thesis of the intellectual soul as formal cause of the body. However, this assertion would be misunderstood and thus useless if we understand the soul as an ideal form, that is, as a static and separated principle. On the contrary, in the physical world, causal forms are real in and through movement, and the spiritual dimensions added by his or her condition as a person are also acts: habits and praxis.

At this point, some contemporary philosophers or scientists would deem Polo's proposal to be a kind of dualism. As we have seen before, although the theoretical framing of the body-mind problem is dualist today, the position that denies real existence to the *res cogitans* is very common, and is even frequently presented as the scientific position, because it does not prejudice the possibilities that empirical science might solve the problem. It holds that all is nature and nature is to be studied by empirical science.

This position, which allows a lot of variations, can be characterized as monism. Truly, once we have uncritically adopted the methods of science as being the only possible methods, monism can then appear to be mere common sense. But in reality monism faces a lot of problems. First, the conception of nature it presents is nothing but a construction: a mixture of the mental and the physical. On the contrary, however, in order to understand reality we have to accept real distinctions. In fact, we cannot ever suppress plurality in any realm of reality. So dualism itself is in this respect weak. We understand the physical world according to a manifold causality. Among the senses of causality, the formal cause is the cause of physical distinctions. In metaphysics, we need to accept the real distinction between essence and existence in order to accept the real distinction and compatibility between the creature and God. In the case of anthropology, Polo affirms that duality is transcendental, that is, it does not derive from

the imperfection of the human being, but from his or her own personal condition, from him or her being intrinsically a second creature. In fact, human persons are created in a universe, so they do not only coexist with other persons and their creator, but also with the material universe. For this reason Polo characterizes the human act of being as ‘being additionally’ (*‘ser además’*).

This impossibility of avoiding real distinction –that makes monist approaches to reality arbitrary and impossible– can be applied also to our knowledge about God. In fact, according to Christian faith, God is also not alien to distinction. On the contrary, it is precisely inside the divine intimacy where the sharpest distinctions abide.

But this acceptance is not a kind of dualism. In the case of the body-mind relation, we need not accept two substances that interact in a mysterious way, but rather we should recognize the reality of different levels of activities. The irreducibility of the person to the physical world is a consequence of his or her personal condition, and his or her destiny cannot be reduced to the order of the physical universe. But the human person coexists with the physical universe. Added life and received life are totally compatible. The suggestions of Polo about their manner of being represent, in my opinion, a major contribution to the classical and contemporary reflection on the body.

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*, Eunsá, 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.

Transcendental Anthropology and the Foundation of Human Dignity

Blanca Castilla de Cortázar

Real Academia de Doctores (Spain)

balncascor@gmail.com

RECEIVED: September 7, 2014

ACCEPTED: October 30, 2014

DEFINITIVE VERSION: November 20, 2014

ABSTRACT: Most of the thinkers of the twentieth century demand, more or less explicitly, a peculiar ontology for anthropology, distinguishing between the cosmos and mankind, between things and people, in order to achieve a vision of the unity of man and to substantiate their inalienable rights, universally recognized by the UN in 1948. The transcendental anthropology of Polo, with its ontological expansion and its recognition of the uniqueness of the human person, is not only intrinsically free and intelligent, but also capable of giving an adequate scenario to ground human dignity in the foundations of being.

KEYWORDS: Human Dignity, Transcendental Anthropology, Uniqueness, Freedom, Foundation

The tragic experiences of the World Wars led to the Universal Declaration of Human Rights sponsored by the UN in 1948. Since then much of the newly created constitutions recognize the inviolability of human dignity. However, the drafters of the declaration made an effort to bypass the theoretical grounds on which those rights are founded on the fear that theoretical differences would have postponed or made infeasible such a recognition. Six decades later the development of a solid and universally acceptable foundation of human dignity and fundamental right is still pending. It is a complicated issue that seems to require a new advancement in ontology and philosophical anthropology.

Well, the thesis to be developed here is that the extension of the ontology proposed by Leonardo Polo and subsequent development of a transcendental anthropology provide a framework to develop this foundation for human dignity and for the universality of human rights.

1. HUMAN DIGNITY IN THE FACE OF A PROBLEMATIC ANTHROPOLOGY

It was Max Scheler early in the last century who diagnosed the infirmity. Despite the rise of science devoted to the study of human beings, regardless of the increased volume of information that we have about ourselves, and lacking a unified vision, that never before than at the present time has it become so problematic to discern what it means to be human¹.

Current anthropological fragmentation comes from varied and complex causes, including the diversity of sciences that deal with the absence of a true interdisciplinary work. But that dispersion is motivated more radically by the crisis and even denial of human nature, the basis upon which it has supported its universality, and especially for the superficial and minimal thought about being and the person, an area of human reality more profound than that of its nature. In order to get a unified view of anthropology, that which is required primarily, is a unifying principle. The method to find it cannot be

1 SCHELER, M., *El puesto del hombre en el cosmos*, 6ed. Losada, Buenos Aires 1967, p. 24.

other than the return to the ever new, basic human experience² that allows access to realistic proposals. In every human being, there is a consciousness of a dignity that one begins to experience that nobody can snatch away, an inner freedom that is possessed, the absolute value that everyone has by virtue of being. This individual consciousness was experienced simultaneously in the middle of last century by many people at once, which brought about in early 1947 the effort by the Commission of Human Rights of the United Nations to begin to prepare a universal declaration. Jacques Maritain tells that in one of the joint meetings of experts from the world's top minds of the moment³, they were summoned to investigate the theoretical issues that might raise questions, and how one of the attendees expressed surprise to find out that people who had thoughts not only different, but also contrary, would agree to write the same list of rights. They replied: "Yes, we agree with those rights provided that we are not asked "why," stating that they were opposing the "whys" that could confront them⁴.

2. THE CONVENIENCE OF SUBSTANTIATING DIGNITY

The failure to substantiate the text raises several problems. The first is practical, because although experts say they do not have the same reasons, it seemed to them that they lacked an explanation for their common adherence. Now if they proposed a list of rights for global acceptance, what hope might they have to obtain it if they had circumvented all the reasons that advised it? But the main problem, according to Palacios, is the threatened and provisional status that true opinions have that are collected in a spontaneous or pre-scientific manner without being properly grounded⁵. Without proper grounding in personal rights and human dignity, even though they

2 Cfr. SCOLA, A., *La experiencia humana elemental. La veta profunda del magisterio de Juan Pablo II*, ed. Encuentro, 2005.

3 Among them were: the philosopher, historian and politician Benedetto Italian Croce, the thinker and Hindu leader Mahatma Gandhi, the English novelist Aldous Huxley, the English also, Harold Laski and political scientist, diplomat and historian Salvador de Madariaga Spanish and French philosophers Pierre Teilhard de Chardin and Jacques Maritain.

4 Cfr. MARITAIN, J. et alii, *Autor de la nouvelle Déclaration universelle des droits de l'homme*, Ed. du Sagittaire, Paris 1949 : Introduction.

5 Cfr. PALACIOS, J.M., *La condición de lo humano*, ed. Encuentro, Madrid 2013, p.36.

may be universally recognized, they are exposed to decay and to the discretion of changeable human opinions that are subject to merely positivistic interpretations. In fact, in past decades, in addition to the fundamental rights of life, education, freedom to marry, and religious freedom of expression, we are witnessing an increasing proliferation of rights of the "second, third or fourth generation, " going as far as wanting to turn desires into rights. They may present contradictions such that under some of these additional rights, fundamental rights are violated, as in the case of the right to life of an unborn child that is completely opposed to the recently invoked right to abortion. This concern is commonly held among lawyers⁶, particularly among those who are warning of this inconsistency in the dissociation between two fields that feed off of each other. Therefore to continue to maintain such a praxis, which previously had an implicit foundation in dignity that has been silenced or omitted, is now founded on reasons that place in danger-sooner or later- the continuity of such a practice.

The dispersion of contemporary thought and rationality demands a solid philosophical foundation of dignity in "something" prior to action. However, this heuristic requires a way to clarify that previous "something." What would come before human nature or natural law? The question lies in whether human rights refer ultimately to human nature or to an even deeper reality. To suggest anything easy that leads Palacios to recognize that, although there are those who know intuitively, there are no convincing theoretical explanations for such a serious and necessary issue⁷.

As Starck, a German constitutionalist says, the starting point to obtain a more solid foundation is the recognition of an irrefutable historical fact that valuing human life in Western culture is much higher than in other cultures, and in the genesis of such a high appraisal, must recognize the influence of Christianity⁸. According to his proposal, a foundation of dignity, provided that the notion does not lose its original meaning, must rely on its historical itinerary, namely its nuclear anchoring in the Christian message, subsequent

6 Cfr. FERNÁNDEZ SEGADO, Fr. (Coord.), *Dignidad de la persona, derechos fundamentales, justicia constitucional*, ed. Dykinson, Madrid 2008.

7 Cfr. PALACIOS, J.M., *La condición de lo humano*, p. 61.

8 Cfr. STARCK, Ch., *La dignidad del hombre como garantía constitucional, en especial en el Derecho alemán*, en FERNÁNDEZ SEGADO, Fr. (Coord.), *Dignidad de la persona, derechos fundamentales, justicia constitucional*, pp. 241-247.

philosophical formulation and, finally, the requirement of legal security. Indeed, over the centuries there has been a development of the notion of human dignity, especially within humanism, of a process of secularization in which the concepts of freedom and dignity go beyond theological reasons and reaches philosophically explained rational arguments that are available to any intelligence. Among them is the important and well-known conviction of Kant who maintained that the person is to be treated always as an end and never as a means. In other words, consciousness and explanations for human dignity are a heritage of human thought.

Upon the central basis that gives rise to the high esteem that the person has in European culture, now a more rigorous, thorough and universal foundation is claimed by humanism founded on the natural law. To continue on that basis it is necessary to take into account the various findings and developments that human intelligence has been developing over the centuries. Among them modernity has emphasized a radical difference between nature and freedom, between the natural and the rational⁹. Modernity, reflecting the legacy of the experiences of the preceding centuries, argued that freedom is something deeper than free will as characteristic of some human acts¹⁰. Intuition, on the other hand, is an affordable access to basic human experience since everyone can recognize that when you do things freely, "because a person wants to" even without apparent reasons to support it, you know that your love is prior to your performance, and that free will is what later will volunteer to act. And even if modern philosophers have not achieved an adequate development of freedom, and despite the absence of naturalisms and extreme biologisms, this has no doubt helped to entrench the belief that what separates him from the rest of Nature is a more radical and profound difference than what has been developed in the classical tradition.

Attempts to further consider nature and natural law as the last enclave of dignity have been made,¹¹ but also there are great difficulties being waged against its survival in the spiritual climate of our time. In addition to this, enclosed in the background there is a patent prob-

9 Cfr. en SPAEMANN, *Lo natural y lo racional*, Rialp, Madrid, 1989.

10 Cfr. GARAY (de), J., *El nacimiento de la libertad. Precedentes de la libertad moderna*, ed. Thémata, Sevilla 2006.

11 Cfr. MARITAIN, J., *El hombre y el Estado*, 2ed. Encuentro, Madrid 2002, pp. 87, 90-91 y 92-95.

lem. Palacios has analyzed some of them, including one of the most profound from an anthropological point of view as described in the following words: "One of the most obvious problems that is always posed (with respect to the basic dignity in nature) is how to unite the concept of human nature with the affirmation of freedom. Indeed, if nature is such, as Aristotle writes early in his *Politics*¹², how can men have an imposed nature and at the same time the capacity to assert himself for his own ends? How could something be by nature and be at the same time free to arrive to become it? How is it possible to conceive, to use the expression of Millán-Puelles, the synthesis of human nature **and freedom?**"¹³.

Moreover, nature, despite being initially regarded as the beginning of operations in living beings, ended up being considered in a way immovable, that which appears opposed to the enormous human capacity for innovation and creativity and with the unpredictability of history. Modern and contemporary thought assumes the importance of time and culture in anthropology. It would be enough to quote Dilthey, Bergson or Heidegger. After the birth of cultural anthropology as a science split off from the rest, we have witnessed for decades the debate between nature and culture. Those who have been the first to defend it, but who are at a disadvantage with respect to the culturalists, have even come to deny that humans even have a nature. The truth is that in this endless debate, affected in its roots by dualism, nature and culture are both considered as two previously constituted realities fighting against each other or refusing each other. And that protracted dispute, if it has been falsely closed, should not come to conclude what is permanent and up to what point that which is innate in the human being is capable of being shaped.

After the sterility of the nature-versus-culture discussion, and challenging the prejudice spoken about by the natural law of modernity as well as the postmodern decision to eliminate the notion of philosophical and legal language, what seems clear is that what is said in tradition about it does not explain everything. From nature it is hard to explain freedom and the ability to rule over the natural man attained by science and technology. In addition, the metaphysical tradition raises the difficulty of developing an anthropology of

12 Cfr. ARISTÓTELES, *Política* I, 2, 1252 b32.

13 Cfr. PALACIOS, J.M., *La condición de lo humano*, pp. 49-50.

knowledge from the philosophical language of the cosmos, making it a secondary dependent of that philosophy. And in some ways the anthropological drama of modernity, despite opening new themes, contributed to the cultural roots from which it came, freedom, the intimacy of subjectivity, its ability to project creativity, etc., try to develop the same philosophy that explains the Cosmos. Polo has noted that, unlike the exponential advancement of science, philosophy has not brought about new ideas for centuries. Different authors are shuffling in varied ways the same elements that address the study of the cosmos and man from a symmetrical perspective¹⁴.

Throughout the twentieth century, however, it has been noted with increasing clarity the need for a new conceptual framework to speak about human beings. Among other issues, we sense that anthropological relationships are crucial, much more than metaphysical accidents that are called ontological relations, though still without specifying its location¹⁵. In the words of Lopez Quintás, "the schemes of "cause and effect" or "action-passion," are mono-directional, deterministic, (a hit on the table, that inevitably causes a determined effect, a certain sound). Instead, the scheme "appeal-response" is circular, and promotes freedom (a man who makes a suggestion to another is what is appealing to the other to take and answer the option)"¹⁶. That is, what is being asked for is an extension of ontology that distinguishes between things and persons, between the being of the cosmos, and the being of each man, the development of a special ontology that allows for anthropology and freedom.

Moreover, dignity has to do with each individual human being and with that profound characteristic of his: freedom. Maybe that's why the vast majority of humanists of the 20th century, instead of talking about man in the abstract have taken up again the old notion of person, to return, in the face of the barbarism of the world wars, to the dignity of every person by virtue of being. Its objective moves along the lines of rebuilding humanism, renewing itself around the

14 Cfr. POLO, L., *Antropología trascendental*, I, p. 90; *Planteamiento de la antropología trascendental*, en FALGUERAS, I., GARCÍA, J., (Coords.), *Antropología y transcendencia*, Universidad de Málaga 2008, pp. 11-14. También en *Miscelánea poliana*, n. 4.

15 Cfr. ZUBIRI, X., *Respectividad de lo real*, en «Realitas» III-IV (1979) 14-43.

16 LÓPEZ QUINTÁS, A., *La antropología dialógica de F. Ebner*, en SAHAGÚN LUCAS (DE), J., *Antropologías del s. XX*, e. Sigueme, Salamanca 1979, p. 152.

singular person, hence the nickname that has come to identify certain groups: personalism. In this sense it is said that, after the anthropological turn of modern philosophy, there has been a personalistic anthropological rotation or shifting of Humanism to Personalism¹⁷.

All this movement seeks to distinguish between nature and person, and as the European Humanism focused on nature and the natural law, a draft permitting ontological personalism that goes beyond nature, to reach a radical anthropological level: personal being. However, for the classic court of abstract thought, partly convinced that human intelligence knows only the general and abstract, and the concrete because the individual belongs solely to sensory knowledge, intends to repair personalistic thought, in the sense that it is considered impossible to substantiate something universal in the individual, because each of these are specific individuals. Are they the ones who still think that it is only nature that is common to all, who can establish universality?

3. CONTRIBUTIONS OF POLIAN TRANSCENDENTAL ANTHROPOLOGY

These pressing speculative needs put us in a position to assess the scope of the extension of the ontology brought about by Leonardo Polo, from which there arises a transcendental anthropology.

As is well known of Polo, beginning from the real difference between the *esse-essentia* and the predicamental and the transcendental plane, in the sixties, he undertakes the task of applying these distinctions to anthropology allowing for an expansion of the metaphysics of Aquinas, and by outlining an ontology for the person different from the Cosmos¹⁸. It is an extension of ontology that allows a development of a new anthropology that opens wide into a joint ontological triad: body, soul and spirit. Transcendental anthropology is based on an expansion of ontology that transcends metaphysics and becomes an anthropology anchored in being (*esse*)¹⁹.

17 Cfr. DOMINGO MORATALLA, A., *Un humanismo del siglo XX: el personalismo*, ed. Cincel, Madrid, 1985.

18 Cfr. POLO, L., *La esencia del hombre*, Eunsa, Pamplona, 2011, pp. 90-98.

19 Cfr. POLO, L., *Por qué una antropología transcendental*, en *Presente y futuro del hombre*, Rialp, Madrid 1993, pp. 142-194.

Applying the human distinction between the essence and the act of being (esse), the person, the who individualized, appears as the act of being of every man, the human esse, as distinct from its nature, will become essentialized through self-determination. However, in the cosmos, every real substance, does not therefore have its own esse but participates in a single act of being that belongs to the cosmos, a mere whole of all intra-cosmic beings. Along this line of thought, neither the act of being of every man, which is his personal, nor his essence, are the same as the act of being and essence of the cosmos, because the personal act of being of man is free and his essence is capable of acquiring habits²⁰, while the act of being of the cosmos is determined by fixed laws, constituted by studying the causes that metaphysics studies. According to this philosophical development that orders the findings of the personalistic phenomenon and coincides with Zubirian²¹ exposure of substantivity, the entire cosmos is a single act of being, while each person has their own. And that is to be a person.

In this context we say that the main difficulty talking about the person is rooted in that the person has to do with being, not the essence, and in that sense is not capable of being grasped with generic concepts. The person, each person is unique and unrepeatable. Polo states that the person is that which is new along the lines of Hannah Arendt, according to whom, with each birth something unprecedented appears in the world, that philosophically speaking is explained because each human being has their own act of being, a radical enclave of intelligence and freedom. And the reason that Polo speaks of transcendental anthropology is because the person is an act of being and that which the act being refers to is of a transcendental order. Although this order is also present in metaphysics, it is distinct from the transcendental order of anthropology that is situated at another level, the level of freedom. To explain freedom philosophically, a broadening of ontology is required using another, more appropriate language proper to its object of study, an issue that is called for by all personalistic thinkers of the twentieth century. You could say, from a grammatical point of view that metaphysics is different than anthro-

20 Cfr. POLO, L., *La coexistencia del hombre*, en *Actas de las XXV Reuniones Filosóficas* de la Universidad de Navarra, t. I, Pamplona, 1991, pp. 33-48.

21 Cfr. ZUBIRI, X., *Estructura dinámica de la realidad*, Alianza editorial, Madrid 1989, pp. 50, 90-91 y 201.

pology, because metaphysics deals with substances and anthropology deals with pronouns: I, you, and we.

According to this anthropology it is necessary to distinguish levels in the transcendental order. In a summary way, you could say that Polo proposes extending metaphysics considering that all beings have an act of being. However, it does not entail an act in the participation of the being of God. Polo considers the doctrine of participation, the theory in which most neo-thomists have supported themselves, as insufficient to enter into the knowledge of being, since it recognizes that Creation is not only about the essence, but also about the very act of being that brings forth creatures into existence. Going one step further, he distinguishes the act of being of the Cosmos, which he calls the first creature, from the act of being of each man, the second creature, and ultimately the act of being of God. He definitively states that participation is not a sufficient enough basis from which to point out the novelty of bringing a new being that comes into existence, either from the big-bang of the Cosmos, as well as the emergence of a new human life.

In other words, the fact the creatures have an act of being is not because they participate in the same divine Being, but because God has created them to exist for themselves, since creation consists mainly in the fact that God creates the act of being and not only the essence of beings. In a second step, Polo notes that the human being is to be distinguished from the being of the Cosmos. Regarding the latter, after considering the multiplicity of problems which one could suppose, that each substance would have its own act of being, and observing the great unity of the cosmos, he concludes that everything as a whole, has a single act of being, from which all inert and living substances of nature participate. That is, the doctrine of the participation of the act of being is easily framed within cosmic nature, where each one of the substances has an act of being that participates in the one act of being of the Cosmos. It is not so for the so-called human being, who he called the second creature, which is a person. The person is unique because each man has his own incommunicable act of being, the very reason why medieval thinkers described the person as incommunicable. In other words, in as much as it is distinct from the essence, the human *esse* is the person, the other co-principle, who actualizes the individualized nature of each man that is transmitted

by his parents²². Since the person is the act of being, and therefore transcendental, actualizing all the formal perfections of each man, it can be said that the soul is personal and that the body is personal or that the whole man is personal, but not in the sense that the person may be the "all" in the sense that if it were missing one of its constituent elements, for example the body after death, then it would cease to be a person²³.

Through careful observation, Polo continues declaring that man is distinct from the Cosmos both in his act of being, which is free, as well as in his essence, which is capable of habits. On the other hand, he highlights the inclusion of the relationship of the very act of being, describing this act of being as co-existence, after affirming that a person can not be alone, because it would be a misfortune not having someone to communicate with and to give oneself to.

Moreover, in as much as the knowledge of the act of being (*esse*) is concerned, if the history of philosophy is reviewed, its best development is found in the theory of the transcendentals, that is, those properties of being as being, that add more knowledge about the act of being, even though they become one with it. Thus, unity, truth, goodness or beauty, considered as the most important ones, are no different than being itself, but they help us to know it better from different perspectives. Hence, if specific transcendentals on the human level are distinguished, there exist other characteristic transcendentals that are personal²⁴. That is, similar to how classical philosophy distinguished a series of transcendental properties of being – unity, truth, goodness, beauty– so the act of being has its own transcendental properties. For example, in the person, that which is good, is above all love. And as for freedom²⁵ or intelligence, there are tran-

22 Cfr. POLO, L., *La esencia del hombre* en FALGUERAS, I., GARCÍA, J., (Coords.), *Antropología y transcendencia* Universidad de Málaga 2008, pp. 31-50. Also *Miscelánea poliana*, n. 4.

23 This has been one of the burdens that has dragged the philosophical tradition after the famous definition of Boethius, including Thomas Aquinas, until he manages to overcome it. Cfr. CASTILLA DE CORTÁZAR, Bl., *Noción de Persona y antropología transcendental: Si el alma separada es o no persona, si la persona es el todo o el esse del hombre: de Boecio a Polo*, en «Miscelánea Poliana», 40 (2013) pp. 62-94.

24 Cfr. POLO, L., *Antropología transcendental I: La persona humana*, Eunsia, Pamplona 1999; 2003², pp. 203-227.

25 Cfr. POLO, L., *Libertas transcendentalis*, en «Anuario filosófico» 25 (1993/3) 703-716.

scendental dimensions as well, not in such a way that they are reduced to being powers of nature, but that are more radically properties of the very same personal act of being.

In other words, given that the act of being is transcendental, because it actualizes all of the formal perfections, the person in as much as it is the act of being, also has transcendental properties. Recall that transcendentals do not have anything to do with essences, but are properties of being as being: being and all that is, by just being, is good, true, beautiful. If we consider that being a person is of another order or of a higher ontological level, then we can glimpse properties that belong exclusively to the personal being, and therefore are also good, true and beautiful. In the case of man, anthropological transcendentals, as proposed by Polo could be: being-with or co-existence, freedom, intelligence, donation or effusion, filiation.

In this sense, Polo's development of transcendental freedom takes on special importance, especially in light of freedom's relevance throughout modern and postmodern thought. Polo distinguishes between the native or transcendental freedom of the will that has the ability to possess moral habits or virtues. That is, one thing is the will as a faculty of the soul, a power capable of habits, and the other "free someone" that activates it, moving it to action. Freedom as a characteristic of the personal act of being, which at the same time is integrated with the intelligence of truth and love, is no less important than the transcendentality of the intelligence (which Zubiri masterfully develops before him), nor the donal aperture of the person, in which love consists.

The transcendental level would also be the level at which to place the intelligence, in as much as it is light that, illuminating data received from the senses, enables abstraction but, above all, that captures the essence of things, making them real, alive. Aristotle already noticed the difference between the agent intellect, which is act, and the passive intellect that is capable of possessing intellectual habits. If we ask what the relationship is between the Agent Intellect and the person, Polo answers saying that what Aristotle called the Agent Intellect, could be called the person. Therefore, one can conclude that neither intelligence nor freedom is properly of the essence, but transcendental properties of personal being, as is the good or beauty with respect to being in general. And as mentioned, to these two properties or transcendentals of the person must be added another at the

same level, inserted into the relational aperture: gift, love. In other words, the good, a transcendental property of being, considered generally as being, in anthropology is called LOVE. From the ontological point of view, love would necessarily be described as a radical or an anthropological transcendental.

The human person has its own and exclusive powers for knowledge and self-knowledge, it can also acquire self-determination deciding by itself being a free author of its own biography. As Viladrich says **“this is the moment when we get into the mystery. None of us generated himself from nothing. No one is his own creator nor his own father. Nevertheless each one of us feels inside that he is that unique person, self-possessed, capable of love and be loved in his exclusive subjectivity. This inner experience leads us to the question about who is the one that gave us that unrepeatable and excellent being among all the other being in cosmos, ho was able to create us from nothing and create us as unique persons”**²⁶. It can be deduced that this unrepeatable act received comes from God. That act of being and those granted powers that he owns are the deep reason of the inalienable rights. Here precisely lies the human dignity that inseparable is responsible freedom to develop and make grow the gifts given.

4. HUMAN DIGNITY AND TRANSCENDENTAL ANTHROPOLOGY

From transcendental anthropology clear and distinct possibilities open up for the foundation of human dignity and its inalienable rights, not so much at the level of nature, but precisely in the person. The person is its own act of being, and the property of every human being.

Human person, consider as the act of being of each man, is precisely what makes it be unique and repeatable and not only an individual of a higher species. That act of being is what makes person as an inner core from which all actions comes from, a being which he is the only owner so nobody can posses it unless is given by him. Here lies his dignity.

²⁶ VILADRICH, P.J., *El valor de los amores familiares*, ed. Rialp, Madrid, 2005, p. 33.

From this new perspective, the ultimate foundation of human dignity, that something prior to action and the guarantor of inviolability, would come to be something deeper and interior to its specific nature. It would undeniably be the person. Human dignity, that every person has precisely because they are unique and unrepeatable, is a non-transferable dignity. Nevertheless, while enjoying it, every human being can also say that it is universal. However, this appears to deal with another way of universality, universality at an ontological level that, without annulling anything said above, reaches a deeper level and allows for a more solid moral foundation, because, ultimately this would not be such if were not to host the freedom to love.

Transcendental anthropology, thanks to its ontological expansion and the recognition of the uniqueness of the human person who is intrinsically free, intelligent and capable of giving, offers an adequate scenario to support human dignity in being.

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

Daniel H. Castañeda y G.
Panamerican University (Mexico)
danielhcastaneda@yahoo.com.mx

RECEIVED: October 6, 2014
ACCEPTED: October 30, 2014
DEFINITIVE VERSION: November 19, 2014

Translated by Erik Norvelle
CyberLogos LLC
erik.norvelle@neomailbox.com

ABSTRACT: Polian legal thought cannot be explained purely and simply by holding that titularity would be the gracious concession of the legislator, expressed in a law or in objective law, from which the subjective law is derived, consisting in a faculty or *potestas* for the achievement of a social purpose. This is due to the fact that a good part of the *current understanding of notions* such as titularity, faculty, system, etc., are born from a determined *primary organization* and a gnoseological load that is very specific, outside of which they do not function. The theory of knowledge of Polo, together with his anthropology, is incompatible with the philosophical foundations on which a good part of the current understandings of law are based. This reinforces the necessity of understanding the basic Polian legal notions as they function in history.

KEYWORDS: Philosophy of Law, History of Law, Leonardo Polo Legal Thought, Juridical Rationality

Leonardo Polo has stated that “the law undergoes historical variations but perhaps *its function remains the same across history*. What happens is that this function, in the systems of law in force *in each moment*, has not been fulfilled in the same way.” With this simple sentence Polo shows that *the just action of the human being is penetrated by time*; that is, *it is historical*.

Polo proposes that law is a system of potestative or facultative titularities (rights or titles granting the power to exercise certain faculties) for the solution of conflicts, and which work towards the attaining of social order. Nevertheless, Polian legal thought cannot be explained purely and simply by holding that titularity would be the gracious concession of the legislator, expressed in a law or in objective law, from which the subjective law is derived, consisting in a faculty or *potestas* for the achievement of a social purpose that the legislator is served by at a determined moment of time. This is due to the fact that a good part of the *current understanding of basic legal notions* such as titularity, faculty, system, etc.¹, are born from a determined *primary organization* and a gnoseological load that is very specific, outside of which they do not function. The theory of knowledge of Polo, together with his anthropology, is incompatible with the philosophical foundations on which a good part of the current understandings of law are based. This reinforces the necessity of *understanding the basic Polian legal notions as they function in history*. For these reasons this article is principally directed to those who seek to study the notion of law in Polo.

Based on what has been stated until now, a broadly important question arises in the history of law, which is that of the difference between law and jurisprudence, paralleling the distinction between

1 E. GARCÍA MAYNEZ is *one of the high points of philosophy of law in the 20th century*, (Cfr., Fernández Suárez, J. A., *La filosofía jurídica de E. GARCÍA MAYNEZ*, Servicio de publicaciones de la Universidad de Oviedo, 1991, 9) and one of the *undeniable contributors to the legal mentality in a great part of the Hispanic world*. In his work and especially in his *Introducción al estudio del derecho* (Porrúa, México) which has gone through 64 editions, he defines *certain basic legal notions*, such as objective law, subjective law, faculty, system, legal title, etc. This understanding is *precisely what the basic notions of Polian philosophy of law cannot be traced back to in a pure and simple manner*.

lex and *ius* and also between *directum* and *iustum*². In the development of this historical investigation I seek to follow the order established by these basic concepts, trying to locate within this schema the essential notes on which rest the Polian notion of law and its meaning. On this basis, the role of temporal human action in the conception of law held by the jurist and philosopher Leonardo Polo will become clear, and also in jurisprudence, about which he does not speak directly *but for which he establishes the bases for re-visioning them radically*.

