



**ACQUIRED JUSTICE AND INFUSED JUSTICE ACCORDING
TO LEONARDO POLO***

***JUSTICIA ADQUIRIDA Y JUSTICIA INFUSA SEGÚN
LEONARDO POLO***

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ABSTRACT

This paper discusses the conception of Justice, both acquired and infused, in Leonardo Polo's thought, in comparison with Aquinas' view. It is widely assumed in Christian Thought that through the will effort, one acquires the virtue of justice, while infused justice comes from God's grace. Acquired justice is a virtue of the will, and God's infused justice is also received in the will. Inspired in Thomist systematization, Polo distinguishes justice's integral elements, its subjective types, and its potential

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elements. The integral elements are two: to give each one her due when he lacks it, and not to take away one's belongings, its subjective types are the commutative, legal, and distributive justice. Justice potential elements have to do when one cannot pay what one owes, or when one is not obliged to satisfy the other's right. We shall also see how infused justice improves each of these parts of acquired justice. In contrast with Aquinas, from Leonardo Polo's anthropology the virtue of justice is superior to the virtue of prudence.

Keywords: Acquired Justice, Infused Justice, Person, Prudence, Virtue, Will.

RESUMEN

Este trabajo expone la concepción de Leonardo Polo sobre la justicia, tanto la adquirida como la infusa; en comparación con la visión de Tomás de Aquino. Es ampliamente asumido en el pensamiento cristiano que uno adquiere la virtud de la justicia mediante el esfuerzo de su voluntad, mientras que la justicia infusa procede de la Gracia de Dios. La justicia adquirida es una virtud de la voluntad, y la justicia infusa es también recibida en la voluntad. Inspirado en la sistematización tomista, Polo distingue entre los elementos integrales de la justicia, sus partes subjetivas y sus elementos potenciales. Los elementos integrales son dos dar a cada uno lo suyo cuando le falta, y no apropiarse de su propiedad. Las partes subjetivas son la justicia conmutativa, la legal y la distributiva. Los elementos potenciales de la justicia aparecen cuando uno no puede pagar lo que debe, o cuando no está obligado a cumplir un derecho ajeno. También se explica de qué manera la justicia infusa incrementa cada una de estas partes de la justicia adquirida. En contraste con Tomás de Aquino, desde la antropología de Polo la virtud de la justicia es superior a la virtud de la prudencia.

Palabras clave: Justicia adquirida, justicia infusa, persona, prudencia, virtud, voluntad.

Since the *Institutions* of Justinian defined it as “the constant and perpetual will to render to each his due”, justice is commonly understood as the willingness or disposition to give each one her own. Such a disposition is not natural. Every man naturally prefers her own good to what is foreign and would rather retain what he has instead of giving it to others. “Justice is an indispensable habit because the human will naturally tend to the good but does not naturally tend to the good of others. That good exceeds the natural capacity, as each one craves her own good. In other words, justice and the inclination to happiness are divergent,

so that without an over-added virtue the will could not carry out righteous acts. Therefore, although justice is a virtue of the will, it cannot be explained from it, as it exceeds its natural inclination. This is why it is necessary the help of the natural law so that the will can, according to this virtue, tend to goods that are foreign to their natural inclination.”¹ This last forces us to accept that justice is not a natural disposition but acquired, that is, a virtue.

I. JUSTICE AS A VIRTUE

To acquire the virtue of justice, one would have to override the natural inclination of her own will and overcome himself. Justice, therefore, requires the virtue of fortitude (strength of character) and temperance. Since justice is the perfect virtue and it is not a natural tendency, it is a virtue of mature people; while the immature people tend to take justice on their own hands.² It should be noted that temperance and fortitude are easier to teach and acquire than justice and thus precede it. Therefore, both should be practised by children and young people, since it would be challenging to practise justice without them.³ One knows that justice is present when reasonableness is lived.⁴

For Polo, “the hardest thing is to give. We often think that giving is the easiest act but giving is the most difficult. It demands the highest use of intelligence because if the gift is not good for the other, it is not a gift. I mean,

