

TRANSCENDENTAL ANTHROPOLOGY AND FOUNDATION OF HUMAN DIGNITY

Area 6: Transcendental Anthropology and its Repercussions in Human Action, Culture, and History

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Most of the thinkers of the twentieth century demand, more or less explicitly, a peculiar ontology for anthropology, distinguishing between the cosmos and man, between things and people, in order to achieve a vision seen unity of man and substantiate their inalienable rights, universally recognized by the UN in 1948. The transcendental anthropology of Polo, with its expansion of the ontology and the recognition of the uniqueness of the human person is intrinsically free, intelligent and able to give an adequate scenario to support human dignity in being.

The tragic experiences of the World Wars led to the Universal Declaration of Human Rights, sponsored by the ONU in 1948. Since then much of the newly created constitutions recognize the inviolability of human dignity. However, the drafters of the declaration put effort to bypass the theoretical grounds on which those rights are founded on the fear that theoretical differences postponed or make infeasible such recognition. Six decades later still pending the development of a solid and universally acceptable foundation of human dignity and fundamental rights, complicated issue, which 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 of human dignity and of the universality of human rights.

1. Human dignity to the problematic nature of anthropology

It was Max Scheler early last century who diagnosed despite the rise of science devoted to the study of human beings, and although increasingly the

volume of information that we have about ourselves, in the absence of a unified vision never as at the present time is to be human has become so problematic for himself¹.

Current anthropological fragmentation comes from varied and complex causes, including the diversity of sciences that deal and the absence of a true interdisciplinary work. But that dispersion is motivated more radically by the crisis and even denial of human nature -basis on which has supported its universality-, and especially for the weak and little thought about being and the *person*, an area of the deepest nature of human reality. In order to get a unified view of anthropology is required primarily a unifying principle. The method to find it cannot be other than return to the, ever new, elemental human experience² that allows access to realistic proposals.

In every human being, the consciousness of the dignity begins to experience that nobody can snatch the inner freedom that is possessed, absolute value that everyone has by virtue of being. This individual conscience, the middle of last century was experienced simultaneously by many people at once, which caused that since early 1947 the Commission of Human Rights of the United Nations began to prepare the universal declaration of it. Jacques Maritain tells how one of the joint meetings of experts from the world's top minds of the moment³, summoned to investigate the theoretical issues that might raise the question, one of the attendees expressed surprise to find that people who had thoughts not only different but faced, would agree to write the same list of rights. They replied: 'yes, we agree with those rights provided that we do not ask why ', stating that they were opposing the whys that could confront them⁴.

2. Convenience substantiate dignity

The failure to substantiate the text raises several problems. The first is practical because although experts say those not having the same reasons, it seemed to lack them which explains their common adherence. Now if proposed a list of rights to the global acceptance what hope might have to get it if rightly invoke circumventing the advise? But the main problem, according to Palacios, is

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

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 Benedecto 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.

threatened and provisional status with real opinions, collected a spontaneous or pre-scientific if they are not based⁵. Without proper grounding, personal rights and human dignity, even though they may be universally recognized, are exposed to decay to the discretion of changeable human opinions, and merely positivistic interpretation. In fact, in the past decades in addition to the fundamental rights, life, education, freedom to marry, or religious freedom of expression, we are witnessing an increasing proliferation of rights "second, third or fourth generation", going as far as wanting to turn desires into rights. They may present contradictions such as that under some of these additions rights, fundamental rights are violated, as in the case of the right to life of the unborn child with the recently invoked right to abortion. This concern is common among lawyers⁶, particularly among those who warn that there is inconsistency in the dissociation between two fields that feed each other. Therefore continue to maintain a praxis which previously had an implicit foundation in dignity, silencing or omit founded reasons that puts in danger-before or later-continuity of such practice.