In order to understand law according to Leonardo Polo, and thereby the role of temporal human (juridical) action, it is necessary to specify the reality to which terms like law, right, just and their derivatives refer. This analysis is fundamental, since the lack of distinction in the reality of that to which these words remit (that is, certain layers or “geological-semantic” substrates that have been left behind by civilizations, and therefore by temporal human action) would lead to inventing chimeras.

Therefore, this article does not seek to develop a theory of law, nor does it seek for the time being to begin a conversation with current scholarship in the philosophy of law. Rather, it seeks to clarify the basic notions of Polian philosophy of law, fundamentally via the use of the history of law and to a lesser degree via the mention of diverse legal aspects of present-day reality. Nor is it a study of the methodology of legal or judicial rationality, although it does seek to establish the bases for so doing, which is why I have had to put to one side the *iusphilosophical* discussion about principles and rules and about weighing between principles. Moreover, it is not an article on the history of law, but rather employs certain achievements attained over the course of that history it is impossible to use them all in order to understand what juridical reality is that of the remote past, at least and which might help to explain the Polian philosophy of law. This will open the door to allowing the legal reality of the near past and of the present to also help to explain this philosophy. It should be noted finally that with the term *legal reality* reference is being made to the

2 A philological and etymological approach to these terms can be found in HERNÁNDEZ, J. A., and D. CASTAÑEDA, *Curso de filosofía del derecho*, México, Oxford University Press, 2009, especially 49-59 y 88-92.

significance of law in every historical moment³, that is to say, what law is; consequently, the aspects related to the history of legal institutions, of the sources of the law, the social history of law, etc. are left to one side.

1. THE LAW IN THE WORKS OF POLO

In order to trace the outline of the notion of law in Polo's thought, I will refer to a small number of works. Firstly, the interview of Octavio Vences Zegarra with Polo: "Una sociedad poco juridificada inhibe la actividad humana" ["A poorly juridified society inhibits human activity"]⁴. Secondly, the article entitled *Las organizaciones primarias y las empresas* ["Primary organizations and businesses"]⁵, where he does not deal specifically with law, but dedicates a short section to the topic, locating it in its political, economic, social and cultural contexts; *locating it within human organization*. In addition, an indirect source is the work of Salvador Rus, "La filosofía jurídica de Leonardo Polo" ["The legal philosophy of Leonardo Polo"], which, despite not being written by Polo himself, is nevertheless the result of a dialogue between the author (Rus) and Polo, the former having had "the occasion of speaking many times with him about topics related to the world of law."⁶ Finally, in other writings Polo deals with the law in the context of culture and of human creation,⁷ as well as in an ethical context.⁸

Polo devoted many years to the study of law. Four years for a licentiate degree followed by a doctorate⁹, attained in the mid-50s, in

3 "En este sentido, toda filosofía jurídica es también resultado de una experiencia, por cuanto supone un propio esfuerzo de comprensión de la realidad jurídica histórica y actual", D'ORS, A., "Principios para una teoría realista del derecho", *Anuario de filosofía del derecho*, (1953), 1, 301.

4 POLO, L., "Una sociedad poco juridificada inhibe la actividad humana", *Ius*, (1991), 2, 22-4.

5 POLO, L., *Las organizaciones primarias y las empresas*, Pamplona, Servicio de publicaciones de la Universidad de Navarra, 2007.

6 RUS, S., "La filosofía jurídica de Leonardo Polo", *Anuario Filosófico*, (1992), 25, 1, note 1.

7 *Quién es el hombre. Un espíritu en el mundo*, Madrid, Rialp, 2ª. ed., 177-80.

8 *Lecciones de ética*, Madrid, Rialp, 2013.

9 Unfortunately he never defended his thesis, but his work on that program is the basis of his first books; cf. J.M. POSADA ("Abstracción y realidad. Un estudio desde la teoría del conocimiento de Leonardo Polo", *Excerpta e dissertationibus in*

addition to a research stay in Rome at the *Istituto Giuridico Spagnolo*. Despite his extensive legal education, Polo never wrote any works dedicated to the history of law, and when he deals with the issue the lack of a critical apparatus impedes a reconstruction of his studies on the history of law. Nevertheless, his knowledge of the discipline, and his understanding of extra-mental and human reality, permitted him to develop the acuity to see the pieces that were lacking in the *puzzle*. In particular, one should note that the more than probable influence on Polo left by his stay at the *Istituto Giuridico Spagnolo* during which time its director was Álvaro d'Ors.¹⁰

It is important to seek to discover the meaning that Polo gives to law, since his thought could be—insufficiently—interpreted through the lens of the so-called subjective law and of modern dogmatics. It is only in the light of his philosophical work that one can interpret the meaning that he gives to law in accordance with the Romanist tradition as well as the knowledge of extra-mental reality, and not to a mere system and the application of norms inferred from it. Therefore, in the final analysis it is possible to hold that law, for Polo, is located within the *judicialist* tradition,¹¹ and as a result it is not possible to locate him within the *ordenancist* tradition or that of subjective law.¹² Nonetheless, he is clear about the role of laws and their rela-

philosophía, 8, (1998), 27, n.10) that “*El acceso al ser* y en un artículo titulado *La cuestión de la esencia extramental* (...) *recogen escritos cuya redacción original proviene de los primeros años de la década de los 50*”. M.J. FRANQUET (“*Semblanza bio-bibliográfica*”, *Anuario Filosófico*, (1992) 25, 1, 15) holds for his part that “su dedicación a la filosofía tiene lugar a comienzos de los cincuenta, después de terminar la carrera de Derecho (...) A estos años pertenece su tesis doctoral sobre la distinción real y unos gruesos manuscritos, redactados entre 1952-58, que vieron la luz una década más tarde: *Evidencia y realidad en Descartes* (Premio Menéndez Pelayo del CSIC, 1963), *El acceso al ser* (1964) y *El Ser I* (1966)”. It would thus appear that the abandonment of the limit is a consequence of the search for the solution to a challenge raised by the law, i.e. the already-mentioned existential character of natural law. In this sense it could be said that law is the locomotive of the philosophical work of Polo.

10 A. GUZMÁN BRITO, “Álvaro D'ORS (1915-2004),” *Revista de estudios histórico-jurídicos*, (2004), 26, 730.

11 For a deeper analysis of these terms, see D'ORS, A., “Ordenancistas y judicialistas,” *Escritos Varios sobre el Derecho en crisis*, Cuadernos del Instituto Jurídico Español, Roma-Madrid, 1973, 35-43.

12 J.J. MEGÍAS, “El derecho subjetivo en el derecho romano (Un estado de la cuestión),” *Revista de estudio histórico-jurídicos*, (2003) XXV, 35-54; idem, “La consolidación del derecho subjetivo en el periodo postclásico romano,” *Anuario de*

tionship with *ius*. His understanding of human organization, of the knowability of extra-mental reality, and of history (i.e. of time), prevents his understanding of law from being given a legalist-systemic character that would only require a generalist logic in order to be elaborated and a certain practical knowledge in order to put the law into practice. Here *the necessity is clear of keeping in mind the meaning of the rest of Polo's philosophical works* in order to understand his conception of law, since there is a risk of developing a simplistic interpretation that is incompatible with his anthropology and theory of knowledge, such as assimilating titularity and faculty to objective and subjective law.

The synthesis of the notion of law in Polo will involve the review of the three issues that motivate the research of Rus, that is: what does Polo understand law to be, what is its ground or its essential notes, and what is its function in the life of human beings from the anthropological and sociological perspective.

Polo holds that the function of law has been the same throughout history, although that function has not been fulfilled in the same way by all legal systems. If the function of law is the same over the course of history, the one that he proposes will also be part of that historical tradition, and can even *lead back to that tradition*.

A first “definition” would understand law as a system (artistic dimension) for the solution of conflicts (third essential note) between facultative titularities (first and second essential notes) in order to bring order to society (social function). Thus Polo indicates that law is a system of norms that rests, on the one hand, on *titularity*, and on the other hand, on *capacitation or potestas*. That is, it is a system of titles and faculties with a determined function.

a) First essential note

The first or essential note on which the normativity of law rests is that of titularity. Titularity grants the right-holder an increase in his or her natural capacity by way of *protecting it* and *of treating it as a faculty*. It would seem that on this point Polo has recourse to the

filosofía del derecho, (2003), 20, 189-206; Various authors, *El derecho subjetivo en su historia*, Servicio de publicaciones de la Universidad de Cádiz, 2003.

tradition of subjective law, since in various places he holds that law is a system of titularities.¹³ Nevertheless, his theory of knowledge and his anthropology remove him completely from this tradition, since it (subjective law) has proven origins in the prenominalist circles of the 12th century, continued in the canonistic circles of the 13th century and taken up again strongly by the nominalism and scholasticism of the 14th century.¹⁴

Titularity, according to Polo's understanding, capacitates for an appeal to limitations, which confer a particular kind of power. These limitations are usually accepted *motu proprio* by the litigants; unfortunately, however, they sometimes have to be imposed with the aid of law enforcement.

In order to understand the explanation I offer an example by way of the *mode of acquisition of property* entitled *fluvial accession by avulsion*. This mode of acquisition comes into play when the force of a river carries away part of a plot of land located upriver and deposits it on another piece of property downstream. For legal specialists, the owner of the property that suffered the separation conserves the ownership of the piece transported by the current, and may lay a claim to it, but the owner of the land to which the transported piece becomes permanently united extends his or her holdings to it. The criterion in order to know whether the union of property becomes permanent is whether or not the vegetation on the transported piece of land sends roots towards the plot to which it becomes incorporated. If this occurs, the jurists hold that the union between plots becomes permanent.¹⁵ In this case the owner of the piece of land to which the moved land becomes definitively incorporated has in his or her favor a number of jurisdictional resources in order to limit the activity of third parties and of the owner of the land that suffered separation. These jurisdictional resources confer the specific kind of power that Polo talks about: the power to take possession of the fruits

13 POLO, L., *Antropología trascendental, II La esencia de la persona humana*, Pamplona, Eunsa, 2003, 258.

14 GUZMÁN BRITO, A.: "Breve relación histórica sobre la formación y el desarrollo de la noción de derecho definido como facultad, o potestad (derecho subjetivo), *Ars iuris salamanticensis*, (2103), 1, 77ff; idem., "Historia de la denominación del derecho-facultad como 'subjetivo'", *Revista de estudios histórico-jurídicos*, (2003), 25, 410ff.

15 A. GUZMÁN BRITO, *Derecho privado romano*, t. I, Editorial Jurídica de Chile, Santiago de Chile, 1992, 558.

of the plants that sent roots into the land, making the union permanent. In the case that the union is not permanent, the jurisdictional resources would be in the possession of the owner of the plot that suffered the separation. The exercise of this right permits the owner to express his or her dignity by way of assuring him or herself an inviolable domain of activity for the purposes of its use and of ulterior or human ends.

This results in law being a procedure for extracting the human being from isolation, which means that law is intrinsically social. When titularity is defended against other persons, a precise web of relations comes into play. The human interest that the law serves is, thus, of many kinds. From the case in question one can extract various interests. First, the physical survival, by means of the consumption of the fruit obtained, of the owner of the plot of land to which the land washed downriver is incorporated. Later a precedent is established before society for future similar cases; societal peace is established among those who were litigants in the case, etc.

b) Second essential note

It consists in the increase of the capacity, faculty or power that appeals to an anthropological destination of law, which would indicate that it is at the service of the growth of human essence, an issue that the tradition of subjective law is far from ever having engaged with. Law grants power in order to increase the capacities of the right-holder. Law is, in the final analysis, at the service of the unrestricted growth of the essence, which only grows to the degree that human action does. **This is what is behind Polo's statement that "the poorly legalized society inhibits human activity," or that societies that have few norms impede persons from carrying out, via the exercise of faculties, actions that make them grow in their essence, as well as contributing to the configuration of the social order, which also occurs through the resolution of conflicts. Law, for Polo, is rooted in anthropology; contributing to the growth of the human being is its ultimate purpose. It must be made clear that norms cannot be understood plainly and simply as laws.**

c) Artistic dimension

Polo holds that law is the most subtle art, indicating that it is a practical activity, with the result that *ius* must be worked out, in the final analysis, by practical reason. This does not exclude that various elements necessary for working out *ius* be known by other faculties and by the habits, since they too are a theoretical and practical knowledge derived from acts and habits, and are necessary for the configuration of *ius* by the practical reason.

Salvador Rus emphasizes the artistic character, holding that law, for Polo, is the work of the configuring capacity of the human being, which gives rise to external products; it is a cultural product in which the continuation of nature is clearly seen, since it is a capacity for creating norms.¹⁶ Nevertheless, this continuation of nature requires knowing it in order to extend it. Otherwise, *ius* would not fulfill its function, or would even be negative. Thus, we understand the importance of knowledge of the extra-mental as a source for working out *ius*. Only on the basis of this prior knowledge can we understand that for Rus this power is an increase over what was naturally given to human beings, with the result that their natural weakness is assisted by law, meaning that human beings are strengthened by artifice or “**artistic norm.**” *Ius* in the final analysis is the fruit of the exercise of the entirety of human knowledge.

d) Third essential note

Polo speaks of a third essential note: the norm presupposes human conflictivity¹⁷ and law concerns the arbitration or solution of conflicts between owners¹⁸. This is the task that jurisprudence has charged itself with carrying out during more than 20 centuries¹⁹.

16 RUS RUFINO, S., “La filosofía jurídica de Leonardo Polo”, *Anuario Filosófico*, (1992), 25, 1, 218.

17 RUS RUFINO, S., “La filosofía jurídica de Leonardo Polo”, *Anuario Filosófico*, (1992), 25, 1, 224-5

18 “In addition, law concerns itself with two issues: rights-holding (titularities), that is, institutionalized juridical capacities, and the arbitration or solution of conflicts between rights-holders”, POLO, L., *Antropología trascendental, I La persona humana*, Pamplona, Eunsa, 1998, 177.

19 *iuris prudentia*. Dig. 1.1.10.2; which refers to the exclusive competency of experts in *ius*, Glare, P. G. W., *Oxford Latin Dictionary*, 2nd ed., Oxford, Oxford University

Polo holds that law consists in the *encounter and formulation* of limitations on the exercise of immediate powers.²⁰ This capacity for limitation of powers is ascribed to the holder of the right by the judge who determines the *ius*, but it also can be contained in the laws that constitute *ius* only through the *iudex*.

e) Social function

The function of the law in the life of humans and *the manner in which law fits within the human being* is by way of *its assimilation*. That is to say, the law does not only provide external benefits or harms (benefit of things by way of insuring them), but in addition capacitates the human being for the coming of his or her future. This is the link or manner in which the increase of capacity that is the gift of the law is assimilated to the increase in biological-natural capacities.

Since law is inspired in human nature in order to extend or continue it, the actuation of the verbal and active character of the norm requires that it correspond with human nature, *which reproduces itself in the form of habit*. This is why the norm presupposes the growth of habits, and also why it capacitates the human being for the coming of a future that belongs to him or her. Only by obeying the law *does one acquire virtues*. The “**inspiration in human nature**” that Rus speaks of refers to the fact that knowledge of the “**nature of things**”—and its correlative way of taking advantage of them—permits the development of the law, which is oriented towards the growth of human nature. Therefore, human nature does not, cognitively, contribute anything to things themselves, but rather the use of things provides the benefit—and with that the habit and the vital foundation—to human nature.

In sum, law fosters the acquisition of virtue, which in turn fosters the fullness of life or the perfection of nature. In his *Antropología trascendental* Polo adds a kind of synthesis of the issue, affirming that subjecting things to norms, which is what is proper to law, adds a

Press, 2012. *Iuris scientia*. Dig. 1.2.2.35; Dig. 1.2.2.40; 45.1.91.3. *Ars iuris*. Dig. 1.1.1pr.

20 POLO, L., *Las organizaciones primarias y las empresas*, Pamplona, Servicio de publicaciones de la Universidad de Navarra, 2007, 107-9.

value that contingent reality does not have, and it is precisely this added value that shapes the realm of the social: this is positive, or “imposed,” law. Positive law is the law that is effective, the law that in fact shapes the realm of the social. This occurs, of course, by way of generating virtue, which guides tendencies. This normativity is far from being *simple regulation*.²¹ In addition, as an element that shapes the social, the norm places human beings into relationships with one another, forming society and shaping the typical connections of society.²² Thus, law is not merely a matter of negative relations, as one might believe in the light of prohibition; instead, it is *a fostering of coordination and order*: of peace.

2. CLASSICAL ROMAN JURISPRUDENCE: *IUS* AND *LEX*

By way of this sketch of the Polian notion of law, one can extract the wealth of its meaning by contrasting it with historical legal reality. This will allow for understanding that, despite the historical variations of law *its function is the same over the course of history*, but also that this function has not been fulfilled in every moment of history in the same way. This means that this aspect of Polian philosophy can explain reality, which in the case of law means the legal systems of today and of the past. It is thus that the knowledge and ordering of the relations between persons that are derived from the employment or usage of things—in the Western world and in accordance with its Roman legal tradition—has been exercised by judges from time immemorial.

The term *ius*—from its most ancient uses up through the postclassical Roman world²³—cannot be simply and easily translated as *right* or *directum*, much less as *lex*. Even in the Middle Ages some jurists and philosophers such as Thomas Aquinas did not assimilate the terms.²⁴ It was only in late Latinity that *directum* was used in parallel with *ius* and ended up displacing it. Thus, during the preclassical and

21 POLO, L., *Antropología trascendental, II La esencia de la persona humana*, Pamplona, Eunsá, 2003, 267-8.

22 *Sobre la existencia cristiana*, Pamplona, Eunsá, 1996, 2 parte, III y V.

23 Cf., A: GUZMÁN BRITO, *Derecho privado romano*, t. I, Editorial Jurídica de Chile, Santiago de Chile, 1992, 84.

24 ST II^a-IIae q. 57 a. 1 co.; II^a-IIae q. 57 a. 1 ad 2.

classical periods (some eight centuries) *ius* referred to something distinct from and irreducible to what *directum* and *lex* referred to.

a) The differences

Ius and *lex* have moments and circumstances where they are elaborated differently and have different proximate ends, even if the remote end is the same: the maintenance of society and the survival of the human being in it. In addition, each of them is developed by different persons or structures, which exercised diverse competencies; that of *potestas* and that of *auctoritas*, as d'Ors would say. These differences depend on human actions and decisions supported by knowledge that is exercised in determinate moments, and as a result they do not correspond to a non-existent *essence of the juridical* or *substance of the law*. These differences are the manifestation of *human temporal activity* although they are exercised by certain cognitive dimensions and supported by an anthropological structure.

a.1) The end

Ius and *lex* are similar in regards to their ends, since they derive from a normative action that seeks to regulate social order in a given moment, with a view to its preservation or subsistence. It is accepted by the Western legal tradition that holds that the end or purpose of jurisprudence is the attainment of *corrective justice*, as Aristotle terms it, or *commutative justice* as Aquinas calls it. The necessity of the exercise of this subjective part of justice arises when there is an imbalance in the relation of equality among persons, resulting from the employment or usage of goods. The re-establishing of equality would mean that the person who won at the cost of the other must reject this gain in accordance with the measure of the loss by the first person. This allows an understanding of why Aristotle holds that corrective justice is calculated according to *geometric equality*. The exercise of this subjective aspect of justice is, therefore, that which gets the act (action) right, and it is the object of this exercise that rectifies or remediates the inequalities that arise as a result of the

συναλλαγата²⁵ between persons, that is, of *simple human interaction*.

The employment or usage of the goods communicated by the human tendency to sociability should not necessarily be understood as something strictly economic, measurable and quantifiable, but rather as *something real understandable by the human person*.

Despite the fact that the tradition has held that corrective justice is that which is proper to judges, the judges have to deal with the other subjective part of justice: *distributive justice*. In this way the *iudices* can also initiate and direct processes when there has been a violation of the relations of distributive justice. Although normally it is not within the jurisdiction of judges to establish laws and rules for the appropriate employment or usage of the common good, nor of privately owned goods, they do correct imbalances affecting the employment of these goods. Therefore, distributive justice cannot be understood only as norms, or as limits to employment contained in the regulations, nor as laws and rules that protect the common good, that is, as simple statements. Rather, distributive justice is the act of the subjective part of the virtue of justice, whose object is the action or proportional use of the common good²⁶; this action restores the imbalance in the use of a common good.

This precision permits understanding better that the spheres of legal order and those of the juridical order are not the same, although they are coordinated. It is worth adding that the same person or structure may perform both functions, legal and judicial, including the governmental power, while the acts by which these functions are exercised are formally excised. Nevertheless, there will never be an identification of the rule of conduct that orients the action towards the future, of the conduct that resolves imbalances caused by actions

25 This can be understood as “any matter agreed on between persons, proceeding from a contract or not,” H.T. PECK, *Harpers Dictionary of Classical Antiquities*, New York. Harper and Brothers, 1898; that is to say, “that which proceeds from agreements or contracts between persons,” H.G LIDDELL AND R. SCOTT, *Greek-English Lexicon*, Oxford, Clarendon Press, 1996, entry συναλλαγμα. These *transactions* require a very broad meaning to be attributed to them, cf. FINNIS, J., *Natural law and natural rights*, Oxford, Clarendon Press, 1980, 177-9.

26 “Shared possession with respect to a medial, consolidated plexus in which the human person participates actively without forming part of it nor being confused with it” in FRANQUET, M. J. “Sobre el hacer humano. La posibilidad factiva”, *Anuario filosófico*, (1993) 26, 2,429. Finally in STh, I-II, q. 90, a. 2, ad. 3.

of the past; nor will the *imperative declaration of potestas* be identified with the *prudential criterion of authority* of the experts. This is why it is appropriate to use different terms in order to designate one or the other. In addition, one can make out with more clarity what the role of time is in *lex* and in *ius* and also what the role is of the action of the person, of an *esse* that exercises—by means of its *essentia*—habits, virtues and acts in order to achieve fullness of being for the person's *essentia*.

a.2) Persons-structures

Lex is developed by the person who is in charge of the community, which, throughout history, has been the political-governing *potestas*.²⁷ It is the result of the exercise of the *potestas*, that is, of *the exercise of power*, the expression of a will, but a will that, of necessity, must be *socially recognized*. This is why it is an *imperative declaration* on the part of the person exercising political power; however, in order to exercise this power the acceptance of society is necessary. The power that is exercised is the “personal possession of the means necessary for configuring the co-existence of a social group,” which one can possess only by way of social recognition.²⁸ This would thus be the true sense of the Latin *lex*.²⁹

Ius, in contrast, is the resolution of a controversy between persons that is derived from the employment of things. This resolute labor has been given to specialists, who sometimes have jointly exercised *potestas* as well, and thereby the governing and legislative power as well. But *ius* has always been a mechanism of correction or an instrument of rectifying imbalances or disproportions in social relations by means of the establishment of a *position of force* according to the prudential criterion of these experts, made concrete *in each case* in the form of prediction or of the opinion of the *iudex*.³⁰ It dif-

27 D'ORS, A., “La ley romana, acto de magistrado”, *Emérita*, 1969, 138-9. Bruns, C. G., *Fontes iuris romani antiqui*, Tubinga, Mohr, 1909.

28 DOMINGO, R., *Teoría de la «auctoritas»*, Pamplona, Eunsa, 1987, 227ff.

29 “An active force”; “an enactment of a sovereign power”; “a rule made by any authority”, GLARE, P. G. W., *Oxford Latin Dictionary*, 2nd ed., Oxford, Oxford University Press, 2012.

30 D'ORS, A., *Parerga histórica*, Pamplona, Eunsa, 1997, 122.

fers from *lex* because it is the fruit of a *knowledge* that is socially recognized, and not an act of *potestas*.

This approach leads, in the final analysis, to knowing the core or essence of the problem, finding grounds for the exercise both of *potestas* as well as that of authority; These grounds, ultimately, are nothing other than social recognition. This makes it clear that these structures-persons that develop both *ius* as well as *lex* have as an essential element the fact of social acceptance, which, one might say, is something cultural. Stated in another way, social organization is a fact in a determined moment, in a specific time. The various political regimes are imposed by the recognition that a community offers to these structures, structures which must be established in persons and in their actions. When the community recognizes that the political structure possesses *imperium*, its commands will be laws, and when that structure is recognized as having *authority* its decision will be *ius*. This is the living society in which the sources of normativity proliferate.

Up to here we can see that the distinction between *ius* and *lex* cannot be established completely by merely paying attention to its sources of creation or elaboration, since both are norms deriving from *sources of normativity*, although one comes from *auctoritas* and the other from *potestas*. Certainly this criterion involves a difference: that *ius* and *lex* are developed by specific sources of normativity (exercised by specific persons) for each of them, and are irreducible to one another. They are similar in that both seek to resolve concrete social problems, located spatiotemporally. This opens the door to the exploration of another criterion in order to give more detail to their difference.

a.3) Moments of development

Another criterion for differentiating *ius* and *lex* derives from paying attention to the distinct moments and circumstances of their development. Therefore judges, in the resolution of processes—both resulting from commutations as well as from distribution of goods—make use of legal tools, i.e. laws and the rules that emanate from the *potestas* of the plurality of the sources of normativity. Certainly, it is not just these sources that provide judges with inspiration in order to establish the *medium rei* or *ius*. Jurisprudence *has never rejected the*

employment of all the understandable data in order to re-establish order in the relations between persons, ultimately for the purpose of the employment of goods. Thus, the thought-content of the laws and of the rules emanating from the *distinct sources of normativity* permit the judge to know and shape, by means of the act of the virtues of justice and prudence, the object which, on being carried out in practice, will restore order in the relations of usage of private and commonly-held goods. This is due to the fact that *the laws and rules* (emanated from the sources of normativity) are *a source of criteria* for the determination of *ius* or the determination of what is just in a concrete instance. This is despite the fact that at other times, perhaps most often, the judges organize, administer and plan.

It is worth reiterating that these laws and rules *are not ius* itself, nor are they *medium rei*, but rather they are a *certain reason* of them³¹. This is so, *because the judge*, despite what the doctrines in vogue might say, *does not merely apply norms*³². The judge, at least, must understand the laws by way of the exercise of interpretation, and if it is advisable for the rectification of social relations he will use them completely or partially, just as he uses *the other sources of ius*. The judge can even decide not to take into account the norms contained in the laws, and thus must develop a new norm. This is precisely *aequus* or *aequitas*—but not *epieikeia*—which involves the correction of the sense of the norms in order to broaden or restrict their meaning. Thus the judge is also constituted, by his own actions, into one of the sources of normativity.

In order to locate the moments of development it is necessary to establish the relationship of *lex* and *ius* with the common good. First-

31 ST II^a-IIae q. 57 a. 1 ad 2.

32 Certain contemporary authors go so far as to hold that one of the positivist dogmas is that the judge “does not merely apply norms”. Nevertheless, this is not true for all positivist schools; the well-known citations of Julien Bonnetcase of the authors of the School of Exegesis seem to support the idea that the dogma is precisely the opposite: *the judge merely applies norms* (*L'école de l'exegese en droit civil: Les traits distinctifs de sa doctrine et de ses methodes d'apres la profession de foi de ses plus illustres representants*, Paris, De Boccard, 1924). This is despite the defense that Antonio Manuel Hespanha makes of this school (“Tomando la historia en serio. Los exégetas según ellos mismos”, *Revista Forum*, (2012) 2, 3, 13-51). It also seems to be the ideal of certain national leaders. George W. Bush, on pondering the virtues of Judge John Roberts, stated that “He will strictly apply the Constitution and laws, not legislate from the bench”, *Selected Speeches of President George W. Bush. 2001-2008*, Pennyhill Press, 2013, 310.

ly, *lex*, whatever its source may be, has as its end the subjection to norm of the relationships of employment of goods among persons, not just of some people with others, but rather of the people who make use of a common good, an action that constitutes them into communities. The legal system has regulated relations between persons in order to subject to norms the usage of goods derived from the *synallagma* or agreement; these are the poorly-named *private relations*. This usage is not that of a common good. Nevertheless, because of the connection and coexistence of goods in human society *it is appropriate that the relations derived from the commutation of goods be resolved*. That is, this maintenance of the order of private relations would in fact constitute a common good, or, stated in another way, it would contribute to the common good by resolving controversies between persons. It is for this reason that the legal system has also regulated private relations, since in order to safeguard the common good, the one who is in charge of the community must be diligent in creating mechanisms and structures that restore the relations derived from commutations.

In second place, the *lex* has regulated relations, in addition to those deriving from *synallagma*, those that are established between persons as a result of the usage of common goods. These goods are not employable thanks to their commutation with other persons; rather, they are employable when one belongs to a certain community, because one has the title for using them. Therefore, these goods *are used in common proportionally*; it is worth noting that these goods are not just material goods. This proportionality is the guarantee of not transgressing limits to the benefit gained, and also guarantees that the other members of the community can also use them in a proportional manner. Conflict between persons, which in a strict sense would be between the community of persons and the transgressor due to the usage of these goods, arises when they are not used in a proportional manner or according to *arithmetic proportion*; this is what causes deterioration in the measure of use of this good by other persons.

These descriptions permit locating the moment of *ius* and that of *lex*. *Ius* would be posterior to the arising of the conflict which is its origin. In contrast, *lex*, which provides norms and rules for ordering society and avoiding conflict, is prior to the conflict. In addition, *lex* can be posterior to *ius*, if it is the result of the development of the *ius*, but is created in view of imposing norms upon future social relations

in order to avoid conflicts. *Lex*, therefore, is promulgated in view of promoting patterns of conduct that avoid conflict and preserve the common good. It is of little importance that in order to impose norms on the behavior of a community *lex* is developed, as legal doctrine holds, *in general and abstract terms*. Or that it is developed in order to impose norms on a specific relation, that is, a relation between concrete persons in determined times. The history of law gives examples of this, and thus the *essence* of the law would not have its roots—as some might believe—in its general and abstract enunciation, while that of *ius* would be rooted in its particular and concrete enunciation.