1 Leonardo Polo, *Antropología Transcendental*, in *Obras Completas*, vol. XV (Pamplona: Eunsa, 2015), 465. “Giving each one his/her own is exactly the capacity to accept that the subjectively own –my own– is not more important than what belongs to others and that I owe them. And as the most proper of each one is happiness (the voluntary possession of good) it turns out that justice is the capacity to be interested in the happiness of others, to nod to it without subordinating it to merely individual conveniences.” Leonardo Polo, *Filosofía y economía*, in *Obras Completas*, vol. XXV (Pamplona: Eunsa, 2015), 177.

2 See Aristotle, *Nicomachean Ethics* (Cambridge, MA: Harvard University Press, 2014), X, 1179 b 25-30.

3 “The key to raise a child must be training in *virtues*. It is advisable to start with *Temperance* and then by the *Fortitude*, before educating in *Prudence* and in *Justice*, which is advisable to relegate it for a little later”. Leonardo Polo, *El hombre en la historia. Ayudar a crecer. Antropología de la acción directiva*, in *Obras Completas* vol. XVIII (Pamplona: Eunsa, 2019), 192. Something similar has been proposed by recent developments in character and virtue education, considering the stages of moral development (see James Arthur, Kristján Kristjánsson, Tom Harrison, Wouter Sanderse, and Daniel Wright, *Teaching character and virtue in schools* (New York: Routledge, 2016). Cf. Juan Fernando Sellés y Gonzalo Alonso-Bastarreche. “Si la fidelidad es solo una virtud o algo más según Leonardo Polo”, *Cauriensia* 17 (2022): 565-584.

4 Reasonableness, the traditional *epikeia*, is “an important virtue which tends to apply justice with sanity or moderation, that is, following the spirit of the law rather than its letter. It also makes one careful not to be swayed by subjective motives, like anger, revenge, or sympathy and, in an impartial way, to use the flexibility prudence gives. Law enforcement should always be prudent.” Polo, *El hombre en la historia. Ayudar a crecer. Antropología de la acción directiva*, 219.

if I do not put myself in the place of the other, I do not know how to give.”⁵

As is implicit in its definition, justice involves three aspects: the one who gives, what he gives, and the one who receives it. It is good to give things to people because the human person, unlike other natural beings, above being possessive, is donative. Justice is rooted on both capacities, firstly the capacity of having⁶, but the capacity of giving is superior to it: “man was made more for giving than for asking”⁷ i.e., every human initiative is, at heart, an initiative of giving: the initiative of receiving is not primary. “Having the initiative is the same as giving, and the terminus of the initiative is the same as receiving. Therefore, for the priority of giving over receiving to not take place, it would be necessary that the human conduct directed toward others be only reactive and not a true initiative. But in that case no one would receive anything. Thus, it must be concluded that initiative must be fostered if distributive justice is aspired to.”⁸

It is good to give because giving is a manifestation of personal love. Moreover, one gives or provides in the expectation that the gift will be accepted, which makes giving dependent on the acceptance. As a result, “accepting” is superior to “giving”. Without acceptance, there is no room for giving. It opens the door to new donations. It is thus the highest manifestation of personal love. But accepting is not the same as receiving. One receives things, but one accepts people.⁹

Acquired justice can grow or decline, like the other moral virtues and any other attribute of human life. “The virtues are never sufficiently acquired. In

5 Leonardo Polo, *Persona y Libertad*, , In *Obras Completas*, vol. XIX (Pamplona: Eunsa, 2017), 174.

6 Leonardo Polo, *La esencia del hombre*, in *Obras Completas*, vol. XXIII (Pamplona: Eunsa, 2015), 39.

7 Leonardo Polo, *Rich and Poor: Equality and Inequality* (South Bend, IN: Leonardo Polo Institute of Philosophy Press, 2017), 24.