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

As Starck, German constitutionalist says, the starting point to get a more solid foundation is the recognition of irrefutable historical fact that valuing human life in Western culture is much higher than in other cultures and in the genesis of such high appraisal must recognize the influence of Christianity⁸. According to his proposal, a foundation of dignity, also that this notion does not lose its original meaning, it must rely on its historical iter, namely its nuclear anchoring in the Christian message, subsequent 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, in a process of secularization in which the concept of freedom and dignity -beyond its

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

⁶ Se escriben voluminosos estudios que hablan de este interés. 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.

theological reasons/, reaches philosophically explained by rational arguments that are available to any intelligence. Among them the important and known conviction Kant by maintaining that the person to be treated always as an end and never as a means. In other words, consciousness and explanations for human dignity heritage of human thought is.

On the nuclear base that gives rise to the high esteem that the person has in European culture, now more rigorous, thorough and universal foundation that made so far by the humanism founded on the natural law is claimed. To continue on that basis have to take into account the various findings and developments that human intelligence has been doing over the centuries. Among them is that modernity has brought a radical difference between nature and freedom, between the natural and the rational⁹. Modern, 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, affordable access to basic human experience since everyone can recognize that when you do things freely, "because he wants" even without apparent reasons to support it, you know your love is prior to her performance, and that free will is what later will volunteer their act. And even if modern philosophers have not achieved an adequate development of freedom-and despite not missing naturalisms and extreme-biologisms, no doubt helped to entrench the belief that what separates him from the rest of Nature is a more radical and profound difference that has developed in the classical tradition.

Attempts to further consider the nature and natural law as a last enclave of dignity¹¹, not only the great difficulties of survival in the spiritual climate of our time, but enclosed in the background a patent problematic. Palacios has analyzed some of them, including the deepest from the anthropological point of view is described in the following words: "One of the most obvious problems has always posed (the base dignity in nature) is how avenir posed the concept of human nature with the affirmation of freedom. Indeed, if nature is so, as Aristotle writes early in his policy¹², how can men have imposed their nature and at the same time the capacity to assert himself his own ends? How can something be in nature and be both free to become one? How-to put it conceivable to Millán-Puelles-expression synthesis of human nature and freedom? ¹³.

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*, 2^aed. Encuentro, Madrid 2002, pp. 87, 90-91 y 92-95.

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

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

Moreover, the nature, despite being initially regarded as the beginning of operations of living beings, considered an immobile ended mode, which appears opposed to the enormous human capacity for innovation and creativity and unpredictability of history. The modern and contemporary thought assumes the importance of time and culture to anthropology: suffice to quote Dilthey, Bergson or Heidegger. After the birth of cultural anthropology as science split off from the rest, we have witnessed for decades the debate between nature and culture. Have been those who defend the first, but at a disadvantage with respect to the culturalists, who have even come to deny that humans have nature. The truth is that in this endless debate -affected to radice for dualism, is considered both nature and culture as two realities as previously constituted, fighting each other or refuse each other. And that protracted dispute if it has been closed false, because it should not come to conclude what is permanent and how much is moldable innate human.

After the sterility of the nature-versus-culture discussion, and challenging prejudice talking about natural law of modernity and postmodernity 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 natural is hard to explain the freedom and ability to rule over the natural man attains to science and technology. In addition, the metaphysical tradition raises the difficulty of developing an anthropology of knowledge from philosophical language of the cosmos, making it a second dependent of that philosophy. And in some ways the anthropological drama of modernity is that despite new topics, contributed by cultural roots from which it comes-the freedom, privacy of subjectivity, its ability to project and creativity, etc., try to develop the same philosophy that explains the Cosmos. Polo As noted, unlike the exponential advancement of Science, Philosophy centuries have not brought new ideas. The various authors are variously shuffling the same elements addressing the study of the Cosmos and of Man from a symmetrical perspective¹⁴.

Throughout the twentieth century, however, it is noted with increasing clarity the need for a new conceptual framework to speak of human beings. Among other issues, we sense that anthropology relationships are crucial, much more than metaphysical accidents: are called ontological relations, though still without specifying its location¹⁵. In the words of Lopez Quintás "schemes" cause and effect ", " action-passion "are mono-directional, deterministic (a given on the table inevitably cause a certain effect blow: certain sound). Instead, the scheme

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.