Finally, it should be said that these lines have been able to superficially establish the difference between the meaning of *lex* and that of *ius*. Nonetheless, in regards to the epistemic grounds of the development of *ius* and that of *lex*, there is no difference. By means of the exercise of his or her cognitive dimensions, the human person is able to discover both the criterion of geometric equality that is attributed to commutation, as well as the criterion of arithmetic equality which is appropriate for situations of distribution, and apply them to texts emanated from structures which society recognizes as having authority or *potestas*. If society does not recognize this, *ius* will be a mere scientific or doctrinal opinion and *lex* will be merely the expression of power. But it is not a question of having the criterion of commutative equality determine *ius* and the criterion of proportionality determine *lex*, since in recent times *lex* has sought to determine both; rather, *the measure of the good used or employed is not calculated in the same way, and as a result the one who corrects the imbalance in this usage or employment attends to diverse elements in order to adjust the relations*.

b) Nature of *ius*

Álvaro d'Ors has come to the conclusion that the best way to understand the meaning of *ius* is by use of the word *position*. The diverse meanings of the term “position” can be summarized in the attitude or manner of thinking, working or directing oneself in regards

to a certain thing³³; according to this, *ius* would make reference to a *decision*, *position* or *positioning* established by the wise, but which gives rise to a certain action or form of behavior.

This action of *establishing a position* or of *positioning* can affect any issue that demands to be *positioned*, established or decided. This presupposes the *existence of some disorder, or simply somebody's lack of position*, which makes it necessary to *position* for the first time. The concrete manner or behavior which will result in *positioning* will take place by way of the undertaking of certain behaviors or actions, since a situation of disorder or lack of position is brought about through the usage of goods by people, with the result that they locate themselves in relation to one another. When one takes advantage of a good in solitude there is no possibility of interference, and thus neither is there a possibility of a conflict that would demand the declaration of *ius*. An exception must be recognized in the case of natural phenomena, for much of the disorder in human society is a simple product of natural occurrences or *physis*, such as climate or water.

Therefore, in a first approach to *ius* in itself, it could be understood as the declaration of the judges in regards to an action, or even more specifically, in regards to the object of action, which brings with it determined benefits, which tend towards causing the equalization of a relation between persons that is derived from the usage or employment of things. It might seem that *position* would be something static; nevertheless, it is in fact *a certain manner of acting*, that is, it refers to something dynamic. That which is decided or *fixed* by the judges translates into something that is a *dynamism*. Of course *lex* is not what has been established or declared, nor even the written sentence whose text encloses the *ius*. What is truly important is the establishment or declaration of *the position of the persons involved in an issue*, which (the position) demands of the persons involved in the positioning that they undertake actions that tend to produce the benefits in question, which in turn restores equality. This is why St. Thomas frequently reiterated his position that *ius* is behavior. Nevertheless, it is not a mere behavior without content, but rather it

33 Real Academia Española, *Diccionario de la lengua española*, 23ª ed., Madrid, Espasa Calpe, 2014.

has an object that is translatable into benefits because of the arising of an issue, thing or *res*.

This perhaps indicates that justice unfolds in two moments. On the one hand there is the decision of the judge who *arbitrates* or *solves*; which would be the fixed or static part that makes reference to the knowledge or the recognition of the *officium* or *titularity*, which is expressed in writing in the document called the *sentence*. On the other hand, there is the action or dynamic that would be the jurisdiction of the parts derived from this *officium* that would give them *potestas* or the *faculty* in order to exercise the behavior of the handing over of *socially demandable personal benefits*. The result is the restoration of equality or of proportionality, depending on whether one is dealing with the usage of goods due to the *synallagmata* or of the usage of common goods due to *distribution*.

As I already indicated, the declaration of this position or *ius* is intimately linked to equity. In legal historiography there is a strong and extended tradition concerned with *equity* and the relationship it has with *ius*. Apparently, in a certain moment in the Middle Ages it was believed that equity or *aequitas* consisted in the correction of legal precepts due to the insufficiency of their *universal and abstract expression*. This correction of the law was rooted in interpreting the text in order to extend or narrow the semantics of the terms in order **that their meaning might “fit” a greater quantity of concrete cases** than would be the case if their terms meant what the legislator wanted in reality. This understanding of things had the effect, in later centuries, and even until today, of provoking a confusion between *aequitas*, *ius*, and *epiikeia*.

Originally *ius* and *aequus* were the same, both were decisions or declarations of positions by the wise. There was only a subtle difference, which consisted in speaking of *ius* when there existed formalized or *positivized* sources, in the sense in which the term is currently used, as something that is in force and socially recognized, and on which a judicial decision or act of positioning could be based. In contrast, when there existed no formalized sources on which to rely, and one had to decide or *position* some thorny case, jurists appealed to the term *aequus*, indicating thereby that the solution handed down

was not based on a socially accepted source of *ius*.³⁴ Through Cicero's influence the term *aequitas* was used as equivalent to *aequus*.³⁵

D'Ors en "*Aspectos objetivos y subjetivos del concepto de «ius»*"³⁶ carried out a study of the term in jurisprudential sources. He shows that the term has an *elastic meaning*, which can extend from what today we understand as an objective concept of law to a subjective concept. It also makes it clear that *the Romans never distinguished the two concepts in a rigid manner*. This permits inferring that this understanding embraces everything from the norm or mandate to the notion of faculty, passing by way of a series of meanings such as the place where justice is done, the act of enunciating the just decision, or the art with which one discerns the just. D'Ors indicates that *ius* can be understood as signifying either objective aspects or at times subjective aspects, where these extremes cannot be seen as core meanings, but rather that *ius* presents itself as *integrating both aspects*. He makes it clear that a division among senses or meanings would not be faithful to the Roman mentality.³⁷ In Roman texts, the word *ius* at times gives the impression of signifying an ordering (or *system in Polo's words*) and at other times it appears to indicate the title that undergirds the faculty, that is, it has a dynamic meaning; in the end, it bears neither the one nor the other meaning in exclusion of the other. *Ius* instead is constituted within a *complex of concrete realities* that present an intermediate concept between both extremes.³⁸

This corroborates what was expressed above concerning the juridical as *that which is imposed by judges*, and in particular to

34 A. GUZMÁN BRITO, *Historia de la interpretación de las normas en el derecho romano*, Santiago de Chile, Ediciones del Instituto de Historia del Derecho Juan de Solórzano y Pereyra, 2000, 231ff.

35 A. GUZMÁN BRITO, *Historia de la interpretación de las normas en el derecho romano*, Santiago de Chile, Ediciones del Instituto de Historia del Derecho Juan de Solórzano y Pereyra, 2000, 243ff.

36 D'ORS, Á., "Aspectos objetivos y subjetivos del concepto de «ius»", *Studi in memoria di Emilio Albertario*, II, Milano, Giuffrè, 1953, 277-299.

37 A. GUZMÁN BRITO, "Historia de la denominación del derecho-facultad como *subjetivo*", *Revista de estudio histórico-jurídicos*, XXV (2003), 407ff. He makes it clear that in Rome there were expressions in use such as *potest licet*, *facultas*, *potestas*, but there was no source that says that *ius* signified this *potestas* or *facultas* of persons.

38 D'ORS, A., "Aspectos objetivos y subjetivos del *ius*", *Nuevos papeles del oficio universitario*, Madrid, Rialp, 1980, 280-285.

reveal the capacity or quality that enables them to define and establish (arbitrate or solve, in Polo's words) **what the place or position** is that corresponds to persons with regard to goods, that is, to carry out an action of placing. This position or *officium* (**titularity in Polo's words**), which persons have in regards to things, and therefore in regards to other persons, demands certain behaviors or competencies (**potestas-faculties in Polo's words**), **which are not empty, but rather they** contain an object (of action) which is translated into benefits (those which are socially demandable), by way of which the relation is corrected or adjusted. That is, geometric equality is restored by commutation and arithmetic equality is restored through distribution (here we have a part of the social function that Polo speaks of). This embraces the complex of concrete realities that extend from those which are subjective to those which are objective. It also explains why the place where justice is determined can be called *ius*, applying the name of what is done to the place where it is done; it would also explain why one can apply the name *ius* to the act of *stating the just decision*, the art with which one can discern what is just, and even *aequus* (for Polo there exists here an art or system and arbitration or solution of conflicts among rights-holders), with some of these questions having been formulated by the jurisconsult Julius Paulus.³⁹

It must be noted that the position as such is a fiction. Polo frequently speaks of the norm as a fiction, and thus that *ius*, qua position established by the judge, is also fictitious; this allows undertaking conduct in view of achieving an end, in this case the restoration of justice. The norm or *ius* feigns, but it has its basis in the web of circumstances that surrounds it spatiotemporally.

Ius, then, is the result of human production, but not in a pejorative sense, but rather as a continuation of nature. Some authors speak of the unreal object or else the unreal being⁴⁰ of the object, in this case the practical object, which is the exemplar, form, archetype, model, project or plan for the making-real of artificial things. In certain passages Polo speaks about the fiction as being a continuation of **nature in order to achieve "the opening of an ambit, which, not being** strictly real in the way that physical nature is, is instead made up of a

39 *D.* 1.1.11.

40 MILLÁN PUELLES, A., *Teoría del objeto puro*, Rialp, Madrid, 1990.

set of meaningful references, which are added like something *that is woven in*.”⁴¹

Finally, it can be said that the position or *ius* of the Classical period indicated that *an act does not do harm to another person*, which confers upon it *a reach that is limited to the concrete case in question*. This non-harming act was licit and socially binding, and as a result had normative value. It signified action and was determined [in its character] via decisions. *Ius* was developed always in contact with reality, far from what is currently understood as abstraction and generalization. It was, then, *the art of performing justice*, and not a *set of norms to be immediately applied*. The *ars boni et aequi* of Celsus indicates that law in his time was an art of performing justice, of in each case making concrete the precepts deduced from it: it was a manner of dealing with juridical problems that produced norms, rather than a set of norms already developed. Because it is an art, *the Romans were not ruled by ius*, but instead *they employed it*. *Ius* did not rule as did the laws or customs; rather, it was used or it was established: *constituit*. The technical character of *ius* was manifested in the definitions of the various sources, which were characterized by the various modes of being established. This is why in Rome there was *iura* and not only *ius*: *ius civile*, *ius gentium*, *ius naturale*, *ius honorarium*, etc. *Ius* is thus a manner of formulating norms. This is why *ius* is both the *honorarium*, the *civile*, as well as that which was established by employing the *leges*⁴².

These conclusions permit taking the *position* or *ius romanum* as one of the historical models with which the Polian notion of law can be reconnected. Advancing the conclusions, one can say that the notion of *ius* as *position* is able to help understand why the function of law has been the same throughout history, and why it is coherent with Polian anthropology and theory of knowledge. This philosophy can, in a coherent manner and without contradictions or aporias, explain *iurisprudentia* as human action, integrated into human time, an action in which the cognitive and volitive dimensions of the human *essentia* intervene.

41 *Quién es el hombre. Un espíritu en el mundo*, Madrid, Rialp, 2nd ed., 172.

42 GARCÍA GALLO, A., “*Ius y derecho*”, *Anuario de historia del derecho español*, (1960), 30, 29-33.

c) Nature of *lex*

In ancient times, *lex* was something distinct from and irreducible to *ius*; however, it is also not correct to see it as the equivalent of *directum*, since this latter signified a *ius-lex* only beginning in the 5th and 6th centuries, that is, a *ius* that was codified primarily in *leges* and applied (while re-working it, at least partially) by the tribunals.

Lex is the result of a normative action for regulating the social order with the purpose of preserving it or enhancing its capacity for survival; it is a regulation that permits the people integrated into these societies to attain their plenitude. It would be a certain *rule of behavior that orients action towards the future* and which is the result of an *imperative declaration of the potestas* and which governs society, whether the *potestas* is executive or legislative. It is, in the end, the result of temporal human action.

As has been said, *lex* is set out by the person(s) in charge of the community, which over the course of history has been the political-governing *potestas*; it is, therefore, the result of the exercise of the *potestas*, that is, the *exercise of power*, the expression of a will, but which must necessarily be *socially recognized*; therefore it is an *imperative declaration* on the part of the one who exercises the political power, however, in order to exercise this power one must have the acceptance of society. **The power which is exercised is the “disposición personal de los medios necesarios para configurar la convivencia de un grupo social”, which is only attained through social recognition.**⁴³ This, then, would be the *genuine* sense of the Latin word *lex*.

Lex, therefore, would be a norm, similar to that of *ius*, since it seeks to resolve social problems, but it *is not the same as ius* or *medium rei*, but rather is a *certain aspect* of it. *Lex* does not resolve present-day problems that arise from human actions in the past; rather, it establishes the exemplars or archetypes (practical objects) for the resolution of problems in the future. As a result the judge is not a mere *applier* of norms; rather, he interprets them (understands and re-elaborates the practical objects that they contain) and if they are appropriate for correcting relations he will use them entirely or in part, just as he does with *the other sources of ius*. The judge may even

43 DOMINGO, R., *Teoría de la «auctoritas»*, Pamplona, Eunsia, 1987, 227ff.

decide not to take into account the norms contained in the laws, and as a result may have to develop a new norm, which will express a new solution that has no precedent in prior norms.

Lex is related to the common good, since it has as its purpose not only the subjection to norms of the relationships of private usage of goods but also the relations between the persons who employ a common good, a fact that constitutes such persons as communities. The laws also regulate organically the powers of the state and its actions, that is, they organize the political society. For Polo these would not properly be norms, but rather the result of organization, administration and planning.

The employment of the good within the relation of private usage has two faces: on the one hand it is something that employs each and every one of those who take part in the commutation, but on the other hand, it is a common good that this relation of employment or use is geometrically equal; in some way the rest of the persons participate arithmetically or proportionally in that good. This is why the legal system has also regulated private relations. The labeling of these relations as private, between concrete persons, or public, i.e. that affecting the whole of society, is a very broad topic that I will sidestep here. In addition, the *lex* has also regulated the relations that are established between persons with the purpose of the employment or usage of common goods.

This description permits locating the moment of the *lex*: thinking ahead towards rules and norms for ordering society and avoiding conflict is prior to the conflict itself. In addition, the *lex* can be posterior to *ius*, such that it will be the result of working out the *ius*, but it is done in order to subject future social relations to norms so as to avoid conflicts. *Lex* therefore is promulgated in order to promote patterns of behavior that avoid conflict and preserve the common good. It is of little importance that in order to subject the behavior of a community to a norm one works out the *lex*, as contemporary juridical doctrine holds, *in general and abstract terms*, or that it is designed in order to subject a specific relation to a norm, that is, to a relation between concrete persons in determined times. It is not innate to *lex* to be described in general and abstract terms. From the point of view of the Polian theory of knowledge this would be absurd, since if the law is to be something that *contains practical objects*, the result of knowledge of reality in order to promote action, it cannot be

an enunciation that results from an inchoative operation and the path of generalization.

d) *iūs* and *lex* in late antique jurisprudence

Specialists point to a multitude of facts that halted the development of jurisprudential literature, i.e. of the most scientific nucleus of juridical thought, whose content comprised resolutions to problems between persons concerning the employment of things.

Beginning in the 19th century this historical period has been denominated *postclassical*, which has been closely related to the idea of a legal system in decadence. Nevertheless, a considerable number of authors⁴⁴ have reacted against the impoverished vision others have had of the legal system of those times, and have coined the term *late antique law* as a symbol of its re-evaluation. These authors distinguish three great epochs of the postclassical or late antique period of Roman jurisprudence: the Diocletian, from 230 AD. to 330; the Constantinian, from 330 to 430; and the Theodosian, which extends up through 520 and includes the Justinian Compilation.

In the Diocletian stage the study of classic sources was maintained. Their great interest in systematization, influenced by the study of rhetoric and grammar, led the new jurists to *understand the sources from a dogmatic perspective*, which gave rise to certain *fixed formalisms*. At the same time, the activity of the jurists became more vulgar. This means that it did not make use, with such specialization and refinement, of the concepts and norms elaborated by the classical authors, particularly in the domain of contracts. A similar situation occurred with the procedural law of the classical period. In a word, the ancient legal system was substituted by simpler conceptions, poorer conceptions, destined to be used in the tribunals and hence in the solution of cases.

Beginning in the Constantinian era, and with definitive clarity in the Theodosian, one can perceive that these vulgar—or rather, less clear and precise—legal concepts have begun to dominate; this is obvious in imperial legislation, and equally so in juridical literature.

44 SCHULTZ, FRITZ, *History of Roman Law Science*, Oxford, Clarendon Press, 1967, 262ff.

This constitutes the framework for the transformation of *ius* into *situation*.

In this period there was underway a transformation of the understanding of *ius*, ceasing to be that of *position* and becoming instead *situation*. This transformation goes hand in hand with the monopolization of the sources of *ius* by the emperor. In broad strokes, this monopoly consisted in the reduction of sources to one alone, the law, although it is expressed in a typology with several variants.

In the ambit of jurisprudence this transformation takes its starting point from the establishment of *ius publice respondendi*, which had the result of changing the work of the judges into something public and official. Their activity consisted in developing the *responsa ex auctoritate principis*, which, since it is a public and official activity, granted to these *responsa* the character of *ius publicum*; that is, *iurisprudentia* became a source of *ius publicum*. This would slowly shape the legal system towards having a public character, since even the results of an agreement between (particular) persons *will consist in setting into motion a series of effects contemplated in the laws*.

The norm *described in the text of the law will describe a behavior that, when someone performs it, will produce determined effects that are also described in the same law*. Therefore, particular persons only *have to situate themselves in the conditions described in the laws in order that their effects might apply*. This means that there no longer is an elaboration of that *ius* which is able to recognize *officia* from which one can demand the exercise of competencies. Now, it was a matter of seeking to attain the desired legal result by means of performing the acts (situating oneself) described in the law. In this consists the transition from understanding *ius* as *position* to that of a legal system that establishes *situations* described in the norms; from *ius* as *position* to *ius* as *situation*. Private *ius* is changed in that moment to a “*ius publicum* which is directed towards regulating the activity of private autonomy, given that this autonomy does not produce *ius*, but rather the latter, *ius privatum*, is produced by public norms that canalize private autonomy.”⁴⁵ The *ius privatum* will consist in the “dispositive norms that individuals can adjust according to their preferences, according to what is helpful for them, that is,

45 D'ORS, A., “De la *privata lex* al derecho privado y al derecho civil”, *Papeles del oficio universitario*, Madrid, Rialp, 1961, 252.

according to their particular *utilitas*.”⁴⁶ Here the *ius* situation is no longer an *ars inveniendi* or a technique for an invention or discovery based on sources, but instead it is the application or declaration of what the *lex* resolves.

The term “situation”⁴⁷ currently signifies an accident of things by means of which they occupy a determined place, the manner of someone or something’s being in any aspect,⁴⁸ the constitutive state of things and persons,⁴⁹ and the action and effect of situating or being situated. D’Ors, when dealing with this issue, does not make a distinction as he did for the case of the term *position*, where he expressly uses the term to designate the spirit of *ius* in the classical period. For the case of the term *situation* he makes a vague reference to it, but this effectively serves to demonstrate the new spirit that *ius* is provided with.

This new spirit can be expressed as “action and effect of situating,” that is, “placing,” “put in a place,” “put oneself within,” “putting oneself in the interior of,” “putting oneself at a lower place,” “putting oneself underneath.” This indicates that the person, through his own will, no longer locates himself in relationship with something, but rather he is within or beneath something. Therefore, this “something” under which or within which something is located, would be what is principal, would be the reality in function of which human action is carried out. In a certain sense it could be said that human beings would relate to each other, thanks to the employment or usage of things, but that relation would be in some way mediated by the juridical order. It would appear, with this, that the order was already developed and it only remained to put it into action, which introduces an idea of non-temporality or anhistoricity into *ius*. In *ius* as position, the relation between persons due to the employment of things is assumed, and the jurist determines the position and the behaviors that are correlative to that position. In contrast, in the new understanding of *ius*, situations are described in the texts and persons

46 D’ORS, A., “De la *privata lex* al derecho privado y al derecho civil”, *Papeles del oficio universitario*, Madrid, Rialp, 1961, 253.

47 Concerning its origins see COROMINAS, J., AND J. PASCUAL, *Diccionario crítico etimológico castellano e hispánico*, Madrid, Gredos, 1991.

48 MOLINER, M., *Diccionario de uso del español*, 2nd ed., Madrid, Gredos, 1998.

49 REAL ACADEMIA ESPAÑOLA, *Diccionario de la lengua española*, 23rd ed., Madrid, Espasa Calpe, 2014.

protect themselves with these juridical garments, producing the effect established in the texts themselves. Here the text of the *lex* is immediately normative, which is why *ius* and *lex* began to be identified with each other.

In addition the reference to the “occupation of a determined place,” and to the “way of being situated of someone or something, in any aspect,” permits describing the new spirit of *ius*. This is due to the fact that “a determined place” refers to the same reality, in function of which somebody locates or situates himself. One perceives that *ius* is no longer a dynamic reality as in the case of *position*, but it continues to maintain a voluntary character, that is, that of the free act, which tends to locate itself in function of something, and that this something, because of its own power or virtue, operates and produces effects.

Situation instead means a locating within something that has clear limits, limits which cannot be transgressed, a certain corseting that occurs only in one way, which has fatal results where there is no possibility of nuancing the results according to utility or necessity. This is very probably the cause due to which, during the late antique period, a notable part of imperial legislation, the *rescripta*—that is, casuistic responses of the emperor—had the function of *conceding a favor*, that is, *setting aside the general discipline of the law*, in Constantine’s period this provoked a war, not against this source of *ius*, but rather against the extensive analogical application of its effects to similar cases, in an “authorized” manner.⁵⁰

The new *ius* involves *categorizing according to the guidelines of a structure foreign to one’s own will*; it is, rather, a way of covering the actions for their protection or control, even if in the end it is not clear whether it is able to protect and control effectively. This coverage will be, in the end, that which is unfolded in the so-called objective law, or the objective meaning of *ius*, the same meaning which gives origin to its subjective counterpart, qua the faculty or right to act, and thus fulfills the direction or guidance signaled by the normative meaning.

50 MANTOVANI, D., “Il diritto da Augusto al Theodosianus”, *Introduzione alla storia di Roma*, Milano, LED, 1999, 517.

e) A function not fulfilled in the same manner

In order to explain titularity (the holding of a right or title) Polo gives the example of the sign that says “No Trespassing” at the entrance to a piece of land. This titularity allows for explaining both models of *ius*. First, there is the *ius* of the *position* elaborated through the *auctoritas* of the (practically) wise by means of the employment of the *ars iuris*; and later there is the *ius* of a *situation* expressed in the legislation that is then imposed by the imperial *potestas*. This situation, developed through the work of lesser intellectual quality—according to the dominant historiography—on the part of the “wise” who have suffered bureaucratization, is no longer the result of an *ars*, but rather it is a *direct* subjection to the norms of the legal text, and of an applicative and practical interpretation on the part of the tribunal. Despite all this, there is room for an *ars*, albeit interpretative, rudimentary and perhaps of a low intellectual level: the mere *application of norms*.

In the case of the classical *ius*, the work of the praetor would grant the corresponding action (civil or honorary) if he understands that the facts are plausible and if they involve an economic imbalance. With this action, the case is passed to the judge in order that, if the facts are shown to be true, those facts demand from the transgressor the behavior of compensation of the damage done. This model is, therefore, resolute, since it permits resolving the controversy, which represents a social function: the parts are no longer in conflict and it is assured that this social cell cannot contaminate others. In addition, action obedient to the determinations of the judge is action that will permit the acquisition of virtues. In order to verify the artistic dimension of this jurisprudential model, one need only glance at *Historia de la interpretación de las normas en el derecho romano* of Alejandro Guzmán⁵¹. This jurisprudential task is longer, and supports itself less through sources with social recognition, since they *are under construction*, especially dogmatics. Rather, it supports itself more on the cognitive capacity of persons to know reality; this makes it a very exact model in regards to knowledge of the imbalance of relations and of the mechanisms of rebalancing.

51 Santiago de Chile, Ediciones del Instituto de Historia del Derecho Juan de Solórzano y Pereyra, 2000; México, Suprema corte de justicia de la nación, 2013.

The second case, that of late antique law, is a process that is very similar to that found in modern procedural law systems; in general this process showed less creativity in the area of dogma. It did not produce the quantity of figures and institutions that the classical period did: it was, more than anything else, applicative.⁵² It did not create new legal concepts for the resolution of conflicts, such as avulsion, but it did *make use of the classical concepts in order to resolve the problems surrounding employment or usage of things*. What is novel is not the process but rather the understanding of *ius*, not as *directum*, but as a situation. That is, one leaves to one side an understanding of *ius* as the exercise of a position established by the judge by means of an *ars* with a basis in a plurality of sources; instead, *ius* comes to be understood as a situation described in a legal document that has immediate force. This *ius* now *does* have a clear subjective sense, with the result that the split between the norm and the titularity comes to pass. *Ius* is established in legislation, which derives from a single source, with the result that the *ius* constituted by this source is a norm, i.e., modern objective law. It needs to be noted that in this epoch classical judicial literature is not law, but the legal system itself admits it as a *ius* that remains in force.

Via this process one proves that one is in a determined situation addressed by the legal system in order that the consequences collected in the system itself are made operative. Here a subjectivity is made manifest, one which will later be understood as subjective law, to the point of understanding a given *ius* as something *transmissible*.⁵³

This model of jurisprudence did not turn out to be as exact as the previous one, since it is no longer a free expression of the cognitive faculties on the part of the juridical actors, principally the praetor and the judge, who used whatever source of knowledge that might permit them to find a solution to the case. This new model of jurisprudence uses the solutions invented by the classical authors as institutionalized mechanisms that already have a solution for the problem posed. In other words, this model of jurisprudence consists in finding the solution within a system, and no longer in reality, which is why it cannot be as exact. Along these lines, the *aequus* or *aequitas* of this

52 Cfr., MANTOVANI, D., "Il diritto da Augusto al Theodosianus", *Introduzione alla storia di Roma*, Milano, LED, 1999, 508 and 519ff.

53 D'ORS, A., "Aspectos objetivos y subjetivos del *ius*", *Studi in memoria di Emilio Albertario*, II, Milano, Giuffrè, 1953, 297-9.

epoch is already charged with a new conception about the role of the legislator, such as that of granting clemency, mitigating the rigor of **the old laws, favoring the moralization of the empire's subjects**; closer, therefore, to the current sense of *epieikeia* as corrector of the meaning of the legal text.⁵⁴

In this jurisprudence the essential notes proposed by Polo are present, since what the plaintiff seeks to prove is the existence of a titularity in order to make use of the faculty that it confers. This ordering is systematic, and develops artistic solutions for the purpose of the resolution of conflicts in order to achieve a social function: the peace of the realm. This confirms that law had already experienced a historical variation, that its function is the same *but has not been fulfilled in the same manner*: very probably with less quality.

f). The origin of the *directum* and the key for its Polian renewal

The systematic construction *in which immediately-in-force solutions to the problems of social reality are found* is the ideal breeding ground that will permit the arising of *directum*. The late antique period laid the groundwork for the development of a *system with pretensions to hermeneutic completeness, in which one can find every possible solution to real problems*. This means, in very broad strokes, that one begins to see reality being left behind as a source of *ius*, so that instead the source would be the system itself. This is the key characteristic of *directum*.

Even while the work of jurisprudential elaboration endures, with the passage of time the understanding of the just as a situation formed a mentality amongst the people whereby *ius* and *lex* were

54 "The critical function, at that time recognized as equity, advanced in sync with the emperor's progressive taking-over of the power to interpret, and of the narrowing of the faculties legitimately exercised by the judge thanks to the referral to the legislator, which culminated with Justinian, who was able to proclaim, as a principle, that 'the emperor alone should be considered as both author and interpreter of the laws' (...) With the power of interpreting and the power of legislating mixed together in this way in the person of the prince, the employment of equity as a critical-interpretative tool did not imply the exercise of a legislative power by someone who lacks it, since, by definition, equity, when playing that function, implies legislating." A. Guzmán Brito, *Historia de la interpretación de las normas en el derecho romano*, Santiago de Chile, Ediciones del Instituto de Historia del Derecho Juan de Solórzano y Pereyra, 2000, § 47.

synonymous. Together with this semantic translation, *ius* as the integrator of senses broke down: on the one hand there would be the legal text, or “law” properly so-called, and on the other hand, the faculty, the law-faculty or subjective law.

In order to understand the transformation of *ius* into *directum* and the assimilation of this latter to *lex* we will have to bring into play a hypothesis proposed by Alfonso García-Gallo,⁵⁵ which allows understanding the transformation of *ius* into *directum*. We may then continue on this basis with the confirmation of the historical variation of law, and understanding that its function would be the same but not carried out in the same manner. This *will contribute directly to carrying out a philosophical reflection on the law*.

García Gallo holds that the arising of the term *directum* and of *the reality that this term designates* is a phenomenon of the Romanesque or Romance period. It is based on the fact that *ius* and law, at that time, in fact signified the same thing. He emphasizes that the term *ius* does not pass to Spanish, unlike its derivatives “juzgar” (to judge), “justo” (just), “jurisdicción” (jurisdiction), “juicio” (judgment), etc. On the contrary, there are no derivatives from the term “right” that express these derivatives of *ius*.

Ius appears in archaic Latin and remains up to the present without morphological variants, while on the other hand *directum* does enter the Romance languages as a functioning root for other terms. It was used in the classical period as a participle of *dirigere* as well as in adjectival form, but it does not appear as a noun in that epoch. On the other hand, in the classical era and in the Middle Ages *directum* is never written in the place of *ius*. Nor in Romance languages did anyone seek to adapt *ius*, but rather all writers used derivatives of *directum*. *Directum* as the designation of a certain juridical order was used in vulgar Latin or low Latin, and does not appear in the Roman literature. In order to understand why and how *directum* acquired the juridical meaning in speech and ended up by displacing *ius* it is necessary to look at the popular spheres.

García Gallo holds that the term *directum* signified *norm of conduct*. This has its origin in the influence of Christianity in the Roman

55 GARCÍA GALLO, A., “*Ius y derecho*” *Anuario de historia del derecho español*, (1960), 30, 5-47.

Empire, where the Christian law would be the right and just path. The principal peculiarity of the law conceived of as path or way is that it *guides or directs*. In this way, path and law are identified on occasion, since the Christian law is understood as a guide, a path or a *directio* (not yet *directum*); that is to say, guidance or direction presupposes norms or laws.