8 Polo, *Rich and Poor*, 26. For a larger explanation of the distinction between possession and donation, see Leonardo Polo, *Having, Giving, Hoping* (South Bend, IN: Leonardo Polo Institute of Philosophy Press, 2022 –in press–). It is important to note that, for this reason, the entrepreneur is a very important agent of social justice. The entrepreneur freely takes risks to produce something valuable and distributes it. “Risk does not mean insane daring or political arbitrariness or revolutionary terrorism. It means not accepting the primacy of the market, but rather becoming aware that supply is previous to demand and to be ready to establish a market.” Polo, *Rich and Poor*, 25. Polo’s insightful reflections on the primacy of supply over demand have been discussed by Alex Chafuen, “A Philosopher for Supply Side Economics Tackles Inequality”, *Forbes.com*, July 25, 2018. <https://www.forbes.com/sites/alejandrochafuen/2018/07/25/a-philosopher-for-supply-side-economics-tackles-inequality/?sh=437d97ab5bf4>.

9 It can be said that the underdeveloped countries, the university crisis and the dissolution of families are due to a reluctance to offer, and weak offers come from de-personalisation.

other words, moral habits are acquired through the repetition of acts. Man becomes righteous; that is, he gains the virtue of justice when he performs righteous deeds. Nevertheless, there is always the possibility of committing an unfair act, just as there is the possibility of becoming more just. But if virtue, the moral habit, can grow, then it has a clear potential character because, despite being a perfection, it is not its complete perfection. Compared to the increased virtue yet to be developed, the current virtue is potential. Therefore, there is no final degree of virtue or vice.”¹⁰

Justice is a virtue that increases the swiftness of the will. Injustice is the vice that weakens it. Consequently, the one who commits an injustice primarily damages himself from within, in her own will. Committing an injustice decreases the power of the will and, consequently, weakens the person. The change on the person caused by her actions is the basis of ethics. As Polo puts it, “if nothing happens to me (and not just that eventually I will be put in jail) when I do something bad, if by the very act of having done it I am not the first victim of the act, in short, if there is no real dimension in me that is the first target of an act which I do, then one may speak of good or evil acts only in a transitive sense. The ethical judgment would follow hedonistic criteria, which would pit victims and tyrants in endless conflict.”¹¹ That is why it is preferable to suffer injustice rather than commit it, as Socrates put it.¹²

Nevertheless, according to Polo, ethics is second in the order of sciences to transcendental anthropology.¹³ Ethics is a manifestation in the powers of the

10 Leonardo Polo, *Nominalismo, idealismo y realismo*, in *Obras completas* vol. XIV (Pamplona: Eunsa, 2016), 164.

11 Leonardo Polo, *Ethics. A Modern Version of Its Classic Themes* (Manila: Sinag-Tala Publishers, 2008), 52.

12 See Leonardo Polo, *Ethics*, 51-55; *Having, Giving, Hoping; El hombre en la historia. Ayudar a crecer. Antropología de la acción directiva*, 396; *Antropología trascendental*, 457; *Persona y Libertad*, 98; *La esencia del hombre*, 52; *Epistemología, creación y divinidad*, In *Obras Completas*, vol. XXVII (Pamplona: Eunsa, 2015), 133.

13 Like Aquinas and most of classical thinkers, Polo considers that ethics must be grounded on anthropology, see Juan Fernando Sellés, “The Anthropological Foundation of Ethics and its Dualities”. *Journal of Polian Studies* 1 (2014): 47-77; and *Anthropology for Rebels* (Nairobi: Strathmore University Press, 2010), 145-200. For a deeper discussion, see also Juan Fernando Sellés, “La distinción entre la antropología y la ética”, *Studia Poliana* 13 (2011): 119-154; Juan Fernando Sellés, *Los hábitos adquiridos. Las virtudes de la inteligencia y la voluntad según Tomás de Aquino* (Pamplona: Cuadernos de Anuario Filosófico, Servicio de Publicaciones de la Universidad de Navarra, 1991); Juan Fernando Sellés, *Conocer y amar* (Pamplona: Eunsa, 2000); “La sindéresis o razón natural como la apertura cognoscitiva de la persona humana a su propia naturaleza. Una propuesta desde Tomás de Aquino”, *Revista española de filosofía medieval*, 10 (2003): 321-334; Idoya Zorroza, “Justice and Dominion in Light of Transcendental Anthropology”, *Journal of Polian Studies* 1 (2014): 93-104; Urbano Ferrer, “El anclaje antropológico de la ética: dos contribuciones relevantes”. *Studia Poliana*, 17 (2015): 191-207.