"appeal-response" is circular, and promote freedom (a man who makes a suggestion to another what appeals to take and answer option)"¹⁶. That is, you are asking an extension of the ontology which distinguishes between things and people, between being of the cosmos and the being of every man and especially anthropology and ontology for freedom to develop.

Moreover, dignity has to do with each individual human being and his property that deep freedom is. Maybe that's why the vast majority of humanists s. xx, instead of talking about the man in the abstract have retaken the old notion of person, to return, against the barbarism of the world wars, to the dignity of every person by virtue of being. Your target moves in line rebuild humanism, renewing around the singular person, hence the nickname around some the come gathering: personalism. In this sense it is said that, after the anthropological turn of modern philosophy, there has been personalistic anthropology 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 permit ontological personalism with, beyond nature, reach a radical anthropological level: the be personal. However, for the classic cut abstract thought, partly convinced that human intelligence knows only the general and abstract, and concrete because the individual belongs solely to sensory knowledge, go with repairs personalist thought, in the sense considered impossible to substantiate something universal in the individual, because each of these are specific individual. Are those who still think that only nature, as it is common to all, can establish universality.

3. Contributions of transcendental anthropology poliana

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

As is well known Polo, taking the difference between the esse-essentia and between predicamental plane and the transcendental plane, from the sixties undertakes the task of applying these distinctions to anthropology allowing you dilating metaphysics Aquinas, be outlining an ontology for the person, different from the Cosmos¹⁸. It is an extension of the ontology that allows to develop a new

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.

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.

anthropology that opens a joint ontological triad: body, soul and spirit. The transcendental anthropology is based on an expansion of ontology, which transcending metaphysics, anthropology can anchor in the be (*esse*)¹⁹.

Applying the human distinction between the essence and the act of being (*esse*), the person, the individual who appears as the act of being of every man, the human *esse*, as distinct from its nature it will become essentially a through self-determination. However, in the cosmos, every real substance, it is not therefore have its own *esse* but to participate in a single act of being that belongs to the cosmos as a whole merely intracósmicos all beings. In this view, neither the act of being of every man, which is his personality, and its essence is the same as the act of being and essence of the cosmos, because the act personal of man is essentially free and able habits²⁰, while the act of being of the cosmos is determined by fixed laws, constituted by studying the causes metaphysics. According to this philosophical development orders which cross the findings of the personalist phenomenology and coincides with exposure of substantivity Zubiri²¹ - the whole cosmos is a single act of being, as each person has their own. And that's being a person.

In this context we say that the main difficulty talking about the person is that the person has to do with the being, not the essence, and in that sense is not graspable in generic concepts. The person, each person is unique and unrepeatable. Polo states that the person is new in the line of Hannah Arendt - according to which each birth something unprecedented on the world-, that philosophically explained because each has an act of being, 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 relation to being is transcendental order. Although this order is also present in metaphysics is different from the transcendental order of anthropology is at another level, that of freedom. To explain philosophically freedom an extension of the ontology is required using other, more appropriate to its subject than language issue are claiming many personalist thinkers of the twentieth century. You could say, from a grammatical point of view differs from the metaphysical anthropology, because that is about as she combines substance pronouns: I, you, us.

According to this anthropology is necessary to distinguish levels in the transcendental order. In a summary way you can say that proposes extending Polo

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

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.

metaphysics considering that all beings have an act of being. However, is not an act of participation being of God. Polo considers the doctrine of participation-where have supported most of the neotomistas- is insufficient to enter the knowledge of being, since it notes that Creation is not only the essence but the very act of being, that puts creatures in existence. Going one step further notes that will be different from the act of being-at Cosmos he calls the first creature, the act of being of every man's second creature, and the act of being God. In short, states that participation is not a sufficient perspective to warn the novelty of a new being into existence when it appears in both the big-bang of the Cosmos, and the emergence of a new human life.