The axis of the hypothesis of García Gallo is rooted in the fact that the word *directio* expressed the action and effect of directing, but not *that which directs*, which is the nature of the law. Nevertheless, *this morphology also was transformed into a noun, "that which directs."* *This process of transformation of the participle into a noun is very frequent in Latin*, where the law or path as *a set of norms of conduct* became designated by the noun *directum*. At the end of the 4th century this idea was already in general circulation, such that the noun *directum* had as one of its meanings *lex or set of directive norms for following a path*.⁵⁶

In addition, *lex* came to be understood as the ordinary form of elaborating norms; that is, *ius* became assimilated to *lex*. In parallel, the word *directum* became *secularized in order to express the Roman juridical order outside of circles of religious cult*, where it displaced *ius* as what denominates a legal system. This primarily indicates that by way of Christian influence the understanding of the norms that guided along the path qua law, *directum*, changed to designate *ius romanum* and second, that after the triumph of the *lex-directum* mentality, the term *ius* was supplanted. This indicates that *directum* expressed better than *ius* what this reality was in the postclassical era. *Directum* expressed the ordering that directs, more than the rectitude of what is "ordered" in this way; it thus expresses precepts that indicate to people what the path or behavior to observe are.

And further, in addition to the *ius romanum* of the late antique or postclassical world described, during the low Empire there developed another legal system termed "vulgar" law, which was essentially consuetudinary. This legal system presupposed the regulation of social life, but this regulation was not the result of art, as was the *ius romanum*. In these norms of vulgar law is where the society of the low Empire found the norms of conduct for guiding itself. Probably

56 Ibidem, 22.

for this reason, this legal system—which had little to do, in terms of its content, with the *ius romanum*, and which had been more influenced by Christianity than by the jurists—was called *directum*. The common people probably called the living legal system *directum*.

García Gallo holds that the *lack of expressiveness* of *ius* was the cause of its falling into disuse, since what is designated by *ius* is not what the common people saw in the real world. *Ius* designated an active process of the formulation or exposition of norms; *directum* expressed the directive character of the norm. The people appreciated the ordering character of *directum*, so that, as happened with Christian law, *postclassical Roman law, in parallel with vulgar law, was a legal system that the people found to be pre-given and collected in books in the way of something already crystallized, that is, a system of already-constituted norms by which one must guide oneself in life*. The people had lost sight of *ius* as being a prudential technique for the resolution of problems, but they had something more useful and which would rule their lives directly without the necessity for arts and techniques: the *directum*.

Thus *ius* and *directum* designate two different legal systems that coexisted until the 7th and 8th centuries, with this coexistence supported by the study of books about *ius romanum*, which remained a source of inspiration for legislation. When these books were no longer studied, *ius* was forgotten about. This is the moment of triumph for *directum*, which resulted in the oral meaning of this term passing into writing.

Ius gained new life with the rebirth of Roman law, but it was translated using the Romanesque terms derived from *directum*, which meant that its difference from this latter term disappeared. Not only the word *directum* but also the mentality and the aspiration to systematic order that society had, meant that society interpreted *ius* and the science of *ius* as being a *directum*. That is, the *interpretative load that was dominant in the imagination of society* made the people of that era see in that science of the Glossators and Commentators something that *ruled conduct immediately*, and not only as a technique that developed solutions to problems. In the end, *not only did the word directum triumph, but also what it expressed*. The *ius* of Celsus, the technique of jurisprudential elaboration, and the distinction between *leges* and *iura* were forgotten. From that point on, *directum* came to signify *the legal system as such* without any consider-

ation of its origin, the manner of its formulation and the application of a solution, which meant that the term *directum* did not come to cover these aspects. As a result, the adaptation of the legal system to justice continued to be *iustum* or *rectum* and not, for instance, the Spanish *derechurero*, which is why today the law is termed just.

This explanation of the transformation of the classical *ars iuris* into *Romance law* permits a clear understanding of the fact that *it is not just the name that varies*, but rather it is *above all and fundamentally the content*, that is, *the manner of understanding the discipline and living in society*. This new understanding survives up to the present day.

As was stated at the beginning, the meaning of the rest of Polo's philosophical works impeded a direct identification between the elements of the definition of law in Polo (the *basic notions of law*, such as its social function, artistic dimension and essential notes) with these same notions in their dogmatic modern version. It also impeded the identification with the notions extracted from the legal systems of the remote past (classical jurisprudence and that of late antiquity). This is due to the fact that all these basic legal notions, ancient and modern, have their basis in anthropological coordinates and gnoseological bases that are different from those of Polo. It must be reiterated, then, that one cannot understand Polo in a simplistic manner; rather, one must keep present the historical burden of each term (the layers or "geological-semantic" substrates). Otherwise, one will construct a frame whose structure is difficult to elaborate.

Understanding the original meaning of concepts such as *ius*, *lex* and *directum* permits understanding the anthropological and gnoseological coordinates in which the *basic legal notions* are contextualized and prevents the Polian notions from being assimilated to them in a promiscuous manner. The fact that the function of law is the same over the course of history does not authorize one to employ the notions without distinction. Titularity, for example, understood as *officium* among the classical authors, is the result of a *position* established by the *iudex* by way of the *ars iuris*. This titularity is different from that described in the late-antique *lex*, for which the "title" means *situating oneself* in a type that is described in the *lex* that has immediate force, i.e. as *directum*. The same can be said of titularity in

modern dogmatics, which is hidden behind the *legal hypothesis* as a *constitutive fact or efficient cause of a right*⁵⁷. Concerning the faculty, it can be said that the competence derived from an *officium* given by the *iudex* by means of *ars iuris*, is not the same as the *facultas* derived from being located within a mandate or prohibition of the *lex*, which has clear limits that cannot be surpassed and which are in force immediately as a *directum*. The faculty is also different from the modern dogmatics derived from the legal norm associated with subjective law and with a possibility whose realization is legally permitted⁵⁸. The artistic dimension of the *ars iuris* is as a set of cognitive methods that combine sense knowledge with logic, principally the dialectic and the analytic, and also with elements of rhetoric and oratory, all these destined to know the position or *ius* that the juridical actors hold and from which the *officium* and the competencies are derived. In late antique jurisprudence, according to what certain specialists tell us, this set of tools is left aside in order to make a place for a more pragmatic way of thinking ordered to the *direct* application of the *situations* described in the *lex*. Finally, under the modern doctrine one has available for use a varied and well-developed logical "toolbox" which is aided by techniques of interpretation, exegesis and the integration of legal precepts for their application⁵⁹; in addition there is help from sense-knowledge, since the proofs—witnesses, documentary evidence, ocular inspection, etc.—are eminently sensory, and are able to invalidate the logical tools. For Polo this artistic dimension cannot base itself solely on sense knowledge and on the unification of the *logos*, and even less so on the verification of the logical by the sensory; rather, one must open oneself to the rational path, to practical knowledge and especially to the higher cognitive dimensions, especially the habits. I hope this brief approach to these notions will be sufficient as an example; for a more in-depth development it would be necessary to notably exceed the number of pages permitted by the editors.

57 E. GARCÍA MAYNEZ, *Introducción al estudio del derecho*, Porrúa, México, 53rd ed., 2002, 171-2.

58 *Ibidem*, 16-7.

59 *Ibidem*, 317-387.

3. TIME AND ACTION IN LEGISLATION... AND IN JURISPRUDENCE

After this descriptive historical exercise one realizes that it is unnecessary to dedicate a specific section to dealing with the role of temporal human action in the drafting of legislation and in jurisprudence. This description *is in itself the way of dealing with human temporal actions*. Prescinding from human temporal action would make it impossible to speak of legislation, of jurisprudence and of justice. This permits an understanding that *jurisprudence and legislation dissolve themselves into temporal human action* (or simply *human actions*, since there is no such thing as a non-temporal human action). It has also permitted one to see that the essential notes of the Polian notion of law have been present in the different ways that law has concretized itself throughout history: a system for the solution of conflicts between facultative titularities. The same occurs in regards to the function of law in the life of human beings.

This succinct traversal of some of the historical phases of *ius*, of *lex* and of *directum* has made manifest their temporal character as well as their “active nature,” i.e., their character as being *human actions*, *layered one atop another as with geological strata*. These strata-actions have precise meanings, which, if they are misunderstood, raise the risk of *confusing or mixing together* certain strata with others, with the result that philosophical reflection is supported not by reality, but rather by an amalgam of anachronisms and unreal mixtures.

It has been important to make this historical traversal in order to understand how law is traversed primarily by the theory of knowledge, that is, the different levels of cognitive acts that permit knowing the reality in which the human person lives and makes his essence grow. In second place, in order to understand that law is penetrated through by the topics that are known through the exercise of cognitive acts. Not just physical, extra-mental reality, which is what is immediate and whose employment or use is what causes the conflict to break out, but the other topics are present as well. On the one hand, the habitual knowledge of what the human being is (*essentia* and *esse*), since physical realities are aimed or directed towards it: they are external goods and the goods of the body. On the other hand, this habitual knowledge of what the human being is opens the door to the knowledge, also habitual, of that which coexists with the

human being. This signifies that knowing *rationally* the *just solution* or the just *position* of the persons in a concrete conflictive relation of employment of goods, implies both knowing physical reality *sensibly* as well as *habitually knowing* Being, being, causality and the *esse hominis*, since that concrete case is inscribed into the *co-existence* that all of these form. This is the origin of *ius naturale*, a term coined by Roman jurists; not, however, of *lex naturalis*, which was also used by the jurists, but only in three fragments.

The theory of knowledge of Modernity (which in law dates from the 12th and 13th centuries), based principally in generalization and restricted to this side of the mental limit, fragmented the unity of *ius* (*directum*), such that only certain aspects of the latter are taken into account. The result is that the law becomes *conflictivist* and in addition, the cognitive capacity for knowing reality that is exercised by the praetor is set aside, together with the praetor himself, in order to make way for an omnicomprehensive and complete system of juridical hypotheses, such that mechanisms like honorary actions and *aequus* are no longer necessary, since the legal system now contains everything: *it is hermeneutically complete*.. It even establishes mechanisms of composition of norms in accordance with the generalizing canons of the system itself.

This obscuring of the cognitive capacity also affects the judge-functionary, who is now the only agent of imparting justice. This functionary is limited to *applying, by means of legal mechanisms* (procedural law), the juridical consequences designated in the legal system (substantive law); both of these laws are immediately in force for regulating conduct. This adjectivization of the noun is based on a scale of probative values also established by the legal system, since even then there was a lack of confidence in the capacity of the judge to evaluate these consequences in a “healthy yet critical” manner.

Even though the key juridical concepts that Polo sketches out should be interpreted historically, using the history of law in order to **make explicit the content found in Polo’s declarations, the juridical tradition nonetheless turns out to be insufficient.** This means that the reality of the *ius-lex-directum* over the course of the centuries and across territories *does not exhaust the content* of the Polian philosophy of law. And this should not be any other way, since his understanding of law is penetrated by the potency of anthropology, the theory of knowledge, and by all the topics known once one has aban-

doned the mental limit. This is so because the different historical systems have been developed with a basis in the contemporary (to them) philosophical currents, which work on this side of the mental limit, and as a result it is impossible that they could have a reach that would permit its abandonment. Here, once again, *the necessity becomes patent of keeping present the meaning of the rest of the philosophical work of Polo.*

Despite this, the appeal to time and to history, to time and the action of the persons in it, is not anything vain; rather, it is necessary, since one must build on the basis of something given, of a real experience, in order to rework it.

The Leader as Friend: Implications of Polo's Friendship in Aristotle for Humanistic Corporate Governance

Aliza Racelis

University of the Philippines
aliza.racelis@up.edu.ph

RECEIVED: September 20, 2014

ACCEPTED: October 31, 2014

DEFINITIVE VERSION: November 17, 2014

ABSTRACT: This paper endeavors to show that Polo's essay on Aristotle's notions of *friendship* in his *Amistad en Aristóteles* has important implications for humanistic corporate governance, in particular through Polo's discernment of the nature and virtues of friendship as they may relate to leadership. Concretely, one can draw those virtues that are natural to him as a human being and as an authentic friend, which at the same time accompany his *transcendental leadership* of self-gift and service to others. Firstly, there are the chief moral virtues —or the cardinal virtues— of: (1) prudence, (2) justice, (3) fortitude, (4) temperance. In addition, there are the virtues of: (5) humility, (6) veracity, and (7) love, or charity. It is hoped that, by highlighting these characteristics of a *true friend* contained in *Amistad en Aristóteles* —especially the superiority of Christian charity over the *natural friendship* notions of Aristotle—, we have provided clear indications for how the authentic *friend-leader* turns out to be the ideal moral leader who will bring about that much-desired *human flourishing* in organizational members and, by extension, successful business outcomes. The assertion here is that “*transcendental leadership*”, i.e., leadership by way of transcendent motives (in addition to extrinsic and intrinsic motives), whereby the leader makes himself have a genuine interest in the development of and in contributing to the good of the follower, has tremendous potential for a better organizational functioning..

KEYWORDS: Leader, Friendship, Governance, Aristotle, Polo, Pérez López, Corporate, Cardinal Virtues, Business

1. INTRODUCTION

Among the many social institutions around us, there is one that has come to take on a major importance: the business organization. We all know that resource allocation lies at the foundation of the economy; and businesses ought to employ goods and capabilities, in such a way that human beings in them improve and develop. But this is a function of good leadership, that is to say, of moral and ethical leadership, one that is able to question some of the basic assumptions about the way businesses are managed, one that is able to face the moral and ethical questions of daily decision-making, in order to ensure human capital development¹. This in turn is a function of who the leader is: whether he is one who can steer the organization to safe port, one who recognizes that the problems in the workplace today are fundamentally ethical problems, and that the task of management is not simply to make people feel better, but to create new moral relationships among the human persons in the organization².

Without a doubt, management at the beginning of the 21st century has come to be characterized by much complexity. Nevertheless, if we are able to count on *authentic men*, characteristically firm, with a strong sense of belongingness and a real desire for collaborative work, the business organization is greatly simplified. The focus on the manager is of the essence, since government is chiefly the formation in the governed of a character that makes possible the obtention of desired results without any need for coercion. But this, in turn, requires the molding of the executive in such a way that he is exemplary and encouraging: it requires of the manager a personal relationship with the governed in such a way that the pursuit of good ends is facilitated in a good manner³. Aristotle's treatment of *friends* and *friendship* can inform the subject matter of *leadership* a great deal: if the organizational leader were a *true* friend, that is, one who truly loves his co-workers and exercises charity, one who is truly concerned for the

¹ Cfr. TREVIÑO, L.K., HARTMAN, L.P., AND BROWN, M.; "Moral person and moral manager: How executives develop a reputation for ethical leadership". *California Management Review*. 42(4) 2000: 128-142; POLO, L.; *Quién es el Hombre Un espíritu en el tiempo*. Ed. cit..

² Cfr. CIULLA, J.; On Getting to the Future First. *Business Ethics Quarterly*. 10(1) 2000: 53-61.

³ Cfr. LLANO, C.; "Caracterología del directivo al inicio del Siglo XXI" *Revista Empresa y Humanismo*. 5(2/02) 2002: 321-344..

good of the person of the follower, then he would govern well. Polo's transcendental anthropology —especially his ruminations on Aristotle's notions of *friendship* as being filled with love and self-giving— sheds light on which character traits the leader ought to possess, in order to be of greater service to the human person and, by extension, to society at large⁴.

As management theory and practice face unprecedented challenges, especially in the aftermath of the recent global financial crisis, debates have surged wherein a re-investigation of human behavior and human character has been called for⁵. A deeper reflection on the causes of the current crisis indicates that they include not only techno-economic aspects, but also behavioral, moral, and cultural aspects, all of which are closely interrelated⁶. An existential reality is that *values* constantly motivate and guide persons' decision-making and, hence, there is need to acquire those values for good organizational functioning in whatever manner people normally form them: by study and reflection, by imitation or through the example of others, etc.⁷. It is in this sense that Polo⁸ asserted that business organizations will be able to resolve contemporary problems if they had the basic convictions, necessary for their good functioning. In principle, the businessman can and should perform this role, but many times he does not. He fails in these basic convictions if there is lack of ethics in his decision-making and appreciation of what business organizations ought to be doing for their future sustainability.

Recent leadership literature has found commonalities between leadership and friendship, for instance, Romero-Iribas and Martínez-Priego⁹ find that friendship and leadership share some defining elements and that education for friendship is an added value in leader-

⁴ Cfr. POLO, L.: La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999 477-485.

⁵ Cfr. MARSHALL, A., BADEN, D. AND GUIDI, M.; "Can an Ethical Revival of Prudence Within Prudential Regulation Tackle Corporate Psychopathy?" *Journal of Business Ethics*, 117 2013: 559-568.

⁶ Cfr. ARGANDOÑA, A.; MELÉ, D.; & SANCHEZ-RUNDE, C.; "Facing the Crisis: Toward a New Humanistic Synthesis for Business" *Journal of Business Ethics*. 2011 99:1-4.

⁷ Cfr. ARGANDOÑA, A.; Algunas tesis para un debate sobre los valores. *Revista Empresa y Humanismo*, 3(1/01) 2001: 45-74.

⁸ Cfr. POLO, L.; "Ética, virtudes, empresa". *Atlántida Madrid*. 14 (1993): 80-92.

⁹ Cfr. ROMERO-IRIBAS, A.M. AND MARTÍNEZ-PRIEGO, C.; "Developing leadership through education for friendship" *Procedia Social and Behavioral Sciences*. 15 2011: 2248-2252.

ship training. It is high time studies are added to leadership literature whereby attention is paid to the *consideration* or *warmth* dimension of leadership¹⁰, that is to say, leaders' ability to show concern for feelings of subordinates, referred to by Pérez López¹¹ as *affective* needs, those that relate to achieving satisfactory relationships with other people and are associated with the need to establish that we mean something to others and are liked as people. Friendship literature would fulfill such a task, and this paper takes up such a challenge.

2. NOTIONS OF FRIENDSHIP (IN EARLY WRITERS)

Philosophical interest in friendship has revived after a long eclipse. This is largely due to a renewed interest in ancient moral philosophy, in the role of emotion in morality, and in the ethical dimensions of personal relations in general. As is well known, the pre-Socratics —Empedocles, for example— understood friendship from a cosmological perspective, that is, as the engine that links the various elements of the universe. But it was the great Socratics who dealt with such perfection in man. After the misgivings of Plato in relation to what or who truly is a friend, the great Greek thinkers bequeathed to us a couple of maxims that were to be repeated subsequently: that friendship is mutual (requires reciprocity), that friendship can only be had between two *good* human beings; etc. Some of the main questions raised by philosophers are the following: Is friendship only an instrumental value, i.e., only a means to other values, or also an intrinsic value - a value in its own right? Is friendship a mark of psychological and moral self-sufficiency, or of deficiency? How does friendship-love differ from the unconditional love of *agape*, and how —if at all— is it related to justice? Can the particularist, partialist perspective of friendship be reconciled with the universalist, impartialist perspective of morality? Is friendship morally neutral, or does friendship at its best require a good character? Ancient moral philosophy devoted considerable attention to understanding friendship (*philia*) and passionate love (*eros*). In its widest sense, *philia* covers both amicable relations among

¹⁰ Cfr. LEE, T.L. AND FISKE, S.T.; "Social Cognitive Perspectives on Leadership". In Ciulla, Joanne [Ed.]. *Leadership at the Crossroads: Vol. 1, Leadership and Psychology*. Connecticut: Praeger Publishers, 2008.

¹¹ Cfr. PÉREZ LÓPEZ, J.A.; *Fundamentos de la dirección de empresas*, Madrid: Rialp, 1993.

casual acquaintances, and intimate, loving relationships within and without the family¹².

These themes were further clarified by Aristotle in his *Ethics*, along with a basic characteristic of such human good, namely, that friendship is in itself a virtue; but not just any virtue, rather a virtue that is superior to any other, including justice itself. Other characteristics attributed by Aristotle to friendship are: equality or similarity between friends; the limitedness of one's number of friends; the human friend's need for *living with* others; their common possession of goods, of joys and, above all, sufferings; permanence and effort; growth in friendly qualities; mutual correction between/among friends, etc. Aristotle likewise expresses rejection of characteristics not proper to friends, such as relations for mere pleasure, passion, interest in mere useful goods, honors, riches and other similar things, all of which are beneath what is proper to the human person. Aristotle had, thus, added an important characteristic essential to friendship: its *necessary* character—which has to be understood well, because otherwise we would misunderstand the important connection between friendship and personal human freedom, and thus we might consider this virtue as requisite instead of as superabundance¹³.

After Aristotle, the sharpest work on friendship in classic thinking is that by Cicero. Cicero's (106-43 BC) *De Amicitia* is largely responsible for transmitting Aristotle's conception of friendship to Christian philosophers, notably St Augustine (354-430) and Aelred of Rievaulx (1109-1166). Cicero builds on Aristotle's account, but with distinctive emphases. Thus, the internal component of self-sufficiency—a sense of security and self-confidence—is stressed as a necessary condition of friendship, and the centrality of mutual respect in perfect friendship, only implicit in Aristotle, is made explicit. Further, rationality is emphasized by the admonition to base friendship on careful observation and occasional testing of a person's character, and continual self-scrutiny. In addition, Cicero's account highlights friendship's nature as free and characteristic of *self-gift*: both words—*amor* and *amicitia*

¹² Cfr. BADHWAR, NEERA K.; "Introduction: The Nature and Significance of Friendship" In Neera K. Badhwar (Ed.), *Friendship: A Philosophical Reader*. New York: Cornell University Press 1993; PRICE, A.W.; *Love and Friendship in Plato and Aristotle*. Oxford: Clarendon Press, 1989.

¹³ Cfr. BADWAHR, *Ibid*; SELLES, J. F.; *Precisiones sobre el método de estudio, la realidad, y la educación de la amistad*.

derive from *amare*, to love. And loving, for its part, is no other than distinguishing through affection the person that one loves, without being *forced* to do it out of necessity. He describes it with a definition **which St. Augustine was to later on take up**: “Friendship is nothing else than entire fellow feeling as to all things human and divine with mutual good-will and affection...” The noble Roman consul also offered excellent novelties in his discussions of the notion of friendship: its openness to the future, its permanence even after death, its superiority over parental or familial friendships, its requirement of veracity or truthfulness, its subordination to what is objectively just and honest, and above all, its foundation in *fidelity*¹⁴.

Other thinkers of the Roman age who made reference to friendship were Plutarch, Epictetus, Marcus Aurelius, Diogenes Laertius, etc. who were, for the most part, authors writing from the stoic perspective, who preferred to distinguish between various forms and levels of friendship, likening it at times to cosmopolitan philanthropy, and asserting that only the wise can be friends in the proper sense. **Among these writers’ more fortunate articulations of this virtue are: that friendship is “a community of life”, that the friend is “another self”, “another equal”**¹⁵.

3. FRIENDSHIP IN ARISTOTLE AS DISCERNED BY POLO

The transcendental anthropology of Leonardo Polo proposes four “anthropological transcendentals”, namely: (1) Personal Co-existence, (2) Personal Freedom, (3) Personal Intellect or Knowing, and (4) Transcendental Love (Self-Gift) (Sellés, 2013). The human personal love refers to the superabundant and effusive love which lacks nothing, and hence, gives of itself. This personal loving takes on three dimensions, that are hierarchically distinct among them in every man, which are (in the order of superiority): (1) acceptance, (2) giving, and (3) gift. Each human person is in the first place an accepting with respect to God; and, in second place, is a giving, that is to say, a loving giving of oneself with respect to the Creator and to oth-

¹⁴ Cfr. *Ibidem*.

¹⁵ Cfr. SELLES; *op. cit.*

ers; and then, in third place, the person is a gift, a loving gift with respect to them¹⁶.

In *Amistad en Aristóteles*, Polo accepts Aristotle's assertions that "friendship...*is a kind of virtue or at least accompanies virtue*" and that "without friends, no one would ever want to live, even if he were to possess all other goods, for then he would be deprived of the possibility of doing good to another."¹⁷ A lot can therefore be learned from Aristotle's treatment of the human person, especially his notions of *friendship*. The view that the best kind of friendship, the friendship in which people love each other as the persons they are, is intrinsically moral is well expressed by Aristotle when he declares that friendship either *is* a virtue, or *involves* virtue¹⁸, and apparently endorses the "common belief" that "it is the same people that are good men and are friends"¹⁹. Thus, virtue is best exercised in pleasurable and beneficial activities with and towards friends, so it is virtuous people who most *want* friends²⁰.

We likewise know that the central case of friendship is *a relationship of reciprocal affection between two equal and similar adults, who have affection for each other because each recognizes and enjoys the virtues of the other*²¹. In addition, Polo²² emphasizes his view that, in friendship, the *good* as an *end* is the human person himself, and that friendship requires reciprocity, which brings along with it a *co-relation* of freedoms, that is to say, a friend always watches out for the good of the friend, his "other self". Nevertheless, the main distinction Polo makes is the superiority of Christian love (in Christian friendships), over and above the mere natural friendship in Aristotle.

It is this distinction that Polo²³ makes —the superiority of Christian love (in Christian friendships)— which this paper wishes to highlight to argue that the Christian love of an authentic friendship

¹⁶ Cfr. POLO, L. & LLANO, C.; *Antropología de la acción directiva*. Madrid: Unión Editorial, 1997.

¹⁷ POLO, L.; La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999 477-485.

¹⁸ *Nicomachean Ethics*, 1155a1-2.

¹⁹ *Ibid*, 1155a29-31.

²⁰ Cfr. BADWAHR; *op. cit.*

²¹ Cfr. PAKALUK, M. *Aristotle's Nicomachean Ethics: An Introduction*. Cambridge: Cambridge University Press 2005.

²² Cfr. POLO, L.; La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999 477-485.

²³ Cfr. *Ibid*.

can augur well for leadership and governance because, in such a friendship, one considers both a friend's actual and perceived good²⁴, and one truly loves his co-workers and exercises Christian charity. Precisely “the virtue of a friend consists in loving [*querer*]. For this reason flatterers are not true friends nor those who seek their own profit”²⁵. Thus, if the organizational leader were a *true* friend in the Polian sense, that is, one who exercises *transcendental leadership* through the possession of *transcendent* motives —referring to a genuine interest in the development and motives of the other person that goes beyond considering exclusively future effectiveness—, then better organizational functioning (in the sense of effective, efficient, and consistent) can be expected²⁶.

4. CAN A FRIENDLY LEADER CONTRIBUTE TO A MORE HUMANISTIC GOVERNANCE?

When crises hit —such as that which we continue reeling from, as a result of the recent financial crisis of 2007-08—, within the business organization one feels the need to open himself up not just to the two fields of human knowledge with which one is familiar —economics and sociology— but rather one will have to go much deeper: to the depths of the human person himself, that is, anthropology²⁷.

A deeper reflection on the causes of the current crisis indicates that they include not only techno-economic aspects, but also behavioral, moral, and cultural aspects. We should not overlook the personal decisions related with corporate strategies and business policy, including strong incentives associated with short-term profits, and mortgage-backed securities trading involving a manifest lack of transparency. It seems that this morass arose not only through insufficient and inadequate structures but also because of faulty human behavior and moral character. It appears that prudence and ethics were pushed aside as greed overcame good judgment among mort-

²⁴ Cfr. ELDER, A.; Why Bad People Can't be Good Friends. *Ratio*. 27 2013: 84-99..

²⁵ POLO, L.; La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999 477-485., p. 480

²⁶ Cfr. PÉREZ LÓPEZ, J.A.; *Fundamentos de la dirección de empresas*, Madrid: Rialp, 1993.

²⁷ Cfr. LLANO, C.; “Caracterología del directivo al inicio del Siglo XXI” *Revista Empresa y Humanismo*. 5(2/02) 2002: 321-344.

gage lenders nationwide. Of course we can find large-scale failure of regulation and government policy in the advent of the crisis, but also negligence and greed on the part of the different actors empowered in the process²⁸.

Critics of the currently predominant management practices point out that national and individual bankruptcy has gone hand in hand with excessive enrichment of the few which seems to be a result of a highly short-term view of business as well as a manifestation of a pessimistic conception of human beings as merely economic agents, neglecting other dimensions fundamental to good management²⁹. The improvement in the governance of firms will, thus, consist not so much in perfecting models of regulation as in a new notion of the function of the firm and in a better articulation of the organs of governance within firms, most especially the governing board and with a special focus on the chief executive³⁰.

But what should be the role and end of the chief executive? We have it from Polo himself who affirms that the human person is an *open system* and, as such, is capable of learning, but a learning that is positive (if he is to be truly human) and is made most perfectly positive through the cultivation of the virtues³¹. Applied to the managerial context, a fully human manager would be one who ensures the positive learning in the follower and the formation of his character through the virtues. We glean the transcendent nature of such managerial function from the *Theory of Human Action in Organizations* whereby Pérez López³² explains that the human person in business organizations is capable of having *transcendent motives*, which are aspects of reality that determine the achievement of learning from other people with whom the decision-maker interacts. Rosanas and

²⁸ Cfr. ARGANDOÑA, MELÉ AND SANCHEZ-RUNDE, *op. cit.*

²⁹ Cfr. ANDREU, R. AND ROSANAS, J.M.; Manifesto for a Better Management: A Rational and Humanistic View. In Ricart, J.E. and Rosanas, J.M. [Eds.], *Towards a New Theory of the Firm: Humanizing the Firm and the Management Profession*. Bilbao: Fundación BBVA, 2012.

³⁰ Cfr. CANALS, J.; La mejora del gobierno corporativo: algunas reflexiones desde la crisis financiera. *Revista de Contabilidad y Dirección*. 10 2010: 11-33.

³¹ Cfr. POLO, L.; *Ética: Hacia una versión moderna de los clásicos*. Madrid: Aedos, Unión Editorial, 1997; POLO, L.; *Quién es el Hombre Un espíritu en el tiempo*. Ed. cit..

³² Cfr. PÉREZ LÓPEZ, J.A.; *Teoría de la acción humana en las organizaciones: La acción personal*. Ed. cit..

Velilla³³ explain this quite well by saying that the *ethical* (read “morally good”) manager is, thus, one who provides the motivational conditions for the organizational members to achieve their full potential which, in Polian terms, ultimately means being that free and open system who is capable of self-gift, that radical love (a selfless interest in the good of the other) proposed by Polo as a radical *anthropological transcendental*.