human essence (intelligence and will) of what has already been freely accepted, for better or worse, at the level of the personal act of being. Since the will is a power at the essential level of man, it cannot be damaged by an act of injustice unless that act is accepted at the personal level, the act of being.

II. POLO'S TRANSCENDENTAL ANTHROPOLOGY AND THE HIERARCHY OF VIRTUES

Leonardo Polo distinguishes three levels of the human person. First, the natural level, common to the animals, essentially biological and lower level psychological. Second, the essential or human level, distinguishes the human beings from the animals, but is common to all humans and comprises the intelligence and will as its powers. Finally, the personal level, which is the individuals' act of being, and is unique and unrepeatable, what makes each person valuable on its own.

The personal act of being is, in Polo's transcendental anthropology, the level of the four personal transcendentals. The four personal transcendentals are a novelty introduced by Leonardo Polo. In a similar way that the ontological transcendentals apply to all beings, without distinction, i.e., transcend all differences, the personal transcendentals apply to all persons and only persons. The transcendentals are different ways of watching the same reality, the personal act of being. They therefore are above the human Powers, intelligence and will. The four personal transcendentals are co-existence with, personal freedom, personal knowledge, and personal love.¹⁴

All acquired moral virtues depend on the activation of the intelligence and the will by the natural habit of synderesis, since synderesis is, as Aquinas stated, the habit of the first moral principles, an habit of the human person, not acquired but innate.¹⁵ "The moral virtues relate to their origin in the synderesis that presides them. This is especially clear in prudence. That is why prudence (pro

¹⁴ For a deeper understanding of the personal transcendentals see Leonardo Polo, *Why a Transcendental Anthropology?* (South Bend, IN: Leonardo Polo Institute of Philosophy Press, 2016); Sellés J.F., *Anthropology for Rebels*, 209-226; Craig Iffland, Juan Fernando Sellés, "Who Is Man. Polo and Personhood". *Journal of Polian Studies* 4 (2017): 27-44; Blanca Castilla, "The Notion of Person and a Transcendental Anthropology, from Boethius to Polo". *Journal of Polian Studies* 4 (2017): 81-118; and Polo,, *Antropología Transcendental*, 229-279.

¹⁵ See *Summa Theologiae*, I, q. 79, a. 12, co; also *In II Sententiarum*, d. 24, q. 2. a. 3. See also Sellés, "La sindéresis o razón natural", and Francisco Molina, *La sindéresis* (Pamplona: Cuadernos de Anuario Filosófico, Servicio de Publicaciones de la Universidad de Navarra, 1999).

videre) is described as surveillance of the means. In turn, justice highlights what the synderesis has of righteousness. Fortitude and temperance show the balance that synderesis introduces in human life.”¹⁶ According to Polo, synderesis is also the highest innate habit at the essential level of the triadic structure of the person¹⁷. It is natively active, not potential. Although its clarity can increase or decrease throughout life, it does not lose its natural light during one’s life.

Within the frame of Polo’s anthropology, synderesis is influenced by two of the four personal transcendentals. These two are knowing and loving, being the transcendental love superior to the transcendental knowledge. This anthropological frame implies a new criterium for the hierarchy of the virtues according to its subject: the highest virtue is not the closest to reason or intelligence, as it was in Aquinas,¹⁸ but the closest to the act of being, and inside the act of being, the closest to transcendental love.

The transcendental personal love is the support of justice “justice... must come from love” through each of the facets of synderesis.¹⁹ In turn, the transcendental personal knowledge is the support of the virtue of prudence.