In other words, you have to be loved not because they participate in the same divine being, but because God has created them to be for them, for the creation consists mainly that God creates the act of being and not only the essential, beings. In a second step notes that the human being is to be distinguished from the Cosmos. Regarding the latter, after considering the multiplicity problem which 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, involved all inert and living Nature substances. That is, the doctrine of the participation of the act is framed with ease on the cosmic Nature, where each of the substances is an act of being part of one act of being of the Cosmos. Not so called human being- at creature second, which is a person. The person is unique because each man has his own act of being transferable, reason why this medieval described the person as incommunicable. In other words, as distinct from the essence, the human person is the esse, the other co-principle, which updates the individualized nature of every man, which transmit their parents²². As the act of being a person is transcendental and updates all formal perfections of every 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 is the "all" in the sense that it is missing one of its constituent elements for example the body after death, would then cease to be a person²³.

Through careful observation, Polo continues stating that man is distinguished from both Cosmos his act of being, which is free, and in its essence, which is capable of habits. On the other hand, is the inclusion of the relationship in the very act of being to describe this as co-existence, after stating that a person

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

can not be alone, because it would be a misfortune, not having someone to communicate and to whom given.

Moreover, in the knowledge of the *esse* is concerned, if the history of philosophy is reviewed, its best development is in the doctrine of the transcendental, that is, those properties of being as being, adding more knowledge about him, but they become with it. Thus, unity, truth, goodness or beauty-considered as the most important ones, are no different to be the same, but they help us to know him better from different perspectives. Hence, if a specific transcendental to the human level is distinguished, it can have its characteristic, personal transcendental²⁴. That is, similar to classical philosophy as distinguished a series of transcendental properties of being-unity, truth, goodness, beauty-the act of its own staff would be transcendental mode properties. For example, in the person's right is primarily love. And freedom²⁵ or intelligence would transcendental dimensions, in terms that are not reduced to being powers of nature but are more radically, properties being of the person.

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

In this sense, takes on special importance development of transcendental freedom, for freedom acquires relevance throughout the modern and postmodern thought. Polo distinguishes between native or transcendental freedom of the will as ability to have moral habits or virtues. That is, one thing is the will as a faculty of the soul, power and other habits can the "one free" that active moving to action. Freedom of the personal characteristic which in turn is integrated with the intelligence of truth and love, so it is no less important transcendental of intelligence, that before he masterfully develops Zubiri, or opening donal the person, which is love.

The transcendental level would also be the level at which to place the intelligence, as light, illuminating data received from the senses enables abstraction

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

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

but, above all, that captures the essence of things, making them real, alive. Aristotle noticed the difference between the agent intellect, which is an act, and the patient is capable of understanding that intellectual habits. If we ask what is the relationship between the agent and the Polo understanding person answers saying what Aristotle called Agent Intellect person you can call. Therefore, one can conclude that neither intelligence nor freedom are properly essence but transcendental properties of being personal, as it is good or beauty in being in general. And as mentioned, these two properties or transcendental person must be added another of the same level, inserted into the relational openness: the gift, the love. In other words the good, transcendental property of being, considered to be generally in anthropology is called LOVE. From the ontological point of view would love to describe as a radical or transcendental anthropology.

4. Human Dignity and transcendental Anthropology

From the transcendental anthropology clear and distinct possibility of foundation of human dignity and their inalienable rights opens, not so much in nature, but precisely in the person. Being the person the act of being and property of every human being.

From this new perspective, the ultimate foundation of human dignity, such prior action and guarantor of inviolability something, would be something deeper and inside their specific nature, which is not denied, that is, the person. Human dignity, every person is precisely be unique and unrepeatable, is a transferable dignity. However, to enjoy it every human being can also say that it is universal. However, this appears to be another way to universality, universality ontological level to another do not cancel any of the above, reaches a deeper level and allows for a more solid moral foundation, because ultimately this would not be such if not host the freedom to love.

The transcendental anthropology, with its expansion of the ontology and the recognition of the uniqueness of the human person is intrinsically free, intelligent and able to give an adequate scenario to support human dignity in being.