All this is, thus, pointing to a more *humanistic* approach to business and management, which could be called humanistic when its outlook emphasizes common human needs and is oriented to the development of human virtue, in all its forms, to its fullest extent. This human-centered approach factors in the complexity of human nature and emphasizes the human being and its will to protect the species in the long term. This kind of management appears to achieve a higher moral quality³⁴. Polo’s *transcendental anthropology*—especially his ruminations on Aristotle’s notions of *friendship* as being filled with love and self-giving—can, thus, shed light on which characteristics the leader—who is at the same time a true friend—can contribute to bringing about a better governance of firms through greater service to the human person and, by extension, to society at large. After all, the businessman is the one who knows how to give; he is not the one intent on making money, but the one who allocates money to carry out a project that offers new and better possibilities to society³⁵.

5. FROM TRANSFORMATIONAL TO *TRANSCENDENTAL* LEADERSHIP

Leadership from the start of the 20th Century—especially with the burgeoning of management science literature—has been studied from various perspectives and utilizing the most varied methodologies, resulting in the appearance of thousands of publications and

³³ Cfr. ROSANAS, J. M. AND VELILLA, M.; “Loyalty and Trust as the Ethical Bases of Organizations”. *Journal of Business Ethics*. 44 2003: 49-59.

³⁴ Cfr. MELE, D.; The challenge of humanistic management. *Journal of Business Ethics*. 44 2003, 77-88; PIRSON, M. AND VON KIMAKOWITZ, E.; “Towards a Human-Centered Theory and Practice of the Firm: Presenting the Humanistic Paradigm of Business and Management” *Journal of Management for Global Sustainability*. Vol. 2, 2014.

³⁵ Cfr. SELLES, J.F.; *Antropología para inconformes, una antropología abierta al futuro*. Madrid: Ediciones Rialp, 2007.

studies. Major topics and controversies include leadership versus management, leader traits and skills, leader behavior and activities, leader power and influence, situational determinants of leader behavior, situational moderator variables, transformational leadership, importance of leadership for organizational effectiveness, and leadership as an attributional process. Indeed, as shown by works reviewing the extensive leadership literature, there seems to be no consensus among academics with respect to what a leader is and how he must exercise leadership³⁶. The most advanced approaches among the more recent studies are those on “transformational leadership” and on “servant leadership”. Upon further investigation, the proposals of Polo³⁷, of Polo and Llano³⁸ and of Pérez López³⁹ have offered rather insightful theories from an anthropological perspective, which in turn have led scores of scholars to apply their thoughts to contemporary management issues.

Pérez López⁴⁰ had proposed three main activities that managers must carry out, adding *leadership capacity* to the already extant *strategic capacity* and *executive capacity*. *Leadership capacity* in the thought of Pérez López has to do with what he calls *transcendent motives* (different from the *extrinsic* and *intrinsic* motives already extant in the literature) which refer to a genuine interest in the development and motives of the other person that goes beyond considering exclusively future effectiveness. These refer to the importance that each person gives to the influence that one’s actions and decisions can exert on other people, that is to say, the *transcendent motives* reflect the value given to the repercussions of one’s decisions on others⁴¹. In turn, such *transcendent motives* at work in a leader bring about a *transcendental leadership* defined by a relationship of *personal influence*, in which interactions take place through extrinsic, intrinsic, as well as transcendent motives. Thus, a transcendental

³⁶ Cfr. VÉLAZ, I. AND PASTORIZA, D.; “Business as a Vocation: The Business Leadership as a Vocation” *Paper presented at the Fifth International Symposium on Catholic Social Thought and Management Education*. Bilbao, Spain, 2003; YUKL, G.; Managerial Leadership: A Review of Theory and Research. *Journal of Management*. 15(2) 1999: 251-289.

³⁷ Cfr. POLO, L.; “Ética, virtudes, empresa”. *Atlántida Madrid*. 14 (1993): 80-92.

³⁸ Cfr. *op. cit.*

³⁹ Cfr. PÉREZ LÓPEZ, J.A.; *Fundamentos de la dirección de empresas*, Madrid: Rialp, 1993.

⁴⁰ Cfr. *Ibid.*

⁴¹ Cfr. VELAZ AND PASTORIZA; *op. cit.*

leadership goes beyond transformational leadership in that it is a relationship of influence between leaders and collaborators, that is to say, an *inter-influential* leadership, one that is *relational* on the basis of a special kind of motivation on the part of the leader to *contribute to the good* of those he leads⁴².

The *anthropology of organizations* of Pérez López also distinguishes among three levels of needs, the highest being *affective needs*, that is, needs related to achieving satisfactory relationships with other people and are associated with the need to establish that we mean something to others and are liked as people. This entails being safe in the knowledge that we are loved for what and who we are as opposed to being appreciated merely because we have certain qualities or the fact that we are useful. This obviously has implications for management, especially for a more *humanistic* governance. For instance, as Rosanas⁴³ explains, it has implications for leadership *effectiveness*: only a transcendental leadership can foster the unity and identification with the organization, as well as loyalty and trust in firms, which are so necessary for good organizational functioning.

This *transcendental* language was already present in the emerging thought of Polo, whereby the human person, being an “open and free system”, naturally tends towards self-gift, and his growth as a human being is a function of this. That is, on distinguishing clearly between *having* and *being*, he explains clearly that, if the human person were to merely reduce himself to *having* (power, for example, in the case of leadership), then he would alienate himself, he would sacrifice his nature to something outside of himself. Rather, his *having* should be given over to a love for and service to others, for this is the very essence of his personal being, which is free and *donat*⁴⁴.

In this regard, Polo⁴⁵ has been prophetic, on saying that economics, which attempts at every turn to arrive at the optimum resource allocation, has to subject itself to ethics, and has to focus on how to employ those goods and resources as well as human capabilities in

⁴² Cfr. CARDONA, P.; *Liderazgo relacional*. In Pérez López, J.A. et al. [Eds.] *Paradigmas de liderazgo*. Madrid: McGraw-Hill, 2001.

⁴³ Cfr. ROSANAS, J. M.; “Beyond Economic Criteria: A Humanistic Approach to Organizational Survival”. *Journal of Business Ethics*. 78 2008: 447–462.

⁴⁴ Cfr. POLO, L.; *Ética: Hacia una versión moderna de los clásicos*. Madrid: Aedos, Unión Editorial, 1997.

⁴⁵ Cfr. POLO, L.; *Quién es el Hombre Un espíritu en el tiempo*. Ed. cit..

accord with the alternatives available. To the economist belongs the task of looking for a resource allocation system through which aims can be attained; that is to say, there exists the possibility that objectives may be in conflict with one another, which in turn means that there must be the possible alternative by which *human beings can improve and grow*, which is an aim that is usually forgotten, but is quite urgent and necessary. In other words, it is not the economist that sets the objectives, but it is human beings that set them. There must be a way to synthesize the two differing approaches to politics, one that argues that the institutional framework within which business operates ought to be tested by theories of distributive justice, and the other, from virtue theory, which argues that we ought to examine the character of individual employees and the responsibilities associated with the roles which these individuals play within organizations⁴⁶.

The next section describes the virtues that can be said to be a natural goal of the good leader (goal for himself and goal for those he leads) since, as Llano⁴⁷ says, management in and of itself is formative **of character (one's own and others')** and **the most valuable managerial dimension is precisely forming in those managed a character which makes possible the obtention of outcomes required of him, without the need for being pushed towards them.** This characterology **of executives thus becomes a central piece of leaders' task, in addition** to the fact that they have to form their own character primordially through exemplariness, transmission or contagion. It is these conditions that the manager ought to facilitate, for the organizational members to hopefully achieve their full human potential. In the next section, too, the various virtues that seem to belong to the nature of a friend-leader will be derived from the Aristotelian notion of a friend as an **"other self": it is the assertion of this paper that the exercise of** these virtues by the friend-leader can ultimately lead toward a better organization.

⁴⁶ Cfr. MAGUIRE, S.; "Business Ethics: A compromise between Politics and Virtue" *Journal of Business Ethics*. 16(12/13) 1997: 1411-1418.

⁴⁷ Cfr. LLANO, C.; "Caracterología del directivo al inicio del Siglo XXI" *Revista Empresa y Humanismo*. 5(2/02) 2002: 321-344.

6. VIRTUES FLOWING FROM A FRIEND TO AN “OTHER SELF” IN A LEADERSHIP CONTEXT

Polo says: “Loyalty and justice are conditions for the coexistence of free systems. This brief allusion to the cardinal virtues is essential, the hinge virtues of which classical ethics speaks: prudence, justice, fortitude, temperance. But there is more: truthfulness, friendship, the most important of the virtues according to Aristotle. Friendship demands respect, mutual esteem. What friendship can there be without dialogue?”⁴⁸ Polo⁴⁹ likewise emphasizes that the human being, no matter what his journeys and difficulties, can always grow; he grows to the measure that his acts are good, which in turn depends on the growth of the dispositions for those acts. Such acts are the moral virtues. A virtue is the guarantee of the unrestricted character of human perfecting.

This section takes the Aristotelian notion of virtue as a *good habit by which we live righteously*. In the context of Aristotelian friendship, we focus on the phrase *we must pass on to a consideration of friendship, for it is a kind of virtue or at least accompanies virtue*⁵⁰. In addition, we take in Thomas Aquinas’ commentary “[the Philosopher] now turns his attention to friendship which is founded upon virtue as an effect of it” (Aquinas, 1964). In other words, we consider virtue in the sense in which Polo (1996) explained it: *at the superior level of humanness, man is capable of having (in an intrinsic manner) in his very nature an acquired perfection, and this is what the Greeks referred to as virtue or habit*.

Applied to the organizational ambit of the leader-friend, this section draws those virtues that are natural to him as a human being and as an authentic friend, which at the same time accompany his *transcendental leadership* of self-gift and service to others, that is, of the kind that is *relational* in such a way as to *contribute* to the *good* of those he leads. Firstly, there are the chief moral virtues—or the cardinal virtues—of prudence, justice, fortitude and temperance. Next there is the virtue of humility. Mention was made above that the transcendental leader, who leads by way of transcendent motives (in ad-

⁴⁸ Cfr. POLO, L.; *Ética: Hacia una versión moderna de los clásicos*. Madrid: Aedos, Unión Editorial, 1997, p. 116.

⁴⁹ Cfr. POLO, L.; *Quién es el Hombre Un espíritu en el tiempo*. Ed. cit..

⁵⁰ *Nicomachean Ethics*, 1155a.

dition to extrinsic and intrinsic motives), makes himself have a genuine interest in the development of and in contributing to the good of the follower, and thus, necessarily and preferentially seeks the personal development and attainment of the full potential of the others. And an indispensable condition is that this difficult task moves him to constantly transcend his egoism: and this is the virtue of *humility*⁵¹.

Another virtue that seems to belong to the nature of a friend as an “*other self*” is *veracity* in communication. Man is a social being because he is a dialogic being, that is, capable of expressing what he **thinks to others and to establish thereby a communicative network ...** The knowledge that man acquires through the use of reason would disappear if it were not to be deposited in some way in a tradition. It is also clear that, if a person thinks, but does not ever communicate with others, what he has thought dies with him⁵². But such communication must be truthfulness (to speak the truth and to act according to the truth); without truthfulness, there is no communication⁵³. Last but not least, we have the virtue of *love*, or *charity*. The earlier section above discussed the *anthropological transcendental*, in Polo’s transcendental anthropology, called transcendental love, a radical love which is a gift of self. Human personal love refers to the superabundant and effusive love which lacks nothing, and hence, gives of itself⁵⁴.

In *Amistad en Aristóteles*, Polo highlights, in Part II, the difference between Aristotelian friendship and *Christian* friendship, and **shows the superiority of the latter**: “Christian friendship differs from the pagan sense of friendship, which was exclusivist; one loved a friend and hated the enemy. Also, for Aristotle, friends are few. To this it should be added that Aristotle does not see how one can be a **friend of God, because friendship is between equals**”⁵⁵. This superiority of Christian love of Christian friendship will be discussed further

⁵¹ Cfr. LLANO, C.; *Humildad y liderazgo: ¿necesita el empresario ser humilde?* Naucalpan (Mexico): Ediciones Ruz 2004.

⁵² Cfr. POLO, L.; *Ética: Hacia una versión moderna de los clásicos*. Madrid: Aedos, Unión Editorial, 1997.

⁵³ Cfr. POLO, L.; “Ética, virtudes, empresa”. *Atlántida Madrid*. 14 (1993): 80-92.

⁵⁴ Cfr. SELLES, J.F.; *Los tres agentes del cambio en la sociedad civil: familia, universidad y empresa*. Pamplona: EIUNSA 2013.

⁵⁵ Cfr. POLO, L.; La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999 477-485.; p. 483.

in a later section, but it is the assertion of this paper that the transcendental leadership of a person who is a true friend possessing Christian love has a greater potential for effecting a better organizational functioning, because of the further human development (cultivation of the full gamut of moral virtues) attained in the organizational members, both followers and leaders alike.

a) Prudence

No dictum strikes such a note of strangeness to the ears of contemporaries as this one: that the virtue of *prudence* is the mold and “mother” of all the cardinal virtues, of justice, fortitude, and temperance. In other words, none but the prudent man can be just, brave, and temperate, and the good man is good in so far as he is prudent⁵⁶. Polo⁵⁷ says that any man of action, and above all someone in government, is using it constantly: he practices prudence in the management of his affairs; otherwise, he would not be able to survive. Prudence is essential to government; it is (this is the way philosophers of classical times called it) *auriga virtutum*. It is the directive virtue. In his directing and governing, the mature person ought to be, with due information and with acquired habits, able to dominate what is novel, unexpected, or exceptional. Accumulated experience makes man capable of confronting the unexpected. Obviously, in practice it is quite difficult to avoid mistakes because we are not omniscient, but prudence allows us to rectify⁵⁸.

Prudence can be quite demanding⁵⁹: it asks that man exercise it in correction and in foreseeing the unforeseeable⁶⁰. Correction is an appeal to the friend's *synderesis*, the light of which is incompatible with grave errors, especially with regard to loving. In sum, correcting a friend is a manifestation of the elevation of prudence and of justice as virtues that accompany friendship. Prudence is the corrector of

⁵⁶ Cfr. PIEPER, J.; *The Four Cardinal Virtues*. New York: Harcourt, Brace & World, Inc, 1965.

⁵⁷ Cfr. POLO, L.; *Ética: Hacia una versión moderna de los clásicos*. Madrid: Aedos, Unión Editorial, 1997.

⁵⁸ Cfr. POLO, L. & LLANO, C.; *Antropología de la acción directiva*. Madrid: Unión Editorial, 1997.

⁵⁹ Cfr. POLO, L.; *Ética: Hacia una versión moderna de los clásicos*. Madrid: Aedos, Unión Editorial, 1997.

⁶⁰ Cfr. POLO, L.; *Quién es el Hombre Un espíritu en el tiempo*. ed. cit.

voluntary acts aimed at the means. For its part, the just correction has a penal character. In contrast, the friendly correction attempts to directly reestablish the purity of a friend's conduct⁶¹. To be prudent is virtuous for man, because he constantly faces problems. This aspect of prudence is called *solertia*. Solertia is to be willing and ready to face what is unforeseeable. All told, it is well for the leader to exert effort to be an authentic friend possessing these virtues, in particular the cardinal virtue of prudence, for this *practical wisdom* leads him to not only fulfill certain roles but rather to be concerned with growing with those roles, that is to say, a professional who grows and makes the others grow⁶².

b) Justice

Justice is indispensable for the good functioning of an organization, above all when this virtue is understood as distributive justice, that is, as a “meritocracy”: he is entrusted with the position or task who carries out the function best. On its part, justice is one of the superior virtues of the will, perhaps exceeded only by friendship: it consists in giving to each one what he merits to receive (Sellés, 2013). From the classic writers, we know that justice is a habit (*habitus*), whereby a man renders to each one his due with constant and perpetual will. But what, in fact, is each man's due? And above all, what is, generally speaking, the basis for a “*suum*”? How does anything come to belong to a person, anyway? ... Man, however, is a *person*—a spiritual being, a whole unto himself, a being that exists for itself and of itself, that wills its own proper perfection. Therefore, and for that very reason, something is due to man in the fullest sense, for that reason he does inalienably have a *suum*, a “right” which he can plead against everyone else, a right which imposes upon every one of his partners the obligation at least not to violate it. Indeed, man's personality—the constitution of his spiritual being by virtue of which he is master of his own actions— even requires (*requirit*), says Thomas, that Divine Providence guide the personality “for his own sake”⁶³.

⁶¹ Cfr. POLO, L.; La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999, pp.477-485.

⁶² Cfr. POLO, L.; *Quién es el Hombre Un espíritu en el tiempo*. ed. cit.

⁶³ Cfr. PIEPER, J.; *op. cit.*, 1965.

At the start, it seems as if virtues were not necessary: it is not necessary to be just (to have acquired the stable habit of giving to each one that which is *his* (“*suum*”) **in order to make a just decision for a specific situation.** But in practice, without the exercise and learning of this virtue —developed only by dint of habitual exercise—, it would be very difficult for a person who is not just to realize, in a concrete situation, that precisely in that circumstance there exists a problem of justice: only with difficulty will he understand which is the just decision in those circumstances, and one has to have the courage and strength of will to put it into practice⁶⁴. Likewise, justice has a lot of implications for cooperation. The key to justice resides more in giving, i.e. in an act of the will, than in the thing given. **Justice is “giving to each his due”, not necessarily accepting or donating.** This explains how justice has been called the bond of social cohesion: Justice forms the basis of social relations⁶⁵.

c) *Temperance & Sobriety*

It has been helpful to think of the human person as an *open system*. As such, ethics can thus be understood as the science of the interconnection among free systems: the coming together of prudence, obedience and command/control. Along with this, we affirm the need for courage —for without it, the administrator will not be able to administer anything at all—, as well as temperance, because the intemperate will simply allow himself to be led by the waves. Virtues make us free: only the virtuous are masters of their acts. Aristotle devotes central passages of the *Ethics* to intemperance, saying that some intemperate people are able to cease being so, but that others seem to not cease being so because they never learn: and in this they are truly *slaves*⁶⁶.

According to Polo, it is good to always begin with temperance and with fortitude before educating the young in prudence and justice in

⁶⁴ Cfr. ARGANDOÑA, A.; “La ética en la empresa y la ética del directivo”, *Boletín de Estudios Económicos*. 69 (211) 2014: 9-23.

⁶⁵ Cfr. SELLÉS, J.F.; *Antropología para inconformes, una antropología abierta al futuro*. Madrid: Ediciones Rialp, 2007.

⁶⁶ Cfr. POLO, L.; *Ética: Hacia una versión moderna de los clásicos*. Madrid: Aedos, Unión Editorial, 1997.

which it is all right to instruct them at a much later time⁶⁷. Lifestyles should be inspired by sobriety, temperance, and self-discipline at both the individual and social levels. There is a need to break with the logic of mere consumption. These attitudes, sustained by a renewed awareness of the interdependence of all the inhabitants of the earth, will contribute to eliminating the numerous causes of the world's disasters⁶⁸.

It is clear that, in order to be strong, one has to be temperate. He who loses temperance loses courage. Temperance contemplates human motivations, human desires; what is characteristic of desire is that it be directed to satisfaction. Native desire procures immediate **satisfaction: desires cannot wait. Thus, if one does not control one's** desire, one cannot be courageous, one is unable to adopt an attitude towards arduous things. The courageous ones postpone satisfaction. He who confronts what is arduous precisely confronts what is directly not satisfactory. Desires can be satisfied immediately, they are of little worth. Thus, the man who gives in to the functional rule of desires loses something more important: his happiness. Thus, the hedonist is not a happy being. In sum, temperance is the virtue that **controls one's sensible desires in accord with human knowledge**, which is not exclusively sensible. He who does not control his desires cannot govern well (humanly) an organization or business, for he who is unable to control it, more than being a contributor, he becomes a consumer, a taker: and this is not only opposed to the very nature and mission of an economic entity, but contrary as well to the nature of a person⁶⁹.

d) Fortitude or Courage

When man looks upon his work as part of the circumstances of ordinary everyday life and does not at all desire to cease being the person who carries out the work, in whom there reigns the *solidity of a mature interior life*, then there will come to the fore a gamut of

⁶⁷ Cfr. SELLES, J.F.; *Los tres agentes del cambio en la sociedad civil: familia, universidad y empresa*. Pamplona: EIUNSA 2013.

⁶⁸ Cfr. PONTIFICAL COUNCIL FOR JUSTICE AND PEACE; *Compendium of the Social Doctrine of the Church*, 2004, no. 486.

⁶⁹ Cfr. SELLES, J.F.; *Los tres agentes del cambio en la sociedad civil: familia, universidad y empresa*. Pamplona: EIUNSA 2013.

virtues: fortitude to persevere, temperance to overcome comfort, **justice in order to fulfill one's duties toward God, society, the family, colleagues, and prudence in order to know what is good to do and do it without hesitation**⁷⁰. Fortitude is practiced, in the context of the business organization, by way of constantly pursuing those grand long-term ideals, that is to say, when one is in search of goods that are arduous, difficult and hardly accessible. Of course, for this there should be strong motives. He is strong who, in the face of problems, responds with self-correction, with a reasonable attack, and who puts up a patient or serene countering between reality and his capabilities. But in order to resist evil, there is no other way but to **deepen in one's principles**. He who lacks such profound convictions is unable to resist evil. In the face of evil, the task at hand is to resist. Such serenity entails suffering, obviously: a stark reality which is a law of life and from which no one is immune. All told, the courageous one is the one who lives it, more than the fanatic or the cynic. Fortitude is shown more in resisting than in attacking. One ought not always to attack (as the fanatic thinks), neither to merely allow things to pass (as the cynic does)⁷¹.

In the context of the business organization, when work depends on people working for others, then collaboration is a necessity. If a person cannot do a job without counting on another, that other is a collaborator, even if he is a subordinate. In these cases, the leader necessarily delegates. For delegation to work, firstly there is need to uplift the level of the collaborators (without competent collaborators, the costs of coordination rise). Secondly, there is need to train workers (both despotism and paternalism are an insult to the intelligence of colleagues, in other words, to his nature as person). In both requirements, dialogue is needed. With communication, whoever commands learns, and is put in conditions of obeying those who offer the best solutions. Thus, *commanding and obeying are correlative*: only he who knows how to command learns how to obey, and vice versa. Communication has to have content: leadership requires being informed of the relevant factors. In addition, it is good to have the entire gamut of pieces of information and to study the compatibility

⁷⁰ Cfr. LLANO, CARLOS; *La amistad en la empresa*. México: IPADE-Fondo de Cultura Económica, 2001.

⁷¹ Cfr. SELLES, J.F.; *Los tres agentes del cambio en la sociedad civil: familia, universidad y empresa*. Pamplona: EIUNSA 2013.

among them. All this understandably necessitate fortitude or courage⁷².

e) Humility

Humility is a virtue that is particularly important for those who govern or manage, or who are vested with authority and power. The word *humility* comes from the Latin *humilitas*, which in turn comes from *humus*, the earth beneath us. It refers to something that is fundamental within the individual. Humility has an intrapersonal dimension, the vision that the agent has of himself, and an interpersonal or expressed dimension, how he reacts to how others see him and how he sees others. These are not independent dimensions: what characterizes the humble person is the self-knowledge he has of himself and, in particular, the intention with which he appraises or judges himself. Intention is important because, like all genuine virtues, **humility is practiced for the agent's development or improvement, and for service to others.** In recent years new theoretical and empirical approaches in psychology and in business ethics have dealt with humility not as a weakness but as a strength of the person, emphasizing its contribution to social cohesion and the creation of trust⁷³.

In the *friend-leader*, there are indispensable requirements, some of which are superior to others. One such superior prerequisite is the ability to know each person with long-term vision and accepting each person freely as a distinct individual with his own intimacy. Since the origin of such distinction is God himself, there exists true friendship only if one knows and accepts each intimate human being as a distinct creature of God. Therefore, affirming the Ambrosian doctrine, it is said that only he can be a *true friend unto the depths of one's being* who is a *friend of God*⁷⁴. And since hope, faithfulness, and humility are proper to a friend of God, then only a humble person can be a good leader, as opposed to one who is filled with *hubris* (exaggerated

⁷² Cfr. *Ibid.*

⁷³ Cfr. ARGANDOÑA, A. (2014a). Humility in Management. *Journal of Business Ethics*. Forthcoming. 2014.

⁷⁴ Cfr. SELLES, *Precisiones sobre el método de estudio, la realidad, y la educación de la amistad*, [n.d.].

pride, self-confidence, or arrogance) which has been blamed for many resounding leadership failures⁷⁵.

f) Communicativeness and Veracity

For us to understand more fully the social dimensions of human living, we have to accept the reality that there exists in man a real distinction between a dimension which is the more important one—personal intimacy—and the external or *manifestative* dimension, **which is dependent on the real. Man's social nature belongs to this latter:** the *manifestative* relationship among the different classes of men belongs to what we nowadays call *intersubjectivity*. Since human manifestations can be positive or negative, that is, in favor of or contrary to the perfecting of the human *essence* (i.e., either virtuous or vicious), *intersubjectivity* can be either perfecting or degrading. Given that the human *essence* has been created to grow, each person is responsible for rectifying all intersubjective relationships that can inhibit such growth, and nourish those which enable such development. If the improvement in humankind (the perfection of the human *essence*) grows to the measure that men interact virtuously among one another, then we can conclude that a life that is both humanized and humanizing can only be had through *living together* (*convivencia*)⁷⁶.

Now, in that *living together*, truthfulness or veracity is a dimension of friendship, which links it to freedom. But one does not leave a friend alone if he commits mistakes, but rather one corrects him⁷⁷, with the necessary prudence, which has been discussed above. In this sense, friendship has a pedagogical value. In effect, the friend is “*another self*”. Sellés⁷⁸ adds that there is no mutual friendship without truth, but such truth is channeled through veracity or truthfulness, which consists in manifesting the truth, but as it is vivified by friend-

⁷⁵ Cfr. KROLL, M.J.; TOOMBS, L.A.; AND WRIGHT, P.; “Napoleon’s tragic march home from Moscow: Lessons in hubris”. *Academy of Management Executive*. 14(1) 2000: 117-128.

⁷⁶ Cfr. SELLÉS, J.F.; *Los tres agentes del cambio en la sociedad civil: familia, universidad y empresa*. Pamplona: EIUNSA 2013.

⁷⁷ Cfr. POLO, L.; La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999 477-485.

⁷⁸ Cfr. SELLÉS, J.F.; “Sin verdad no cabe verdadera amistad. Sin amistad no hay amor a la verdad” *Miscelánea Poliana*. Málaga: Instituto de Estudios Filosóficos Leonardo Polo 2012.

ship and charity which are both personal. And that manifestation ought to be done with humility. Thus we assert that, if the business leader is to be true to his nature as a human being with an essentially social nature and exercises the moral virtues of a perfect friend, then he will have to be instructed in the ways of a communicative, truthful and concerned leader.

Honesty and truth-telling are thus important virtues of the *friend-leader*. But what kind of truth? Science seeks the truth of things, whereas friendship seeks the truth of persons. Since persons are superior to things, one has to put the discovered truths about things at the service of the good of human beings, which in turn means that science ought to be placed at the service of friendship. Thus, we can also say that the truth has to be manifested in such a way as to reach friendship⁷⁹. Put another way, authentic leadership can be equated with truthful leadership. Evidence of the importance of honesty abounds in the business ethics literature: Almost every professional code that governs professional associations within the business sector requires its members to act with integrity, which is interpreted to mean honesty. Lying is a symptom of lack of integrity and does not quite get to the core meaning. It is well known that a disregard for honesty has had significant adverse results⁸⁰.

g) Self-gift (radical love), kindness, and magnanimity

In Polo's *transcendental anthropology*, four important anthropological transcendentals emerge, one of them being "personal love or loving". Human personal love refers to the superabundant and effusive love which lacks nothing, and hence, gives of itself. This personal loving takes on three dimensions, that are hierarchically distinct among them in every man, which are (in the order of superiority): (1) acceptance, (2) giving, and (3) gift. Each human person is in the first place an accepting with respect to God; and, in second place, is a giving, that is to say, a loving giving of oneself with respect to the Creator and to others; and then, in third place, the person is a gift, a loving

⁷⁹ Cfr. *Ibíd.*

⁸⁰ Cfr. BOATRIGT, J.R.; *Finance Ethics: Critical Issues in Theory and Practice*. New Jersey: John Wiley & Sons, Inc 2010.

gift with respect to them⁸¹. In Part II of *Amistad en Aristóteles*, Polo highlights the difference between Aristotelian friendship and *Christian friendship*, and shows the superiority of the latter: “Christian friendship differs from the pagan sense of friendship, which was exclusivist; one loved a friend and hated the enemy. Also, for Aristotle, friends are few. To this it should be added that Aristotle does not see how one can be a friend of God, because friendship is between equals”⁸².

Thus, Polo⁸³ affirms that what sets Christian friendship apart (from Aristotelian friendship) is its definition of a good God-fearing friend —“ No one can have greater love than to lay down his life for his friends.” (John 15: 13)— as somebody who gives of himself to such an extent as to lose himself for the sake of the (good of the) friend, his *other self*. Polo’s **transcendental anthropology** makes it clear that the human essence takes on a *donal* character (natural tendency to receive gifts at the same time to give of oneself): each person gives growth to his essence throughout his life, and it is obvious that **the mature “I” is, even from an economic perspective, more fruitful**. This fruitful maturity is seen, above all, in a generous and magnanimous soul⁸⁴. In business activity, the logic of gift includes two aspects. The first is considering the logic of gift as a new conceptual lens in order to view business relationship beyond contractual logic. In this view, it is crucial to see the circulation of goods as instrumental for the development of relationships. The second aspect is to qualify the relationships established through the gift, and to think about the motivation in gift-giving, which has an ethical content. We give because we have received, and through gift-giving we develop relationships **that have a high ‘bonding value’**⁸⁵.

⁸¹ Cfr. POLO, L. & LLANO, C.; *Antropología de la acción directiva*. Madrid: Unión Editorial, 1997.

⁸² Cfr. POLO, L.; La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999 477-485, p. 483.

⁸³ Cfr. *Ibid*.

⁸⁴ Cfr. SELLES, J.F.; *Los tres agentes del cambio en la sociedad civil: familia, universidad y empresa*. Pamplona: EIUNSA 2013.

⁸⁵ Cfr. FALDETTA, G.; The Logic of Gift and Gratuitousness in Business Relationships. *Journal of Business Ethics*, 100 2011:67-77.

7. FRIENDLY LEADERSHIP PRODUCING WELL-GOVERNED ORGANIZATIONS

The task of a leader is chiefly one of governing men, and in order to be a good governor, one necessary —although not sufficient— condition is to be a good person⁸⁶. We have seen above that Polo⁸⁷ discerns the superiority of Christian friendship (by virtue of Christian love) over Aristotelian friendship: that we can allow for love towards enemies or man's friendship with God. Aquinas holds that, in Christian charity, the classical understanding of friendship has been perfected by grace⁸⁸. This being the case, it is necessary to assert that love is needed in business organizations. The traditional theories of the firm leave no room for love in business organizations, perhaps because it is thought that love is only an emotion or feeling, not a virtue, or because economic efficiency and profit making are considered to be incompatible with the practice of charity or love⁸⁹.

Transcendental leadership consists in learning to value the needs of other people and to respond even to their so-called *affective needs*: those needs which are related to achieving satisfactory relationships with other people and are associated with the need to establish that we mean something to others and are liked as people. *Transcendental leadership* consists in having transcendent motives and appealing to the transcendent motives of other people. Such a leader transcends his own selfishness, as his vocation invites him to procure human development, to provide meaning to the work of his followers, and to help them discover their personal vocation⁹⁰. This kind of leadership is believed to be *good leadership*, with “good” understood to mean: (1) the action satisfies another person's needs, (2) the action is directed toward helping, as far as possible, the other person to learn

⁸⁶ Cfr. PÉREZ LÓPEZ, J.A.; *El sentido de los conflictos éticos originados por el entorno en que opera la empresa*. Madrid: Ediciones Rialp, 1990.

⁸⁷ Cfr. POLO, L.; La amistad en Aristóteles. *Anuario Filosófico*. 32: 1999 477-485.

⁸⁸ Cfr. NEY, P.; “Charity as the Perfection of Natural Friendship in Aquinas” *Summa Theologiae. Lethbridge Undergraduate Research Journal*. 1(1) 2006: 1-8.

⁸⁹ Cfr. ARGANDOÑA, A. (2014b). “La ética en la empresa y la ética del directivo”, *Boletín de Estudios Económicos*. 69 (211) 2014: 9-23.

⁹⁰ Cfr. VÉLAZ, I. AND PASTORIZA, D.; “Business as a Vocation: The Business Leadership as a Vocation” *Paper presented at the Fifth International Symposium on Catholic Social Thought and Management Education*. Bilbao, Spain, 2003; ALCÁZAR GARCÍA, M.; FERREIRO DE BABOT, P.; *Managing People*. Barcelona: Ariel Publishing 2002.

(helping him to ‘do better what he has to do’), and (3) the action is intended to help the other person increase his moral virtues. This is **what constitutes ‘love of benevolence’** —to wish good to the person loved— and here it is easy to see that love can and must be lived in firms for firms to operate efficiently, be attractive to those who take part in them, and act consistently in the long run⁹¹.

If the organizational leader were a *true* friend in the Polian sense, that is, one who exercises *transcendental leadership* through the possession of *transcendent* motives, referring to a genuine interest in the development and motives of the other person that goes beyond considering exclusively future effectiveness, and exercising those virtues inherent in a friend serving an “*other self*”, most importantly a radical love or self-gift, then we can expect better organizational functioning, that is to say, characterized by efficiency, effectiveness, and consistency (Pérez López, 1993). Consistency here refers to “**agreement or harmony of all parts (...) at different times**” or “**the reliability or uniformity of successive results or events**”, which in turn is a result of consistency in decision making, a decision that helps the leader acquire capabilities that will enable him to frame his decisions in such a way as to satisfy present needs without jeopardizing the satisfaction of other present and future needs (Argandoña, 2008.)

8. IMPLICATIONS OF POLO'S DISCERNMENT OF ARISTOTELIAN FRIENDSHIP FOR THE BUSINESS LEADER'S WORK OF GOVERNANCE

Now more than ever, the modern business organization is in need of a north star to guide it along paths of long-term sustainability and attainment of *human flourishing* for each of its members. *Characterological capital* (capital that gives emphasis to the growth in the moral virtues of the organizational members) thus takes center stage, in this day and age when huge corporate collapses have put typical utilitarian business models into question. Now more than ever, leaders are in need of developing *leadership capacity*, indispensable for directing others and making them commit long-term to a business project, not out of necessity, but rather because they like to, because

⁹¹ Cfr. ARGANDOÑA, A.; “Beyond Contracts: Love in Firms” *Journal of Business Ethics*. 99 2011: 77-85.

they learn and improve, and they can share their progress with someone else. The set of qualities that an executive ought to develop can be quite formidable: many complex professions demand enormous commitment and an enormous amount of preparation. More importantly, leading demands experience and the development of the virtues⁹².

It is believed that a successful, solid and lasting economic organization positively needs love to be exercised and practiced in and around it⁹³. Polo⁹⁴ highlights the superiority of Christian friendship because of its Christian love: and this has important implications for corporate governance. True love—which a true friend and leader is capable of—is *to wish good to someone* (*amare est velle allicui bonum*), for which reason the friend loves the beloved as *another self*, not because thereby he draws any benefit (although this happens to be a consequence of love of friendship) but principally because the beloved is loved as a person, capable of establishing relationships, in which, apart from benevolence, there is reciprocity and communication. Love of friendship is a selfless and ecstatic love: the friend-lover is in the beloved friend, and vice versa. The lover goes out of himself, but the intentionality of that act does not turn around himself, but rather rests in the beloved friend⁹⁵.

The implications of this for humanistic corporate leadership are manifold: (1) *Education for friendship*: we have seen how education for friendship is an added value in leadership training, given that leadership involves a series of skills, attitudes and values that develop through friendship experiences, and given that values found in friendship merge with those found in leadership⁹⁶; (2) *Education for moral leadership*: The task of the leader nowadays has shifted to

⁹² Cfr. CANALS, J.; La mejora del gobierno corporativo: algunas reflexiones desde la crisis financiera. *Revista de Contabilidad y Dirección*. 10 2010: 11-33; LLANO, C.; “Caracterología del directivo al inicio del Siglo XXI” *Revista Empresa y Humanismo*. 5(2/02) 2002: 321-344.

⁹³ Cfr. ARGANDOÑA, A.; “Beyond Contracts: Love in Firms” *Journal of Business Ethics*. 99 2011: 77-85.

⁹⁴ Cfr. POLO, L.; “La amistad en Aristóteles”, ed.cit.

⁹⁵ Cfr. RIVERA, A.; *El Amor de Amistad*. Tesis Doctoral. Pamplona: Universidad de Navarra, 2003.

⁹⁶ Cfr. ROMERO-IRIBAS, A.M. AND MARTÍNEZ-PRIEGO, C.; “Developing leadership through education for friendship” *Procedia Social and Behavioral Sciences*. 15 2011: 2248–2252.

sense-making and creating new moral relationships among co-workers, between leader and follower. A moral executive must find **ways to focus the organization's attention on ethics and values and to** infuse the organization with principles that will guide the actions of all employees⁹⁷; (3) *Cultivation of the virtues of the friend-leader*. Since the ultimate test of virtue theory is whether the character traits discussed above are practiced in day to day business activities, this paper has important implications for human resources management and leadership training; after all, hiring and promoting managers with strong character is essential, for management ultimately sets the **"tone at the top" and the example they set can have a major impact** on business practices within and outside the firm (Racelis, 2013).

9. EPILOGUE

The friendship of the Christian business leader—which goes beyond the *natural friendship* considered by Aristotle—should lead him to reflect Jesus Christ faithfully and heroically, communing with Him and fulfilling his mission of communicating this treasure. The virtues of the *friend-leader* reach their peak in the charity of the believer, which in turn enables him to practice the "new commandment" of Jesus: it helps him to understand that charity is not simply discovering Christ in the others, but moves him to accept at its very root the commitment of impersonating Christ, of exerting every effort to imitate Him and look like Him; better yet, being another Christ, Christ Himself⁹⁸. Only in this way can we understand why Vázquez de Prada affirmed: **"From the mutual understanding of friends derive the sovereign benefits of friendship. Through it, the feeling of abandonment and the solitude of individuals can be overcome and quietened. Insecurities for the future are overturned, and relief and optimism take over. Such friendships inspire confidence that results from the friendly hand (*mano amiga*) as well as a brotherly head. For both human and divine undertakings, we are able to count on not just the mere sum of individualities, but rather the synergistic result that comes from friendship's multiplicative effect of**

⁹⁷ Cfr. (TREVINO, ET AL., *op. cit.*

⁹⁸ Cfr. ECHEVARRÍA, J.; *Paths to God: Building a Christian Life in the 21st Century*. New York: Scepter Publishers 2010.

adding energy and efficacy”⁹⁹. Likewise, only in this way can we understand why Lewis described *friendship* as exhibiting “a glorious nearness by resemblance to Heaven itself where the very multitude of the blessed (which no man can number) increases the fruition which each has of God”¹⁰⁰.

This paper has endeavored to show that Polo’s essay on Aristotle’s notions of *friendship* in his *Amistad en Aristóteles* has important implications for humanistic corporate governance, in particular through Polo’s discernment of the nature and virtues of friendship as they may relate to leadership. Concretely, one can draw those virtues that are natural to him as a human being and as an authentic friend, which at the same time accompany his *transcendental leadership* of self-gift and service to others. Firstly, there are the chief moral virtues—or the cardinal virtues—of: (1) prudence, (2) justice, (3) fortitude, (4) temperance. In addition, there are the virtues of: (5) humility, (6) veracity, and (7) love, or charity. It is hoped that, by highlighting these characteristics of a *true friend* contained in *Amistad en Aristóteles*—especially the superiority of Christian charity over the *natural friendship* notions of Aristotle—we have provided clear indications for how the authentic *friend-leader* turns out to be the ideal moral leader who will bring about that much-desired *human flourishing* in organizational members and, by extension, successful business outcomes. The virtues identified here corroborate the literature that says that a values-based leader (in the sense of the virtuous *friend-leader* discussed here) serves others in a positive way, that is to say, provides positive impacts and helps others to flourish. Indeed, “**transcendental leadership**”, i.e., **leadership by way of transcendent motives** (in addition to extrinsic and intrinsic motives), whereby the leader makes himself have a genuine interest in the development of and in contributing to the good of the follower, has great potential for a better organizational functioning, for a more humanistic corporate governance.

⁹⁹ VÁZQUEZ DE PRADA, A.: *Estudio sobre la amistad*. Madrid: Rialp, 1956, pp. 209-210.

¹⁰⁰ LEWIS, C.S.: *The Four Loves*, 1958 Retrieved from <https://www.calvin.edu/~pribeiro/DCM-Lewis-2009/Lewis/the-four-loves.pdf>, p. 57.



El yo pensado no piensa. Pienso y además soy, o soy además de pensar. Con esto se deja atrás a Descartes. *Cogito* y además *sum*.

The thought I does not think. I think and additionally I am, or I am additionally to thinking. With this, Descartes is left behind. *Cogito* and additionally *sum*.

Why a Transcendental Anthropology?

CONFERENCES & NOTES

The Personal Being in Leonardo Polo's Philosophy

Juan A. García González
University of Malaga
juangarcia@leonardopolo.net

RECEIVED: September 8, 2014
ACCEPTED: October 10, 2014
DEFINITIVE VERSION: November 20, 2014

Translated by:

Juan J. Padial
University of Malaga
jjpadial@uma.es

&

Robert DeSimone
The Development Forum
rbdesimone@gmail.com

Lecture given at the Pontifical University of Comillas, Madrid, as a part of the International Conference "Subject, Self and Soul", organized by the *Metanexus Institute*.

1. SIGNIFICANCE OF LEONARDO POLO'S ANTHROPOLOGY

We will focus on the following question: which is more important, the philosophical anthropology of Leonardo Polo, or his enquiry into the limit of human knowledge and, accordingly, his methodical proposal of abandoning a mental limit?

Here, we will emphasize his anthropology, because Polo's philosophy is essentially anthropology. There is no doubt that Polo has conducted research in others fields, such as metaphysics, causal physics, and many more. But one must respond that metaphysics is human knowledge and, like Polo, formulates such human knowledge; furthermore, Polo has written about the physical universe, pointing at its foundational character, in his *Course on Theory of Knowledge*.

The philosophy of Polo is essentially anthropology. And it is so, because his methodological proposal is a special freedom that a philosopher can take and exercise. There is a sort of solidarity in his methodological proposal, from which his philosophy is formulated, and therefore, his anthropology.

Returning, again, to the subject at hand: where does the importance of Polo's anthropology lie? To answer in general terms, the anthropology of Polo demonstrates its importance because it modifies the character of human knowledge: it amplifies it.

a) Human Knowledge

Human beings have lived for twenty-five centuries without philosophy. Not without knowing anything, however, but only with practical knowledge. This last statement has been formulated keeping in mind the world of myths and literary narrations carried on from generation to generation. Philosophy did not appear until the sixth century before Christ, and when it did, it was a theoretical form of knowledge.

Human beings have lived for another twenty-five centuries, concentrating on the value of theory. The first philosophy was a form of theoretical knowledge that was spread to second philosophies. These have generated our current sciences. In turn, these sciences have modified human techniques, transforming the world in which we presently inhabit.

Twenty-five centuries without theory. Another twenty-five taking advantage of its possibilities. We might be entering another twenty-five centuries equipped with knowledge, which go beyond the theoretical. Polo's **methodical proposal** for philosophy is meta-theoretic; its importance rests on this point.

If this were so, the very word "Philosophy" could change. Perhaps in doing so, we would lead a misunderstanding, rather than aiding. The modification that the approach of Polo involves for human knowledge is an amplification that could be designated as, *eleuterosophy*: knowledge of freedom; or *heuristic-sophy*: knowledge for knowledge's sake.

This is what Aristotle said about philosophy, of first philosophy: it is science, intellectual knowledge for which one searches. But Aristotle associates such a pursuit with the natural wish of knowledge, with theory, and its gradual expansion and development. In doing so, he did not make the most of the notion of heuristic.

But, the wish of knowledge, (the desire of theory, the philosophy -or even the increase of our knowledge to which such a desire is directed), is not the same as the search for knowledge. Because wishing means tending towards, and tendencies are clearly different from knowing possessions; in this case, one does not possess, but wishes. With everything that one already has, one can enjoy. Nevertheless, the search for knowledge is not merely a desiderative dynamic but a cognitive one, too. It is extremely compatible with the possession of notions, because one needs knowledge, even to seek. Furthermore, searching is better than knowledge, because, if it is treated with Wisdom, there is no doubt that in this life one has nothing to do but search, which is more than desire.

One may distinguish between animals, incapable of knowledge; God, who knows everything; and a human being, who knows in a partial sense, and, for this reason, wants to know more. Philosophy, it is said, is not divine, but strictly speaking, human. Once again, knowledge is not only the object of desire, but of a theoretical possession. Although knowledge that has been reached would be limited, that does not stop a superior knowledge: *heuristic-sophy*.

Certainly, desire is directed towards the knowledge —towards theory— from its absence. The search set out of knowledge with the intention of knowing more, of going further in theory. Moreover,

when knowledge is understood in a heuristic sense, one can comprise how human wisdom is opened without any objection to another superior wisdom: divine wisdom. Reason, therefore, is most certainly compatible with faith.

b) Metaphysics and Anthropology

We have the offer of a new form of knowledge, *heuristic-sophy*. Or, just a new method for philosophy: the abandonment of mental limit which leads to a meta-theoretical knowledge. We may now ask: What is the basis for this new form of wisdom?

Polo often says that it consists of amplifying classic metaphysics with a transcendental anthropology. Or, that to the classic set of the transcendental metaphysics, one must add another new set of transcendental notions: anthropological transcendentals, transcendentals of the person. To being, truth and good, for instance, one must add to coexist, to understand and to love. These are the subjective and personal sides of metaphysical transcendentals. Hence, Polo's transcendental anthropology is an expansion of classic philosophy, with the goal of discovering, within the human person, a different and original theme from that of metaphysics. For example, transcendental themes like those of metaphysics. This is the way in which his transcendental anthropology is proposed.

As far as metaphysics is concerned, when it is added to such anthropology, metaphysics limits its scope and specifies its objects. Metaphysics it is not the knowledge of entity in all its universality, but it is the knowledge of basis, of fundamental being. To such a foundation the knowledge of free being, of freedom, has now been added: such is the theme of transcendental anthropology.

We dare to say it in another way: it focuses on adding the methodological dimension of knowledge to said theme. For this reason it is also *eleutero-sophy*, because human knowledge can liberate itself from being attached to the theme (to the theme of metaphysics, the foundation). Then, the knowledge can achieve being in charge of itself, of its proper methodical dimension. The dimension that constitutes itself is at the end of personal freedom, which is exactly what distinguishes anthropology from metaphysics. The object of anthropology is at the same time its subject. The theme of anthropology is

the human being. But man also formulates it: the theme is added to the method.

Moreover, it is not true that modern philosophy inquires and pursues method? *Discourse of method* is the title of the most famous work of Descartes, the work that opens the door of modernity. Kant devotes his philosophy to the critique of reason, of our cognitive instrument: that is, to the method. Hegel will arbitrate the dialect like the method that can generate the content of absolute knowledge, the one that monopolizes reality in its entirety.

Polo's philosophy recognizes that the goal of modern thinking is transcendental anthropology. Modern philosophy of subjectivity fails because it is made in parallel with metaphysics. It understands freedom in a causal way. Such symmetry is, according to Polo, the error of modern subjectivism. The anthropology of Polo is, from this point of view, a thorough rectification of such subjectivism. He distinguishes between ground and freedom.

In fact, it is the direct and specific benefit of the modification or increase in human knowledge that Polo has proposed: to sufficiently distinguish ground and freedom. This happens when philosophy is elevated to its meta-theoretical level, that is, when classic philosophy is enlarged, or modern philosophy is rectified. Or if, when its methodical dimension is added to the subject of knowledge, then the last double reference of human knowledge is established: metaphysics and anthropology.

Human wisdom —practical, theoretical and meta-theoretical— has always dealt with two grand subjects, which are basis and destiny, the basis of the universe and human destiny.

Polo's anthropology clearly distinguishes both subjects, because it declares that human destiny does not derive from a foundation. It is not explained by metaphysics. Human destiny leads us to freedom; so, human destiny is separated from the universe and points to transcendence in the same order of the person, of his intimacy. For this reason, anthropology is transcendental.

c) Subject of Anthropology

To what does the transcendental anthropology of Polo contribute? To what does such a modification of the way of knowledge lead?

Our answer is that the subject of transcendental anthropology is the person.

Polo, of course, did not conceive the notion of person, originally. It comes etymologically from the masks that were used in ancient Greek theatre to amplify the sound of human voice and to play different roles in a performance. In philosophy, it is a concept of Christian origin. It was created in order to formulate both a notion of the divine trinity, and that of Christ. There is only one God, only one divine nature. But, nevertheless, there are three different persons. Although there is only one person in Jesus Christ, He has two different natures: divine and human. In both cases, person distinguishes itself from the notion of nature. And nature was the first theme of philosophy.

The notion of person does not belong exclusively to Polo. But, particular to him is his focus on the human person, because it has frequently occurred, throughout the history of philosophy, to focus on the anthropology on human nature. There are a lot of books which examine the evolution of living organisms, focusing on the *homo sapiens*. They continue by studying the faculties of such a rational animal: its sensibility, its capacity of knowing, its tendencies and appetites –both of which have their origin in sensibility and in free will, and so on. Furthermore, they examine some of the production that the human being achieves in activating its capabilities: work, culture, economy, family, society, etc. Additionally, they separately examine other dimensions of human reality, such as its aesthetic sense, its religiosity, its historicity, etc. Of course, there is the subject of the person, but why just one? Following Polo, one must focus anthropology on the person; one must discuss any other anthropological theme from the person, and depending on person.

In doing so, we find the person's value. It is usual, perhaps, in traditional anthropology, to focus on human nature without paying much attention to person. For instance, ethics distinguished between acts of man (all those which man does), and acts that are human, those which are deliberated: those that have been done with awareness, intention and free will. But, strictly speaking, only the latter are personal acts. Though it may sound strange or partial to separate the acts that are impersonal, the dignity of the person commands it. Man, then, would notice that what is referred to as natural, although not entirely personal is capable of being assumed by a person. Thus, man

would recognize that only in that respect is it of interest to transcendental anthropology. Instead of distinguishing between human acts and acts of man, Polo's anthropology makes a distinction between received life and life contributed by person. Keeping in mind personal being is a better way of understanding that matter.

Transcendental anthropology discovers a singular existence, proper of person in the human person. Moreover, it points out that being has at least two senses: a personal one which differs from the physical. Being is different for persons and for all other being of the universe. Furthermore, the transcendental anthropology understands that person seeks freedom. This involves a new meaning of existence. Therefore, human person is not a reality which participates in existence together with the rest of beings that are the subject matter of metaphysics. The human person is a reality which exercises a peculiar and proper activity of being. A unique and exclusive act of being corresponds to the human person corresponds.

Polo accepts traditional anthropology, the metaphysical sort, which provides a coherent notion of man according to the analogy of being. However, Polo proposes his transcendental anthropology like an innovation that attempts to improve our understanding of personal being over analogy.

d) Transcendental Anthropology

What, then, does Polo's transcendental anthropology say about personal being, about the human person? Briefly and plainly explained: the dualities and the transcendental. These are the subjects of the second and third parts of the first volume of *Transcendental Anthropology*.

Such a subject implies that personal being corresponds to the appropriate transcendentals. There are four transcendentals, specifically: existence, or rather, the co-existence of person; freedom; personal intellect; and the gift-love of person. Such a doctrine is, in part, already known. We will emphasize, among these four transcendentals of the person, that of transcendental freedom. Polo understands that freedom is the quintessential transcendental of the human person. Freedom is not only a property of his behaviour, but of his free will. It is a characteristic of his being, of his existence.

2. FREEDOM AS BEING

First, the human person is a dual being, or a pair of itself. This is not well-known but is extremely important because the same transcendentials of the person are considered according to dualities: existence and freedom form a duality that constitutes the intimacy of person. The intellect and the gift-love constitute the interior of the human person – searching for and deepening its intimacy, recognition and acceptance. The duality is an indicative characteristic of the freedom of the personal being. Polo describes it as *to be additionally* (*ser además*).

What *is* the human person as *additionally*? To understand, revisit the traditional thesis in which Aristotle focused on the actuality of intelligible notions rather than the activity of the intellectual. If we apply the potency-act to intelligible notions, we shall notice that the intelligible is related to an intellectual act. In order to understand the different intelligibility of the material and of the mental, distinguish the intelligible that is heterogeneous with the mental activity from the intelligible that is similar with such an activity. Such a distinction will allow us to add the transcendental anthropology to metaphysics. According to such addition, we point out the sequence from idea, through understanding, to person. And not only as an epistemological question, but in its existential scope. The freedom of intellectual activity expresses a peculiar way of being.

At this issue, Plato seems to be a heir of Parmenides. To be means to be always the same. To keep itself in being, to restrain the erosion of time in order to still being that what such a being is. According to this, what changes, what appears again, or what is born and dies is not being. Strictly speaking, real is only the ideal, because it always keeps itself being what it is. What it is moving is only a copy or an imitation of the true reality, that which is always the same to itself.

After Plato, Aristotle improves such an understanding of reality. According to him, in order to be always the same, one must to exercise any type of activity. To be is to be in act. To exercise activities according to them something achieves to restrain time, to keep itself and to be. Particularly, ideas are always the same, they keep themselves, because they have been thought. And understanding is a singular activity. Its present is simultaneous with its perfect: one thinks,

and already has thought. Mental activity is not a temporal one. It is an immanent activity. And according to such activity, the idea is always the same that it is.

There is mental activity and there is physical activity too, which remain in being. In circular movements in heaven, the beginning and the end coincide. Stars rotate always the same to themselves, without stoppage or variation. The meteorological transformations under the Moon, imitating the circle, keep the elements in being. From earth arises water. From water, air; from air, fire; and from the last one comes up earth. At the end of the cycle, there are the four elements again. In other words, we have always the same. The same have achieved to restrain time, to keep itself by means of its mutual transformations.

Medieval philosophy followed that tradition, and consequently it distinguishes, for creatures, between act of being and essential activities. In one hand, the activities in order to keeping, to persist in being, in the other hand, the sets of activities that have to do with achieve that, or the activities that must be exercise while the thing lasts.

A philosophy of creation, certainly, must distinguish between originating being from any other being, those that have a beginning and become to being. These, the creatures, exert its activity in order to exist, to achieve being, not merely in order to keep always their sameness.

Polo's inquiry on mental activity asks if it is possible to exist only as subsisting. Subsistence is proper to physic universe, whose act of being is the persistence. But it is possible to exist adding something to the mere still keeping in time. Such an activity is insisting. **Polo said that to human person is not enough to persist, but "to be additionally". Being is persisting, but for a person being means to be additionally or to insist.**

The intellectual operation it is not only without time; it is not only present. Intellectual operations can be intensified, making themselves stronger, in the way of expressing the operation, not only the notion or the intellectual object. The intellectual exercise pairs up: subject and method. To the subject it is possible to add the method. Such an intensification of mental activity, according to it, the mental activity pairs up itself, points out and shows the personal way of keeping, of existing in the way of adding, of being additionally.

Such an insistence of mental activity can be prosecuted. Intellectual habits follow intellectual operations expressing them. Habits make possible new intellectual operations too. But all of this culminates in a personal habit, a habit of the human entity. Such habit of the human entity means to have the operations and the habits at the **person's disposal. Such a habit is the self who knows its proper intellectual activity, but only the essential one.** The self of each person can be **denominated self, or the entity habit of "sinderesis."** Sinderesis is an extension of knowing that has its origin at the intellect. The intellect, moreover, can be reached in its proper transparency: to know about itself. Furthermore, the personal intellect, even deprived of human wisdom, can search its proper subject. That is a subject that overflows and transcends the scope of any method. We have operations, and furthermore habits; acquired habits, and furthermore personal habits; habitual wisdom, and furthermore personal intellect; and, as if all of these weren't enough, we have the immense and boundless subject of personal intellect. As I have said, it is always additionally.

In such a prosecution, from operation to the reaching of human act of being, the intellectual activity intensifies itself. It pairs up and it reiterates its duality. In doing so, it is additionally and it contributes to itself. Then, it is an insistent activity – activity that doubles itself and redoubles itself because it concerns with a being that it is always furthermore. For this reason, it refers to an exact way of being, of keeping in being, of insisting in its act of being.

Moreover, it expresses properly the free existence, the free way of being. In adding itself, by insisting, the activity liberates itself of the previous, and contributes itself as novelty. It can liberate again from such novelty in the way of reiterating it adding. So it is pairing up: it contributes itself, it intensifies itself, and it continues itself by innovating itself. That means to be free, with the freedom of a knowing act of being. For this reason, the duality shows very well the free act of being of human person, of that act of being that keeps itself by adding to itself, of that act of being that Polo called the additionally act of being of human person.

As Polo suggests, the additionally character of human person can be achieved by giving up the mental limitation. Intellectual operation is the limit to what has been known by intellectual objects. And intellectual operations are the starting points, because knowing must lib-

erate itself from operation in order to add itself. But that can be done in one sense, by means of expressing the intellectual operation, after that, by maintaining it and seeing its expression. That can be done by means of achieving the personal intellect proper transparency, and by means of directing the persona intellect in the search of the boundless theme.

The very well-known sentence of St. Alphonsus Liguori: “Some will say, It is enough for me to be saved. ‘No,’ says St. Augustine, ‘it is not enough; if you say that it is enough, you will be lost,’” is not only psychological advice, but it is descriptive of personal act of being, of an act of being that it is always *additionally*. It is an insisting, a redoubling, a contribution, an innovation.

I am going to repeat it, because it is certainly something deep. The intellectual activity frees itself from its attachment to the object, redoubles its exercise, it intensifies it, and makes an object the same method. At the same time, the method is made into an object. Object and method pair up, pull one of each other. In doing so, the activity is contributed and it is kept by adding itself. That is the way in which we reach the *additionally* being of the human person.

The innovation of knowledge that L. Polo proposes is born in the knowing existence of human person. Such knowing existence adds the method to the object according to a dual intensification of intellectual activity. The human person is always *additionally*. For this reason, human knowledge it is open to a future beyond what has been known in present, and so the personal intellect searches for its boundless and immense object: the supreme wisdom, the divine truth that is.

3. THE PERSONAL BEING

We arrive to the aim of this paper: to classify the higher dualities of human person.

I understand that these dualities are four: I. the duality between human person and God; ii. the inner duality of each person; III. the duality between human person and the universe, and in general terms with the whole reality out of mind; and IV. The duality of the person with its proper human nature.

We are going to consider these dualities separately.

a) The first one is the duality between human person and God. Human being, like all other beings except divine being, is a created being. The being is no genus, but it can be divided among two: created and non-created. Human being, as creature, is absolutely dependent on God – not only in terms of dependence, but it has an openness to its creator. **This constitutes a personal being's deepest desire.** The human person co-exists intimately with its creator because we have a destiny in God. Moreover, God is the object that the personal intellect searches for. The human person gives way to Him, pursuing the divine acceptance of its personal reality.

b) The inner duality of each human person constitutes their personal intimacy. The person reaches out to know about itself. Persons are beings that know about themselves. They are not beings that exist and after that have certain knowledge about them. They are beings that have an intellectual existence. They exist knowing about themselves.

Such a knowing about itself is insufficient. It is not its truth. Its wisdom is a habit, a possession, an existential disposal. But there is no other person, another person with whom the person coexists. Human being lacks of inner replica because it is **a creature; only God's Word** (its Verb) is a wisdom that, at the same time, is a person. The Son is identical with the Father.

But such a lack of replica for the human person, such a solitude for the personal intimacy, it is not a whole emptiness. It is, in no way, negative. It is not to diminish the finite character of second creature. The lack of replica allows, on the other hand, the direction of the intellectual search.

c) The third anthropological duality is the one that links human person with the creation of universe, with the creature other than human person. Without such a creature, the same human person would not be possible. The human person is a generous being that forgets of itself and accepts the creation of the universe; because it opens itself outside, without asking the same about itself, in order to inhabit the world, carrying out and raising it.

I want to suggest a symbol of the generosity of human person: the face. Human face is not only an image of person, but of its open-ness. Without open-ness, it could not act.

d) The fourth and last radical duality of human person is the one that links human person with its nature. The human nature is a corporal one. It has spiritual potencies too, like mind, free will, and affectivity. Human person has at its disposal its nature, especially by means of the habits. Habits allow a certain control about its nature. Habits are the growth of some operative principles. Of course, growth is the essential expression of being *additionally*, of a being that adds, insists and goes on.

The person, by means of habits, improves its nature because it raises its nature to the essence of a personal being. The person turns its nature in its expression by means of its personalization.

The essence of man certainly is an expression of the person that coexists. But it is also an expression of the other transcendentals. The transcendental freedom has at its own disposal a nature. It is an illumination of the out of-mind being by the intellect and a contribution by the personal giving.

The last is especially relevant. Human person is donation. It aspires and tries to make a gift. But without acting by means of its nature, the human person would not have a gift to contribute. Then, its gift would come to nothing. The duality between the person and its nature has a special significance in order to fulfil the structure of the human person as a created being.

This summary of the four higher dualities of human being is logically very concise. It encourages the research of Polo's anthropology.

Thomistic philosophy found in the "*distinctio realis*" of essence and being the expression of the created character of creatures. The anthropology of Polo follows such a discovery, insisting especially in the personal creature. In personal beings the "*distinctio realis*" have especial impact, because such distinction is the frame of acts.

Just because the being of human person distinguishes from its essence, it is possible to research something more of the personal being. In doing so, one finds those other dualities that we have pointed out: God and human person, human being with itself, and the human being with the universe. Only at the end, at the fourth and last duality it is possible to understand the real distinction between being and essence. Human person distinguishes in a real way from its operative nature, which can be strengthened by habits.

The fourth duality would not be possible without the other three dualities. The anthropology of Polo amplifies the classical metaphysics with a transcendental anthropology. It adds to traditional anthropology an exact research (not only an analogy) on personal being, just in its distinction from its essence.

At the same time, Polo's anthropology has thoroughly rectified modern philosophy. The image of human being that such period has passed on us, after some centuries of feeling its inspiration, draws us the human being as a autonomous self, who tries his fulfilment through his behaviour. That is the enlightenment ideal, which rationalizes the whole human world. **Or perhaps, that is Nietzsche's metaphysics of artist, who fulfils himself completely in his work.** Such conceptions express the modern relevance of subjectivism.

Leonardo Polo's rectification of modern philosophy point out to another image of human being. That of the human being like a filial being, of a being that it is open to its creator from its intimacy, that of a being that search to please its creator by means of its behaviour.

Modern ideal of self-fulfilment involves a dynamic aspiration of human being on itself. Such an aspiration is incompatible with its character of creature. However, the modern overestimating of action is ordered to discover that the sense of human action is to fulfil with gifts the structure of personal love. The crucial hope of human being is that its gift would be accepted.

A Brief Introduction to Polo's Ethics

Gustavo González Couture

University of Los Andes (Colombia)

ggonzale@uniandes.edu.com

RECEIVED: November 7, 2014

ACCEPTED: November 7, 2014

DEFINITIVE VERSION: November 19, 2014

The content of *Ethics: A Modern Version of its Classics Themes*¹ comes from an undergraduate course taught by Leonardo Polo at *Panamerican University* (Mexico City) in 1993. As many of his printed thought, it emerged first from his lectures, recorded by students who attended his classes, then transcribed and edited the tapes with Polo's corrections and finally published the finished product. This is one of the first English translations of his prolific work, which was all written in Spanish (see <http://www.leonardopolo.institute.org/works.html>).

Professor Polo offers an unusual treatment of ethics by considering it as a guide not only to human action but also to all branches of knowledge. In his words, the "guiding principles of behavior are shared by all humanity and are formulated in any society, although, as a branch of philosophy, ethics is really an invention of the Greeks... and Aristotle is the first systematizer of ethics."

For Polo, Aristotle's systematization is a recent exercise in the history of man, but ethics really emerges with *Homo Sapiens* about 170,000 years ago. Polo intends to examine ethics *in status nascente*, making use of what the theory of evolution and paleontological research can contribute. Furthermore, he supplies very incisive observations about facts that said theory cannot explain.

These guiding principles have existed ever since *hominization* took a turn toward *humanization*—a concept that, for Polo, signifies the explanation of the series of characters that are also obvious in modern man but are not corporeal only as hominization recounts. In other words, understanding ethics requires knowing when the actions of individuals of the genus *Homo* became "human."

The genus *Homo* does not display the standard process of speciation (unlike other forms of life, which are determined by their environment); rather, *Homo Erectus*, *Habilis*, and *Sapiens* transform their environment in order to survive. The use of fire, clothing, and creating artifacts signals the species that survived beyond others due to these traits. But *Homo Sapiens* distinguishes itself from other hominids by a very special correlation between brain and hand that

1 Leonardo Polo, "Ethics: A Modern Version of its Classics Themes," Translated by Paul A. Dumol. Manila, Philippines: Sinag-Tala Publishers 2008. (Original title: *Ética: hacia una versión moderna de los temas clásicos*. 2da edición; Madrid: Alianza Editorial AEDOS, 1997).

transforms its environment in unexpected ways — dwellings, cultivation, eradicating other species, and today, endangering its own habitat.

The most elaborate artifact is language, and with it, governing: governing oneself and governing others. Man has to labor in order to survive; he cannot do so singlehandedly, but he needs to cooperate with others. Two basic predicaments give rise to ethics: Do I toil to survive (hunting, fishing, cultivating)? Do I do so cooperatively? All persons except dependents must answer these questions; this has been true since humanization began and continues to be a requirement today.

This is just one of the very unusual ideas that Polo offers in his first chapter: **“Openness in the Human Being”**. Here, he deals with why ethics cannot underwrite traditional disciplines like economics, psychology, sociology, and biology when they embrace a reductionist view of human action. They assume that man is not free and, therefore, not just constrained by nature and the worlds he creates but totally determined by them.

Following his radically new way of interpreting human action and ethics from their onset, in his second chapter, **“Intelligence and Human Behavior,”** Polo tries to make the best out of evolution theory’s explanatory powers. Nevertheless, the process of speciation by adaptation and radiation does not apply to *Australopithecus*, the first biped that developed instruments and demonstrated a capacity to produce. Furthermore, *Homo Erectus* and *Homo Habilis* exhibit the use of instruments to create instruments (e.g., flint-making). *Neanderthals* and *Cro-Magnons* even had a cranial capacity superior to *Homo Sapiens*; nevertheless, those species did not survive.

Based on up-to-date paleontological findings, the aforementioned species that indicate hominization alternatives possessed a certain cognitive power — a form of imagination or conditional reasoning: if A, then B. But this is neither to abstract nor to universalize, which is the primordial manifestation of intelligence. And so with intelligence humanization begins.

We must add the concept of freedom to the appearance of intelligence in humanization. In other words, there are regularities, norms, or laws that, in contrast to deterministic laws that physical and biological realities follow without fail, need not be followed. These

“moral laws” are laws followed by free beings in order to be free. Polo observes that by complying or not complying with said norms, man is subject to **various interior states: “virtues and vices that follow upon practical action, not as results nor due to external consequences, but as intrinsic modifications of the capacity to realize actions”.** Such norms and states contribute to the corporeal and intellectual survival of persons and groups in time. Ethics is then neither something added nor fortuitous, but it is innate to intelligence, freedom, and the need to decide about alternatives: to labor or not, to cooperate or not, to love or not, and where and when to do all of the aforementioned.

Intelligence resides within each individual —it is not a property of the species, since an individual does not derive his purpose from his species; therefore, each individual is superior to his species. Evolution can explain how different living species appear, but not how intelligence appears, since it is not genetically determined within a species. No animal goes against its own species; however, man does so by waging war against other men —a negative example of not deriving his purpose from his species.

Chapter three elaborates on human society and ethics. For Polo, the fact that intelligence cannot be explained by evolution requires creation. Hominization is the process of preparation for God to endow man with **intelligence: man’s spiritual dimension.** In every human being we can distinguish what is biological, typical, essential and personal. What is biological manifests itself typified and refers to **“what is natural” in each one of us (character and attitudes):** psychosomatic differences that distinguish each one of us but that **considered together constitutes the “human species”.** If for Plato philosophers, military, farmers, artesans and merchants described types present in Greek society, ours are constituted by **many more “roles”:** our present way to refer to types.

What is essential in human beings is dynamic and not finalized as **is the case of all animals.** Essence is a given end to **“what is natural”:** in the case of man, it is not given but needs to be developed. In other words, **“man’s essence is not a datum, but his freedom’s commitment (that lasts all his life) to the increasing conquest of his being human with respect to his personal being...** where the traits of his type are structured, arranged, organized. This involves making the most of such traits, perfecting them. Such improvement is due to virtues and so is ethical. Virtues understood as those actions that

result in the growth of the principals of said action. A growth that allow for higher intellectual and moral operations freely acted.

It is here that it becomes man's mission to perfect himself via virtues. Not doing so results in man's decadence. "The seriousness of ethics lies in the fact that a man can make himself good or bad. Therefore, what improves a man is ethical; what worsens him is unethical." Man's actions are such that he is their first beneficiary or first victim.

The theory of types allows Polo an unprecedented approach to society and culture. If each individual is superior to his species, but does not exhaust his species, then the species is distributed among human beings, each superior to another in something. This demands respect and honor of the other, which is a profoundly ethical relation. This recognition is **"based on types, since each human being is an irreducible type; he has something in common with others and something diverse. The coordination of types grows with social life and human community: it is what we call culture."** We are still far from accomplishing the ideal form of this coordination.

Chapter four characterizes the fact that man is a person. In this chapter, Polo explores the radical primordially of the person. The human being is forthcoming, gives of himself, contributes, communicates, and is effusive. In other words, the person **"manifests" himself.**

In contradistinction to certain Eastern philosophies that downgrade **"having" in relation to "being,"** Polo categorizes three levels of possessing: corporeal, intellectual, and habitual. With relation to what is possessed, the first refers mainly to material objects (i.e., all material goods), the second refers to knowledge via possessing ideas, and the third to spiritual goods such as virtues. The intimacy of this possession increases with each level. Complementary to this is man's capacity to give –intelligence, freedom, having, giving, and manifesting are key features of a person. They are characteristics of *Homo Sapiens* that hominization cannot explain but that humanization attempts to explain.

Employing contemporary concepts, Polo refers to the person as a *free system*. Closed systems have only one state of equilibrium, whereas open systems have several states that can be improved by learning—this is the case with animals. However, human beings can learn both positively and negatively. **Virtues increase a person's ca-**

capacity to improve, whereas vices deteriorate man's capacity to be a better human being. Furthermore, this metaphor allows for a contemporary understanding of happiness as the preferred state of equilibrium of a free system, that is, "a psychological situation that corresponds with the desired good." Being free, then, allows the system to prefer erroneous states of equilibrium, such as when unjust means are employed to acquire money, prestige, or power. True happiness, on the contrary, is related to higher goods that are not easily lost, such as love for others and love for God.

A scientific treatment of ethics demands that three dimensions of ethics be considered: *goods*, *norms* and *virtues*. "The virtues strengthen the capacity of the human being to possess the good and in this sense also form part of the good: they are good". Further, "the fulfillment of the moral laws will not make one happy now, because they are only means to obtain the good". While "Moral virtues strengthen man's will—they are perfective habits of the will and being, so strengthening the capacity of adherence of the will, that is, the capacity to love . . . while vices impoverish the will, they ruin it . . . and diminish the capacity to love". The virtuous person fulfills moral norms with ease because in truth, said norms exist for freedom.

Polo's innovative consideration of the systems approach concerns not only proposing the human being as a *free system*, but regarding ethics as the systemic interplay of three dimensions: goods, norms and virtues. With respect to the former, no previous system's thinker had thought of considering freedom a defining attribute of a system, and furthermore the system's capacity to learn positively—contributing to its growth and flourishing— but negatively too—diminishing all its qualities—. This allows for a better understanding of the role of virtues. On the one hand, they are qualities of the free system that the person is, on the other hand they play a fundamental role in understanding the systemic character of ethics. It is by associating different ethical perspectives to an exacerbated dimension that the need for a systemic portrait of ethics is proven.

Different ethical perspectives have not always cared for the three dimensions. A case in point is *Stoic* ethics, which prioritize virtues. For Stoics, all is corporeal, reason included. Good for them is not pleasure, as it is for the Epicureans, but whatever preserves or increases rationality. Happiness is only attained through virtue, which should derive from impassibility. "It is an ethics that attempts to neu-

tralize human suffering, an ethics of self-mastery that hopes to make man capable of resisting the influences that affect him from the outside. Stoic virtue is not oriented to the exercise of ulterior acts, but **rather to constructing an interior refuge**".

Another ethical perspective Polo discusses is that of ethical *Normativism* or ethical Rationalism. "According to this stance, one must fulfill the law because one ought to live in accordance with reason; **the contrary is to be irrational**". From here, stem *Consequentialist* ethics (human actions are neither good nor evil by virtue of an *a priori* ethical rationality but by an *a posteriori*, that is, because of what follows from them). This ethics is contrasted with *Autonomous* ethics or ethics of *Convictions* ("I act as I ought, though the world perish"). These perspectives **reduce ethical action to compliance with norms**, and in so doing, consider only those goods that can be obtained in life so long as one complies with the norms, here, mainly material goods. Once obtained, there is no room left for growth in other dimensions.

When a rationalist ethics gives way to an ethics of goods, specially material goods, as has been the case of a work ethic of austerity, that derived in accumulation of wealth giving rise to capitalism, usually norms and said habits are relaxed. To the point of making of material goods **the sole purpose of action**. "Who seeks only pleasure is not happy, nor enjoys life, since pleasure is his sole business; he needs to **take pleasure seriously, since its loss leaves him in anguish**."

Such reductionist perspectives call for an ethics that is complete. One that takes into consideration the systemic interplay of virtues, norms and goods. To speak of virtues without norms derives in a dispassionate estoicism. Only material goods are desired without virtues. Norms separated from goods become uncaring. Ethics is then the reciprocation of its three dimensions, otherwise we are faced with partial, reduced and unstable ethical perspectives.

In his fifth chapter, "Will and Freedom," Polo **unravels the assumptions of modern ethical thought starting with Kant and cites its flaws as having ignored the two other dimensions of ethics: goods and virtues**. In a similar fashion to how in Stoic ethics, exacerbating virtue over norms and goods offers a lessened view of human action, **so does ethical thought, which assumes the will's actions to be spontaneous and disconnected from the intellect, such division cannot explain freedom**.

Polo brings classical notions to the fore. Natural will: an opening up inherent to our spiritual nature is a potency that requires being connected with the intellect, becoming rational will. It is practical reason that attains that what is presented to the will in each and every case causes it to act, including presenting something that can bring happiness or a concept of good. This acting of the will has an effect on the will itself and disposes it to new acts. This disposition is usually called a virtue or vice; it is in this moment that freedom occurs.

Other topics Polo deals with allude to how a person discovers moral norms and how these norms take place, what is conscience, what are the principles of moral action, and how these two are related.

These very controversial standpoints are presented in such a way that the last chapter is self-contained: “The Dimensions of Human Action”. What characterizes the actions of a branch of hominids for them to have become “human”? This is the question that Polo addresses in his final chapter.

Considering action allows Polo to combine ethics’ three dimensions: virtues proceed *from* action, people attain goods *with* action, and moral norms unfold *on account of* action. Polo considers two types of human action: the first is the conscious and free intervention in physical processes whereby a series of events are transformed and modified. Human beings then create their own world by transforming nature, modifying events, and creating new possibilities. Since such an intervention is the fruit of a decision, human responsibility is undeniable. Ethics then encourages man to act: virtue strengthens the will and so facilitates and increases action. For Polo, not to intervene is a sin of omission. He refers to this type of action as *production*. An analytical description, albeit incomplete, refers to ends, motivation, knowledge, and doing as components of human action. Polo attempts to bring these factors together by considering that “it is not enough to want something to be able to do it, just as it is not enough to have an idea to make something with it, but rather the mediation of action is required. Wanting is not the same as doing”.

Another type of action is that of *government*: human beings govern themselves, and moreover, government is a social activity without which there is no society. This differs from production in that it does not transform passive material, but it forms active agents. The connection between motives and ends is *language*, which is the type of

doing most directly linked with thinking. By examining both types of action, Polo ties together his six lessons with clear examples of the **role played by the classical virtues in order to conclude that “in short, ethics is knowledge of human action that cannot be substituted by others. The true science of action is ethics. In another sense, ethics is not a science, but something more: a form of wisdom.”**

No doubt, this is a very ingenious consideration of ethics that requires attentive reading on the part of the average reader but offers profound insights for expert researchers on ethics exploring the weak assumptions that underpin modern ethical thought.

The English translation is a fortunate endeavor in the face of Professor Polo’s **fluid but overwhelming thought in Spanish.**



Todo éxito es prematuro, ¡la siguiente jugada es la mejor!

Success is always premature; the next move is the best!

Antropología de la acción directiva
(*Anthropology of Business Management*)

REVIEWS & NEWS

LEONARDO POLO, *Introducción a la Filosofía*
(*Introduction to Philosophy*)

EUNSA, Pamplona 2002, 3^a ed

Erik Norvelle
CyberLogos LLC
Tucson, Arizona
erik.norvelle@neomailbox.net

Leonardo Polo, a Spanish philosopher of the latter half of the 20th century and the first years of the 21st, was perhaps the most ambitious of all philosophers of that country and era. He studied (among others) the Pre-Socratics, Plato, Aquinas, Descartes, Kant, Hegel, Nietzsche and Heidegger; nevertheless, he never leaves behind Aristotle, **who is Polo's true philosophical father and master**. However, he ultimately goes beyond the Stagirite, moving into a hitherto unknown onto-space marked and defined by being "additionally to" the objects, definitions and principles of traditional Western metaphysics.

This *Introduction to Philosophy*, as envisioned by Polo, is a book to accompany and guide an introductory class in philosophy (the book, in fact, derives from recordings of the sessions of a first-year course of Introduction to Philosophy). It can also be used as an introductory work for students of Polo himself, in an upper-division seminar: he provides numerous indications where important issues are debated or further developed in others of his works. In either case, the professor of the class, or the seminar leader, should have **ample knowledge of both Polo's own thought, and be able to explain and critique the various great aporias discussed in Polo's book**.

His book is divided into three parts, with the first dedicated to an explanation of what wonder is and the role it plays as the necessary starting point of all philosophy. His second part is devoted to the so-called "second philosophies", i.e. the concrete, contemporary sciences of the physical and psychical world, comparing them with Aristotle's own presentation of them. Finally, in the third section of the book, he discusses certain sciences that Aristotle was unaware of: developments concerning formal thinking, the philosophy of history and the human being as person.

Polo's tour de force begins at the beginning: the original starting point for philosophy itself, which he asserts is found in the experience of wonder. He discusses what wonder is, how it gives rise to philosophy, and investigates the aporia that these first discoveries give rise to: the question of knowledge of the true. He describes the Platonic attempt to resolve this question, and then proceeds to the Aristotelian solution in terms of potency and act.

Having discovered how to deal with the issue of knowledge of the true at its most abstract level, Polo then proceeds with "secondary" kinds of knowledge: that of the knowledge attained by the second sciences as studied by Aristotle. Polo considers the Aristotelian methodology of subalternation of the sciences to be nearly without flaw; one of the main themes in the second section of his book revolves around how Aristotle's development of the hierarchy of the sciences is still valid. This is one of the most exciting parts of the book: Polo's analysis of what modern sciences lack and how a (neo)Aristotelian framework for them is a glaring need. It is also an area of the book/course that will require a professor or seminar leader who has familiarity with the modern sciences and with the philosophy of science.

The areas of study proposed by Polo in the remaining chapters of his book wander, apparently haphazardly, firstly around a number of areas of scientific and philosophical study: ethics, the scientific status of modern biology, a "new" mathematics, the Anthropic Principle in science, the ancient and modern notions of cause, etc. While there may be a lack of an obvious guiding thread, what the reader will come away with is clear knowledge about how philosophy is truly timeless: the discoveries and achievements of Aristotle are fully capable of challenging the standard views about the structure and path forward for these sciences.

If what is sought is a wide-ranging work that says a little about every philosopher or "school", as Introductions sometimes seek to do, then the reader will be disappointed. The book is highly concentrated on Aristotle as being The Philosopher, not merely because of his importance in the Western tradition, but also because Polo believes that Aristotle essentially laid down the basic lineaments of the entire "cosmos" of philosophy. The book, however, is not merely a simple translation of the Stagirite's thought into today's idiom; rather, Polo "puts on" Aristotle to such a degree that he writes as the

Greek philosopher would, were he living today. This is particularly visible in Polo's treatment of the "sciences" not known to Aristotle, such as the philosophy of history, and of the human being understood as person. Polo does not, however, present a dogmatic Aristotle, the Aristotle of the "schoolmen" who have sought to make every word by the Greek philosopher into an unassailable truth. Instead, he presents an Aristotle who is, in a sense, still studying and learning about the world, willing to revise his beliefs where the evidence warrants it.

There are a few things that are wanting in this *Introduction*. The first is the lack of footnotes pointing to the text(s) Polo is referencing, on those occasions where he makes references to the works of other philosophers. This would greatly facilitate a more profound philosophical encounter with those other thinkers. In addition, given their importance in this Introduction, the book should ideally include more discussion about a number of major philosophical terms, including "ground" and "presence". These are terms which have their origin with thinkers of the 19th and 20th centuries, and need to have their application to Aristotle and others justified. And finally, I would have hoped for a more extensive, better introduction to Polo's central notion of "additionally" (*además*), which he twice mentions, very briefly, near the end of the book.

To conclude, I see Polo's *Introduction to Philosophy* as being an excellent introduction to *philosophizing*, since he frequently asks the reader to philosophize for him or herself—accompanied by Polo but not coddled—which will make this a challenging book for first-year students. The inclusion of so many "second sciences", however, will make this book an attractive one for all those who have a true philosophical calling, since Polo's treatment of them shows the power that Aristotelian thought in particular, and philosophy in general, have for a correct understanding of those scientific areas—especially today, when the so-called "hard sciences" are claiming to be the sole holders of any pretension to the truth.

If one seeks to use this book as the text for a class in Introduction to Philosophy, the class should be taught by someone with at least a basic knowledge of the philosophers Polo writes about, as well as knowledge of the sciences he discusses and of the philosophy of science in general. In such a case, the text will be an optimal guide for the class. If one is looking for a more standard introduction to phi-

losophy, in the format of a guide that gives a broad overview of the philosophical tradition, and which attempts to take an uninvolved, “objective” stance towards that tradition, one will be disappointed: the reader will soon realize that one is learning more about Polo and his approach than about any of the concrete topics Polo brings up for discussion, which are only outlined with the detail necessary so that Polo can present his (neo-Aristotelian) solution.

LEONARDO POLO, *La esencia del hombre* (*The Essence of Man*)

Edition and introductory Essay by Genara Castillo, Pamplona, Eunsa, 2011, 303 pages

Gonzalo Alonso Bastarreche
University of Navarra
gabastarrec@leonardopoloinstitute.org

This book is a compilation of transcriptions of several of Leonardo Polo’s classes or conferences on the topic of the human essence. It is divided in four chapters which correspond to four separate booklets that were previously published with this same material. Each chapter is preceded by a precise introductory essay written by Prof. Genara Castillo, PhD.

The first text, ‘La antropología griega, cristiana y moderna (The Greek, Christian and Modern Anthropology)’ (p 29-77) is the transcript of an anthropology seminar given in 1985 in the PAD (High Management School) of the University of Piura (Perú). It presents a panoramic and historical context for the other three texts.

The second is entitled ‘La esencia humana (The Human Essence)’ (p. 79-165). It is the transcript of a conference given ten years later in the same University as the previous text. It was first published as *La esencia humana*, Cuaderno de Anuario Filosófico, University Series, University of Navarra Press, Pamplona, 2006.

The third text, which is the longest and deepest, has the most succinct title: ‘El yo (The I)’ (p. 167-279). This was a doctoral course pronounced in 1991 in the University of Navarra (Spain), for philosophy students. It was originally published as *El yo*, Cuaderno de

Anuario Filosófico, University Series, University of Navarra Press, Pamplona, 2004, with an introductory essay by Prof. Juan Fernando Sellés. This text presents a critique of the positions that key philosophers hold regarding the human I (in Polo's understanding of man the I is the apex of the human essence, and must not be confused with the intimate person). The philosophers discussed are Aristotle, Thomas Aquinas (classical and medieval age), Descartes, Leibniz, Kant, Hegel, Marx, Nietzsche and Heidegger (modern and contemporary age).

The last text, 'Sobre la esencia humana (On the Human Essence)' (pp. 281-303), is a conference read by Polo in 1994 in the Faculty of Philosophy of the University of Malaga (Spain). It serves as an appropriate conclusion for the topics which were explained in the previous texts.

I now present a brief, and yet wholesome, valuation of this compilation of texts. It shows clearly that Polo's philosophical method is to examine tradition and then build upon it by establishing a vital dialogue with key philosophers. As Polo always said, we must interpret the philosophers *in melius* (in the best possible way). The first and the third texts offer a historical approach while the second and the fourth offer a more thematic or structural approach which details Polo's own contributions to the respective problems.

As it is known, Polo distinguishes –continuing the thomistic real distinction between *actus essendi* and *essentiae* and assimilating it in his anthropology– between the act of being or human person and the human essence. This study is dedicated to the latter, which is the lower dimension. Polo discusses this topic in his book *Antropología Trascendental. Tomo II: La esencia de la persona humana (Transcendental anthropology. Volume II: The essence of the human person)*, Eunsa, Pamplona 2003. The difference between that book and the present compilation is that the latter is easier to understand and therefore can be used as an introductory text to explore Polo's anthropology.

In short, in this compilation Polo presents how he understands the human essence: as the humanity of each person, that is, as the deployment/development of his human faculties. It is not to be understood as the nucleus of the human person, which is just the personal intimacy.

Essence, in its polian sense, means *unity of order*, or, what is the same, *perfection*. For Polo there is not an essence for each created thing; there are only so many essences as human persons and one more for the entire physical universe. Polo maintains that the universe has its own essence because it has a proper quadruple causality (material, formal, efficient and final cause) according to Aristotle and the medieval philosophy. In other words, in the physical universe a unity of order is only recognized when it is taken as a whole. Polo uses an expressive image to explain this: a cow does not have its finality in itself, it is a part of the circle of life, and the circle of life is a part of the unity of order. Then, only as a unity of order the cosmos becomes perfect.

However, man is not an intracosmic being. This is the most important and novel point of Polo's **transcendental anthropology** "one can speak of transcendental anthropology to the same extent that the **discovery regarding human being is not reduced to metaphysics**" (p. 16). Therefore, in opposition to what the Greeks thought, man is not a microcosmos, man is transcendently different to the universe, which does not mean that he is opposite to it. The essence of man is the perfection of his nature, which comprises his sensual and spiritual faculties in potency. We do not want to refer to their definitive perfection, but rather to their continuous, their constant perfection, this is what Polo calls the unrestricted growth.

In this book Polo exposes an historical and ontological approach **to the human essence but he doesn't explain how the human essence grows**. The basic means for its growth is ethics, which is, according to Polo, the *hiperteleology*. when the person reaches one good, he is able to reach more goods, and so on, unrestrictedly.

LEONARDO POLO, *Epistemología, creación y divinidad*

(*Epistemology, creation and divinity*)

Eunsa, Pamplona 2014. 355 pages.

Rafael Vives

University of Valencia

raf.vives@gmail.com

The last book that Professor Leonardo Polo wrote, *Epistemología, creación y divinidad*, was released in January 2014. This work is a dense recapitulation of his philosophy oriented towards Christology; it portrays the awareness he had of the affinity between philosophical and Christological knowledge. Polo's deep understanding of the mystery of Christ can be summed up in this sentence which thread of this book: "*In Christ nothing is created, all is assumed*".

Polo's goal was to extract the Christological implications of his transcendental anthropology: how does the distinction he developed between coexistent act of being and human essence affect the Person of Christ? He proposes an argument and seeks to foster reflection on these matters, not to impose a particular interpretation. His is an attempt to contribute to Christology today, parting from a balanced position between the Christologies from below and from above developed by the schools of Antioch and Alexandria, and in line with the Eastern Church Fathers of the fourth century.

The first part is devoted to the various types of human knowledge and Christian Revelation. For Leonardo Polo, as reflected in chapter one, Christian Revelation has historically been a sapiential knowledge added to human knowledge; in chapter two he shows its relation specifically to modern sciences. It is relevant to note that Polo implicitly attempted to present a circularity, or harmony, between philosophy and theology.

This attempt for circularity leads him to offer a summary of his philosophical key thesis in the second part of the book. First he presents a summary of his philosophical vision regarding *God and creation*. It is no accident that the first thing he considers is God as Creator. For Polo, it is clear that without an adequate metaphysical support one cannot investigate fruitfully the theandric anthropology. After presenting his philosophical investigations regarding the creation of the physical universe in the third chapter, Polo enters the fourth chapter by briefly presenting his philosophical inquiries regarding the creation of man, touching on topics such as coexistence, freedom, hope, affection, dignity of women, among others. The fifth chapter portrays **the concept of creation in Eckhart's, Leibniz's and Hegel's thought**. The sixth chapter is an original and thorough study of transcendental freedom in the broad context of the philosophy of Leonardo Polo. Grounded in these concepts, with this understanding of transcendental freedom and of intimate freedom (both two for Polo are the same) he

will seek a fair balance between the Christologies from below and from above, as understood by the Fathers of the Church.

Building upon the first two parts, the third part of this book deals with current issues of Christology, specifically those related to the Being of Jesus Christ. As it has been stated previously, the thesis that Polo argues is not a closed one, but rather an open discussion that seeks to enrich the Christological tradition. He strongly supports the ‘*horos*’ of Chalcedon (451 a.C.); as a consequence, in the seventh chapter he proposes an initiative to deepen the study about the Humanity of Christ and the Hypostatic union, topics that lead him to present the Mother of Christ, the Holy Spirit and the Eucharistic Christ. An existential view, from below, is the pathway for him to explore the Christian conception of pain in the eighth chapter which ends with the Passion of Christ. From the Passion he goes on to deal with the Church of Jesus Christ in the ninth chapter. Finally, in chapter ten, other central issues, both in philosophy and dogmatic theology, and even in mystical theology, are taken up; these are the questions of the Divine Names, some Trinitarian inquisitions regarding the Divine Persons and the theme of Providence.

Concluding, this is a book whose reading and study will nourish those interested in an original circularity between philosophy and theology, and also those who, knowing the thought of Leonardo Polo, are seeking more philosophical depth in order live the mystery of Revelation.

LEONARDO POLO, *Filosofía y Economía* (*Philosophy and Economy*)

Eunsa, Pamplona 2012. 477 pages.

Germán Scalzo

Panamerican University (Guadalajara, Mexico)

german.scalzo@gmail.com

Introduced and edited by Juan Fernando Sellés, this book is a collection of numerous texts presented at different times and in different contexts and thus does not have an exact systematic unity, but it does represent the author’s legacy in economics, a topic that he was always

interested in. Many of the texts presented here have been published in different places,¹ but are now grouped together in three parts, including: I. *The anthropological basis of the economy*, which includes three large texts in which the economy is based on the essential facets of human beings (anthropology); II. *Society and business*, which contains five texts that present research on business in relation to the different models of society (liberalism, communism, capitalism, etc.); and III. *Ethics and business*, which includes six short essays on ethical issues that must be prominent in any business.

To try to comprehensively capture the main ideas in a book of this nature would require me to write a new, doubly philosophically erudite book, a task that cannot be completed in this brief space. However, I will try to briefly capture this book's trajectory and summarize some of the ideas that I consider fundamental for understanding the author's thought on the matter.

The first part consists of three texts. The first of this is "The primary organizations and business," which, in turn, consists of two sections: "The evolution of organizations in the Modern Age" and "Human freedom and the organization of its areas." This part is the densest and most extensive, but it is good to start by examining the organization because "many important, positive and negative aspects of the present moment have to do with it" (39) and the subject requires a historical perspective for proper configuration. Therein, medieval organization, absolute monarchies, and organizations in the nineteenth and twentieth centuries are all discussed. In the second section, areas of freedom are discussed: "spaciousness", intimacy and destination, as well as their relationship with time. Polo insists on understanding freedom as a trait that characterizes the entire human being, as a transcendental, so that the issue of the relationship between freedom and truth and love can be addressed. Personal intimacy is the source of all social novelty: "The prevalence of personal freedom over any organization or program rests on the inexhaustible manifestative capacity of intimacy. No system can supply the creative force of freedom; no technical-formal prediction of the future is valid before the perennial renewal of personal contributions" (115).

1 Empresa y Humanismo published the following texts found in this book: *Las organizaciones primarias y la empresa* (99 y 100, 2007); *Hacia un mundo más humano* (32, 1990); *Ricos y pobres. Igualdad y desigualdad* (11, 1989); *La interpretación socialista del futuro de la empresa* (2, 1987).

In the second part: "To have, to give, to hope," Polo offers a "comprehensive presentation of anthropology," from a historical perspective: the Greek radicals (have), Christian radicals (give) and modern radicals (hope), as well as from a systematic perspective: Constitutional anthropology (what man is), dynamic anthropology (the study of human workings: history, sociology, theory of technique and culture, etc.) and tragic anthropology (questioning about the meaning of life).

In the third part, "Human radicals in the economy," Polo develops the historical perspective proposed in the previous section. Greek thought is characterized by the discovery that man is a being with a rational nature; Christian thought is characterized by discovering that man is a personal being and has a higher dignity; and modern **thought is characterized by the centrality of man's productive capacity**, which is closely associated with the "principle of results." Polo calls these large changes in the approach to living (which are always present, but with a different emphasis during each stage) radicals and they are one of the central ideas of this work, as well as critical for understanding the contemporary crisis. Polo argues that we live in the modern radical, which, "based on the idea that man, without the results of his action, is nothing, establishes an imbalance according to which man is subordinate to his works. Subordinating himself to his works to the point of making them absolute is what the Bible calls the sin of idolatry (...) this total dependence is the death of human beings; it is the death of ethics. He who bets it all on success succumbs to corruption" (276).

In the second part, we find a series of original and inspiring presentations on the concept of business and its role in society: "Towards a new concept of business," "Business against socialism and liberalism," "The rich and the poor: Equality and inequality," "The socialist interpretation of work and future of business," and "Towards a more humane world." Polo recognizes that the root of the problem lies in the tension between labor and capital (281), contesting that it has been "crudely conceived" (281). The key to giving an objective and non-ideological response is to understand the dynamism proper to society. The author ventures into a variety of issues of an economic nature (techniques, labor, capital, power, property, production, profit, justice, economic, market, business systems, etc.) with a method of philosophical curiosity. As a result, Polo offers suggestive insights that might serve as a starting point for future research: "The oppor-

tunity that the contemporary moment provides, in brief, is as follows: to replace the notion of progress for a better hope and, in parallel, facing the organization of work in a new way, leaving the liberal approach (that focuses on the organization's growth problem) and its socialist critics (internal changes in industrial relations from a hedonistic egalitarianism that can affect social reproduction) and Communists (dialectical development of social relationships and application of a classless society, i.e. with no organization of work)" (367).

Finally, in part three, issues relating to ethics and business are addressed: "The manager," "Governance action," "Ethics and Business," "Ethics and the business man's virtues," "The value of truth as a condition of doing business," and "The Family and the formation of man for work." This section is perhaps the most interesting for people focused on the development of practical reason, since, as the titles suggest, it addresses issues such as leadership, promotion and succession, improving one's formation, the cultivation of virtues, fixing realistic and achievable objectives, governance action as an end of knowledge, the consideration of money as work in potential and continual service of the common good. Polo reminds us that a true ethics should have three elements: goods, norms and virtues, three dimensions that converge at once. Man is a being who can rely on himself thanks to his freedom, but since he does not have complete information, he always takes risk. Ethics is the science of the truth of man as an active, fallible being, who runs risks, but who must try to reach his end despite his fallibility. In short, Polo emphasizes again and again the protagonist role that the individual takes in business, with all that this implies.

This book is extensive (nearly 500 pages) and difficult. If I had to choose one word to characterize this book on philosophy and economics that is worthy of the topic, I could only describe it as rich; indeed, this book, like so many others by Polo- is surprisingly rich. Given that it is written by such a prestigious philosopher, the book outlined here can only be complex and profound, but it contains an openness to economics that is no doubt successful and valuable. In the prologue, Sellés summarizes the aim of this edition, "this books hopes to be a resource for all readers concerned with humanely founding economics, a book on which they can draw to test and expand various existing economic and business models. Experts in these areas should take advantage of the anthropological bases that

Leonardo Polo offers" (36). And it is here that this book poses its ultimate challenge to the reader.

JUAN FERNANDO SELLÉS, *Anthropology for rebels*

Strathmore University Press, Nairobi (Kenya) 2010

Angelica Estrada

Universidad del Istmo (Guatemala)

angelica.eestrada@gmail.com

Hardly any other branch of knowledge will allow you the opportunity to have a personal encounter with it, such as anthropology.

Therefore, any document on the subject requires at least two types of reading: a cold, calculating gaze passing your eyes over in order to argue, debate or even give destructive criticism; it includes an action that could open itself to an academic conference level in front of a crowd of strangers or professional colleagues. Meanwhile, in a parallel, intense and almost unwitting reading, the person may be able to discover and even interpret himself through anthropology.

But among so many approaches, how am I to define the anthropology that I am willing to embrace as mine? There is a "democratic" approach to studying it, that could be illustrated in how one would ascribe to a kind of motto, or by associating with a certain team, a certain color, or a flag, without caring for what others say ...even to the point of being willing to defend the cause with one's very own life, or sacrificing the opportunity to understand and incorporate other points of view, for the purpose of maintaining one's "chosen identity". Can one speak of a sole anthropology, of a single holistic effort to finally discover "the person," from these different approaches?

Juan Fernando Sellés in *Anthropology for Rebels*, presents, among other crises, the difficulty of a full discovery, if the thinking processes of professionals and other previous and contemporary thinkers are not taken into account from an open-minded approach to the future. A perspective such as this would allow the person to branch out into

new horizons through a free adventure that would allow him or her to finally link the contributions of philosophers over a great span of time, and therefore contribute to anthropology.

It seems that within the multitude of academic activities and needs to be met, we might be forgetting the great opportunity that each professional (and also each student) has to become milestones by contributing to anthropology - not being mere spectators, passively observing the works of previous authors, trying to implement their visions into the current context, thereby analyzing or reviewing as to how the previous philosophers would view the present time. But truly doing anthropology, is an exercise of daring to think and form opinions as persons, from what the study of Anthropology considers about life itself, so from that point, to find new lights and project them.

From transcendental anthropology or from the anthropology of the person, without fear of "undermining identity" by enriching it through means of the discoveries of many authors, *Anthropology for Rebels* gives answers to vital questions such as the dignity of the person. An example would be the reason why a mother of four children cannot receive comfort when one of them dies, even if she "still has 75% of her assets". **It doesn't matter if her son was valued as a "good" person or a criminal.** Consider the subject of loneliness, the reason for the indissolubility of marriage, marriage as a union between a man and a woman, the importance of the family and the dynamics integrating it as a model for other institutions, among others. There are human, personal issues that society usually approaches from at least two trends: Criticism of those who are called conservatives, or the defense of their arguments at all cost, such as a political slogan or a sports team ... without really taking into account which are the deep, internal, foundational reasons that feed the flame of what they care so much about.

For either of the above two purposes mentioned - whether to make an in-depth investigation to be able to negatively criticize the views, or to use arguments to support one's faith or lifestyle, *Anthropology for Rebels* offers important insight.

Thus, the Christian perspective of the person has given the culture, in general, the opportunity for a person to see him or herself as a unique and co-existing being. **It's a vision that does not depend on a score or result, but on a Being.** It goes far beyond the powers that be

and that which is called nature to focus on the unique and personal call of each person.

A defense, however, of this view without an anthropological foundation that could stand up completely against unbelievers or those of different visions is insufficient. It is vitally important, at least in the context of general culture, to question the human being who has so much changed the way he sees the world and try to discover what is his or her vision. How much it has transcended and even more need to be understood, as well as if it supposes a truth of faith that is accepted.

Anthropology for Rebels provides readers the opportunity to understand the underlying reasons of why the defense of freedom and the dignity of the human being - from a Christian perspective - is so radical. Thus, this paper enriches the debate and is mandatory reading for either of the argumentative poles if one wants to make a serious study of the person.

John Branya, who translated the document from Spanish to English, mentioned specific contributions of the document in his initial entries. In my opinion, the greatest of these is the invitation for us to re-think what a person really is and not just settle for the ideas that others have said that we are.

If we assume that a real study is based on observation and discovery, the study of anthropology cannot become a matter of "choosing a club to be a member of it." To make Anthropology implies recognizing the person as a free and ongoing project, not just an academic exercise of choosing a political position. As a result, anthropology shall be seen as the study of mandatory and constant findings which are both intimate and personal...that enrich both general dialogue as well as the very life of each reader who dares to question himself. This book presents anthropology for people who do not accept to simply choose and blindly defend, but who are searching and are hungry for not only knowing the subject; but, to know themselves.

NEW WORKS BY POLO

Posthumous Work by Polo Published: *Epistemología, creación y divinidad*.

A posthumous work by Polo titled “*Epistemología, creación y divinidad*” [*Epistemology, Creation, and Divinity*] has been published by Eunsa. In this work, which was completed shortly before his death, Polo seeks to highlight and frame how his understanding of philosophy is linked with and is orientated toward Christological knowledge.

Unpublished work by Polo: “*Perfil axiológico del hombre nuevo*”

A previously unpublished work by Leonard Polo has been published in the Journal *Scientia et Fides* with the title, “*Perfil axiológico del hombre nuevo*” (*Axiological Profile of the New Man*).

Unpublished work by Polo: “*Un fragmento sobre el elemento del pensar*”

An unpublished work by Polo titled, “*Un fragmento sobre el elemento del pensar*” [*A fragment about the element of thinking*] has been published in *Studia Poliana* 16 (2014).

English Translation of Polo: “*Why a Transcendental Anthropology?*”

An English translation of the last chapter of Polo's *Presente y futuro del hombre* (“¿Por qué una antropología trascendental?”) has been published by the *Leonardo Polo Institute of Philosophy* as an ebook with the title *Why a Transcendental Philosophy?* The ebook can be purchased at the *iBookstore* or at *Lulu.com*

CONFERENCES & SEMINARS

International Conference “*Spirits in Time*” (Madrid, September 29, 2014)

The *Leonardo Polo Institute of Philosophy* in cooperation with the *Chair of Business Ethics of the IESE Business School* and the *Markets, Culture and Ethics Research Centre of the Pontifical University of the Holy Cross* (Rome, Italy) organized the International

Conference “Spirits in Time: Person, Action, and Culture in Leonardo Polo’s Ethics” in Madrid on September 29, 2014.

Spirits in Time, held in English, gathered together more than 60 scholars from 17 different countries to explore the implications of Polo’s anthropology and ethics in the varied fields of human action, culture, and history.

Pictures from the conference may be found on our Facebook page:

<https://www.facebook.com/media/set/?set=a.735554036516237.1073741830.458340614237582&type=3>

Videos of the main speakers may be found on our YouTube page:

The Dualities of Ethics by Juan Fernando Sellés (University of Navarra)

<https://www.youtube.com/watch?v=vHB5bEDRIqQ>

Leonardo Polo and the Mind-Body Problem by José Ignacio Murillo (University of Navarra)

<https://www.youtube.com/watch?v=HABHiz0nzDc>

Making Sense of the Claim that Beauty Is Knowledge by Paul Dumol (University of Asia and the Pacific)

<https://www.youtube.com/watch?v=vHB5bEDRIqQ>

International Conference “El Abandono del Límite Mental” (Bogotá, Columbia, August 25-27, 2014)

The Department of Philosophy of the *Universidad de La Sabana* (Columbia) hosted the International Conference “El Abandono del Límite Mental” on August 25-27, 2014.

Conference: “Friendship in Leonardo Polo’s Philosophy and Life” (University of Piura, Peru, August 2014)

The *University of Piura* held a few days of conferences and a seminar in honor of Leonardo Polo in August of this year. A summary of these events was published by Cristian Rojas with the title “La amistad en la filosofía -y vida- de Leonardo Polo: el recuerdo de un maestro” [*Friendship in Leonardo Polo’s philosophy--and life: memories of a master*] in *UDEP hoy*.

<http://beta.udep.edu.pe/hoy/2014/leonardo-polo/>

Seminar “Los primeros principios y el límite mental” (Malaga, Spain, July 4, 2014)

The *University of Malaga* and the *Instituto de estudios filosóficos Leonardo Polo* held a seminar on “The first principles and the mental limit” in Polo on July 4, 2014.

International Symposium on the Philosophy of Leonardo Polo (February 8, 2014; Malaga, Spain)

The *Instituto de Estudios Filosóficos Leonardo Polo* hosted an international symposium on the philosophy of Leonardo Polo in Malaga, Spain on February 8, 2014, the first anniversary of Polo's death. For more information, see: <http://www.leonardopolo.net/docs/mp47.pdf>

Course “Man and Freedom in Leonardo Polo” (Monterrey, Mexico)

The *Centro Panamericano de Humanidades* (Monterrey, Mexico) sponsored a course entitled “Man and Freedom in Leonardo Polo” from January 20-23, 2014. The course were given by Prof. J. I. Murillo from the University of Navarra.

Reading Seminar on Leonardo Polo's Course on the Theory of Knowledge

The first sessions of the *Reading Seminar on Leonardo Polo's Course on the Theory of Knowledge* at the University of Navarra (Spain) are available for viewing on *Filosofía para Inconformes* YouTube Channel:

- 1st Session (Sept. 24, 2013): Prologue and Lesson

<https://www.youtube.com/watch?v=fo7B6loUSCM>

- 2nd Session (Oct. 8, 2013): Review of Lesson 1; Commentary on Lesson 2

<https://www.youtube.com/watch?v=OC3jghZPP0E>

- 3rd Session (Oct. 15, 2013): Going deeper into Lesson 2

<https://www.youtube.com/watch?v=2SiIKywB3N0>

- 4th Session (Oct. 22, 2013): General gnoseological and anthropological considerations following on lessons dealt with earlier

<https://www.youtube.com/watch?v=2SiIKywB3N0>

STUDIES & ARTICLES

Leonardo Polo: A Brief Introduction

The *Leonardo Polo Institute of Philosophy* has published an introductory book of Polo's philosophy written by Roderrick Esclanda and Juan Fernando Sellés. It is directed to English speaking scholars who wish to become more acquainted with Polo's thought. It presents a brief account of Polo's life and works, and offers an introduction to his methodology of the abandonment of the mental limit and an overview of his philosophy.

New Journal: Estudios Filosóficos Polianos

The *Centro de Estudios Raffaella Cimatti* of Argentina has published the first issue of its new Journal *Estudios Filosóficos Polianos*, which includes articles by Juan Fernando Sellés and Miriam Dolly Arancibia.

Miscelánea Poliana, n° 48 (2014)

This number includes the following articles:

- Fernando Haya "La sanción heurística de la no contradicción. Sobre la defensa aristotélica del primer principio".

- Jorge Mario Posada "Logos' de la persona humana como unificación del inteligir habitual".

- Priscila Sulkerine Guerra Lamadrid "El dinamismo del don en la persona y en la sociedad, una propuesta desde la antropología trascendental de Leonardo Polo".

- Juan A. García González "Nota sobre presencia y límite en el libro póstumo de Polo".

Miscelánea Poliana, n° 47 (2014)

This number covers papers that were presented at the International Symposium held in Malaga, Spain on February 8, 2014 on the first anniversary of Polo's death.

Studia Poliana no. 16 (2014)

The latest issue of *Studia Poliana* has been published by the Department of Philosophy of the University of Navarra. This issue fo-

cuses on a comparative study of Polo's philosophy and Kant's "Critique of Pure Reason".

Miscelánea Poliana, n° 46 (2014)

This number includes the following articles:

- Rafael Díaz Dorronsoro (Rome, Italy): "La noción rahneriana de símbolo esencial revisada a partir de la antropología trascendental de Leonardo Polo" [*The Rahnerian notion of essential symbol revisited from the perspective of Leonardo Polo's transcendental anthropology*].

- John Branya (Nairobi, Kenya): "Anthropological Foundation of the Levels of Happiness: Robert Spitzer, Abraham Maslow and Leonardo Polo".

- Juan Assirio (Buenos Aires, Argentina): "La dualidad filiación-paternidad. Estudio según la antropología trascendental de Leonardo Polo" [*The filiation-paternity duality. A study according to Leonardo Polo's transcendental anthropology*].

Cuadernos de Pensamiento Español: Escritos en memoria de Leonardo Polo

Two volumes edited by J. A. García González: 1) Ser y Conocer [Being and Knowledge] and 2) Persona y acción [Person and Action]. The papers given during the International Conference held in Malaga on the occasion of the first anniversary of Leonardo Polo's death has been published in two volumes with the title "Escritos en memorial de Leonardo Polo" [*Writings in Memory of Leonardo Polo*].

Mercatornet.com: Conquering mental castles

Daniel B. van Schalkwijk published an article on *mercatornet.com* with the title "Conquering mental castles". In this article the author observes that Western philosophy has acquired the habit of thinking of men as machines and asks how this can be overcome.

"An Innovative Philosophical Proposal: Leonardo Polo's Anthropology of the Intimacy"

Miriam Dolly Arancibia of the *Centro de Estudios Raffaella Cimatti* (Argentina) has written an article on Polo's anthropology of the intimacy.

Scientia et Fides: “The Anthropological Crisis of Scientific Innovation”

The Journal *Scientia et Fides* Vol II, No. 1 (2014) has published an article of Alberto I. Vargas and Jon Lecanda about Polo titled “La crisis antropológica de la innovación científica” [*The Anthropological Crisis of Scientific Innovation*].

Cuadernos de Pensamiento Español: La idea de ente. El objeto de la metafísica en la filosofía de Leonardo Polo

Rafael Corazón has published at University of Navarra the book “La idea de ente: El objeto de la metafísica en la filosofía de Leonardo Polo” (*The Idea of Entity: the Object of Metaphysics in Leonardo Polo’s Philosophy*).

Mayéutica: “Man as Adverb”

The philosophical Journal *Mayéutica* 87 (2013) has published an interview with Juan A. García González on Polo titled “El hombre como adverbio” [*Man as adverb*].

Paper Presentation: “Polo, Apel, Heidegger and Ontology Today”

A paper titled “La Ontología hoy. ¿Crisis de redundancia o autoinmunidad frente a la crisis? Apel y Polo frente a Heidegger” [*Ontology Today. Crisis of Redundancy or Autoimmunity Against the Crisis. Apel and Polo Against Heidegger*] was read by Carlos Ortiz de Landázuri at *L Reuniones Filosóficas: “La Filosofía hoy: en la Academia y en la vida”* at the University of Navarra on October 13, 2013.

RESEARCH WORKS ON POLO

El rol educativo de la libertad según la antropología trascendental de Leonardo Polo, by Miriam Dolly Arancibia de Calmels. Doctoral research paper for obtaining the PhD, directed by Juan Fernando Sellés. University of Navarra (Pamplona, Spain December 5 2014).

Ayudar a crecer: la finalidad de la acción educativa y directiva a la luz del pensamiento de Leonardo Polo by Miguel Saiz [*Helping to grow: meaning of educational and governance action enlightened by Leonardo Polo’s thought*]. Directed by Juan Fernando Sellés. Research paper for Masters at University of Navarra (Pamplona, Spain 2014).

Las virtudes según Leonardo Polo by Sidnei Fresneda Herrera [The virtues according to Leonardo Polo]. Directed by Enrique Moros. A research project on Polo at the University of Navarra (Pamplona, Spain 2014)

Las necesidades espirituales de la persona humana. Un estudio desde la antropología trascendental de Polo by M^a I. Armendáriz Azcárate [The Spiritual Necessities of the Human Person. A Study from Polo's Transcendental Anthropology]. A research project on Polo at the University of Navarra (Pamplona, Spain 2014)

Educación: ayudar a crecer, según la propuesta de Leonardo Polo by Mayte Dasoy Mut [Educating: Helping to grow, according to Leonardo Polo's proposal]. Directed by Alfredo Rodríguez Sedano and M^a Carmen Fernández Benassar. Doctoral research paper for obtaining the DEA. Universidad de las Islas Baleares (Palma de Mallorca, Spain April 14, 2013).

Algunas aportaciones para la educación desde las dualidades de la persona según Leonardo Polo by Roberto Rojas Tapia [Some contributions to education from the perspective of the dualities of the person according to Leonardo Polo]. Directed by Juan Fernando Sellés. Research paper for Masters at University of Navarra (Pamplona, Spain 2013).

ONLINE DISCUSSIONS

***Polianos* Blog: The problematic**

The blog Polianos considers a fragment from Polo on "the problematic".

<http://ieflp.blogspot.com.es/2014/07/lo-problematico.html>

***Preguntas Polianas* Blog: Was Fabro correct when he spoke of the act of being as an intensive act?**

Preguntas Polianas asks on weather Fabro was correct when he spoke of the act of being as an intensive act.

<http://preguntaspolianas.blogspot.com.es/2014/06/tiene-razon-fabro-cuando-habla-del-acto.html>

***El hábito de sindéresis* Blog: Co-existence and Freedom; the Will**

Discussion and comment son:

Post “The will as appetite or as tendency”:

<http://habitosinderesis.blogspot.com.es/2014/02/la-voluntad-como-apetito-o-como.html>

Post “Co-existence and freedom”:

<http://habitosinderesis.blogspot.com.es/2014/03/coexistencia-y-libertad.html>

***Polianos* Blog: the Mental Presence**

Discussion on weather Polo’s distinction of six types of mental presence in his latest book *Epistemolgia, creación y divinidad* involves a novelty in his philosophy.

<http://ieflp.blogspot.com.es/2014/02/la-presencia-mental.html>

Estudios Polianos* Blog: Commentary on *¿Quién es el hombre?

Discussions and commentaries on *¿Quién es el hombre?*

Post “Man facing problems”:

<http://polianos.blogspot.com.es/2014/03/el-hombre-ante-los-problemas.html>

Post “The limitations of the analytic method”:

<http://polianos.blogspot.com.es/2014/03/las-limitaciones-del-metodo-analitico.html>

***Polianos* Blog: on Existential Identity**

Discuss the implications of the expansion of the distinction “Essence and Existence”, its application to the Trinity, and whether or not the phrase “Existential Identity” can be used

<http://ieflp.blogspot.com.es/2013/11/la-identidad-existencial.html>

***Preguntas Polianas* Blog: Human Essence and the Essence of the Universe**

The blog Preguntas Polianas asks, “How is human essence distinguished from the essence of the universe?” and many other questions.

<http://preguntapolianas.blogspot.com.es/2014/03/en-que-se-distingue-la-esencia-humana.html?spref=tw>

IN MEMORIAM

In memoriam: Revista de Filosofía

Ignacio Miralbell Guerín published an In Memoriam Tribute to Leonardo Polo in the Journal of philosophy *Revista de Filosofía* of Universidad Católica de la Santísima Concepción (Chile) in its last issue: Vol. 12, nº 1, 2013.

In memoriam: Contrastes

The international Journal of philosophy *Contrastes* published an in memoriam tribute to Leonardo Polo in its last issue: vol. XVIII (2013).

INSTRUCTIONS FOR AUTHORS

1. The papers submitted for publication in the *Journal of Polian Studies* should take some aspect of the Leonardo Polo's thought as a reference point to present, to compare with other authors or philosophical doctrines, to criticize, to expand their thinking with, etc.
2. The journal is directed to a specialized audience in philosophy.
3. All works submitted for publication, both articles and reviews, must be entirely unpublished, and must be original works of the submitting author. Submissions should be accompanied with a letter to ensure this.
4. While they are being evaluated for publication or undergoing editing, they must not be submitted to any other publication. Once an article has been published, authors retain the right to use it freely, provided that they cite its original publication in *Journal of Polian Studies*.

Norms for articles

5. Articles must be sent by email to one of the members of the Editorial Board: the editor, Alberto I. Vargas (avargas@leonardopoloinstitute.org) or the assistant editor, Gonzalo Alonso (gabastarrec@leonardopoloinstitute.org). The articles must be sent in a standard and easily editable format, such as Word but not OpenOffice, not PDF. Each author will submit two versions. In one of them, any reference, direct or indirect, to himself should be omitted. Articles should be submitted by May, in order to be published in October.
6. Articles will be submitted to a double anonymous revision by peer reviewers external to the Scientific Advisory Board. They will be evaluated according to the following general criteria: the interest of the topic; the knowledge displayed of the state of the question; dialogue with the most relevant and current bibliography; the unity, clarity, coherence, equity and rigor of the argumentation; the appropriateness of the title, abstract and keywords, as well as the correctness of the English version of each of these; the proportionate extension of the text and footnotes; and the formal and literary elegance of the writing.

The Editorial Board will communicate its acceptance or rejection of the submission within a period of three months. The article will be returned to the author together with the evaluations of the reviewers. Authors whose articles have been accepted for publication will receive a set of typeset proofs, which will require immediate correction.

7. Articles should not be longer than 15,000 words including footnotes (97,000 characters including spaces). The number of words or characters in a document can easily be calculated using the **word count function of one's word processor**.

8. On the first page of submitted articles must be included, in addition to the name of the author, the academic institution at which he or she is employed and his or her email address. The whole article must be presented in English. Only the quotes of Polo in footnotes can be presented in their original language. The author must submit an abstract of up to 100 words and up to four keywords (also in English).

9. The section titles within the article should be formatted in SMALL CAPS—available from the font format dialog box—and be numbered sequentially with Arabic numerals: 1. 2. 3., etc. Subsection titles should be in italics, and should be numbered alphabetically: a) b) c), etc.

For example:

4. THE LAST COMMENTARIES OF THOMAS AQUINAS ON ARISTOTLE

a) The commentary on the «De caelo»

Bold text should never be used in these subtitles.

10. Footnotes should be brief. Citations within the main text should **be placed between double quotation marks (“like this”); they should also be brief. Square brackets can be used to clarify a given term within a quotation, e.g. “the link between this [special situation] and the agent’s end”**.

11. Bibliographical references must always be placed in footnotes, and never within the body of the text nor in a final bibliography. They must use the following format:

a) Books: R. SPAEMANN, *Ética: cuestiones fundamentales*, Eunsa, Pamplona, 1987, 113-115.

b) For collaborations in collective works: A. FUERTES, El argumento cosmológico, in Á. L. GONZÁLEZ (ed.), Las pruebas del absoluto según Leibniz (Eunsa, Pamplona, 1996) 47-158.

c) For articles: R. YEPES, “Los sentidos del acto en Aristóteles”, in Anuario Filosófico, 1992 (25), 493-512.

d) For monographic issues of journals: A. M. GONZÁLEZ, R. LÁZARO (eds.), Razón práctica en la Ilustración escocesa, Monographic issue: “Anuario Filosófico”, 2009 (42/1) 1-257.

12. Abbreviated references may be used in the following cases:

a) When only a single work by a given author is cited, the title may be abbreviated as follows: R. SPAEMANN, op. cit., p. 108.

b) If more than one work by a given author is cited, the title must be repeated in abbreviated form: R. SPAEMANN, Lo natural cit., 15; L. POLO, Curso, cit., vol. 4/1, p. 95.

c) The term “Ibidem” may be used when a single reference is repeated in consecutive footnotes.

13. In order to guarantee the correct transcription of text in Greek, all such text must be formatted using the font Gentium, which is freely available for Windows, Mac and Linux (Debian/Ubuntu) from the following URL:

http://scripts.sil.org/cms/scripts/page.php?site_id=nrsi&item_id=Gentium_download

In the case that it is necessary to use characters of other languages that are not included in this font, it will be obligatory to use a Unicode font.

Norms for book reviews

14. Book reviews must be between 600 and no more than 1200 words, and must be completely original and unpublished elsewhere.

15. Except in exceptional cases, we will not accept reviews of books first published more than three years previously. The works reviewed must be first editions, or else posterior editions which have been substantially modified.

16. If it is necessary to include citations from works other than the one being reviewed, the citation must be placed in the body of the text, in parentheses, following the formatting indicated in items 11

INSTRUCTIONS FOR AUTHORS

and 12, above. If the citation is from the book being reviewed, it is sufficient to include the page number, as shown: (p. 63), or (pp. 63-64). At the end of book reviews, authors must include their name, their university or institutional affiliation (without including the postal address), and an email address that will remain valid for the foreseeable future.

17. Book reviews must be submitted to the Assistant Editor, Gonzalo Alonso (gabastarrec@leonardopoloinstitute.org).

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