Polo assumes the classical analytical and systematic study of the distinction of virtues, continuing it with the study of its growth, dependence and connection from a systemic approach: “the growth of virtues explains both their distinction and their systemic character. In other words, a virtue is ‘converted’ in another virtue according to the intensification of the intention of alterity of the voluntary acts through which that virtue is acquired”.²⁰ That is, a virtue is converted in another virtue according to how much does it relate to a different object than the voluntary agent: that is, to means rather than ends, and to different persons.

From this point of view, justice is superior to prudence: “it is clear that the intention to help another person, characteristic of the righteous acts is superior to

16 Polo L., *Epistemología*, 133.

17 See Polo., *Why a Transcendental Anthropology; Antropología Trascendental*, 281-530; Sellés, J. F., *Anthropology for Rebels*, 209-226.

18 See Aquinas, *S.Th.*, I-II, q. 66, a. 1, co.; a.4, co (for the hierarchical superiority of rational habits to moral virtues, see also q. 66, a.3, co.).

19 See Polo., *Epistemología*, 304.

20 Polo, *Antropología Trascendental*, 463. The Polian notion of *intentionality of otherness* is considered here in the easiest way: “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.” Leonardo Polo, “Friendship in Aristotle”, in *Journal of Polian Studies* 1 (2014): 13. For a deeper development of the Polian notion of “intention of alterity”, see Polo, *Antropología Trascendental*, 412-430.

that of prudent acts, which are about means rather than ends. Righteous acts are about ends, through the means... In describing the virtue of justice as the constant and perpetual will to give each one her own, the notion of the righteous is established, i.e., the correspondence between rights and duties. But that correspondence occurs only between people. Therefore, the virtue of justice is superior to the virtue of prudence, which it raises at its own level as exchanges and distributions refer to means.”²¹ In other words, “the virtue of the prudence is acquired through the repetition of elective acts and culminates in what is called *imperium*, which is the intermediate step from election to action. The action simultaneously modifies the agent, who thereby acquires the virtue of justice.”²² “According to this criterion, prudence is ‘converted’ into justice, and justice in friendship. Therefore, instead of talking about potential parts of each virtue, it is preferable to admit that the inferior virtues are elevated according to what I call their conversion: justice is prudent, and friendship is prudent and fair, but not the other way round; for example, before its elevation, prudence is not fair.”²³.

This seems contradictory with Aquinas’ hierarchization of virtues according to their proximity to reason or intelligence, especially with the superiority of prudence to justice. However, strictly considered, Polo’s criterion is based on a systemic approach to the growth and interdependence of virtues, thus *a priori* complementary to that Thomist analytical differentiation of virtues. And this Polian argument is based on Thomist claims that the virtue of justice is always referred to others, that the common good is superior to the individual good²⁴, and that the virtue of prudence or *recta ratio agibilium*²⁵, is referred to the means²⁶. We think this Polian systemic approach makes deeper sense of the Aristotelian thesis that “justice then in this sense is perfect virtue, though with a qualification, namely that it is displayed towards others. This is why justice is often thought to be the chief of the virtues (...) In justice is all virtue found in sum. And justice is perfect virtue because it is the practice of perfect virtue; and perfect in a special degree, because its possessor can practise his virtue towards others and not merely by himself. (...) Justice alone of the virtues is ‘he good of others,’ because it does what is for the advantage of another. (...) so the best is not he who practises virtue in regard to himself but he who practises it towards others; for that is a difficult task. Justice in this sense then is not a part of virtue, but the whole of virtue; and its opposite Injustice is not a part of vice

21 Polo, *Antropología trascendental*, 467-8.

22 Polo L. *Antropología Trascendental*, 450.

23 Polo., *Antropología Trascendental*, 463.

24 See Aquinas, *S.Th.*, II-II, q. 58, a. 2. See also Aristotle, *Nicomachean Ethics*, V, 1130 a 5.

25 See Aquinas, *S.Th.*, I-II, q. 57, a. 4, co.

26 See Aquinas, *S.Th.*, II-II, q. 47, a. 7, co; q. 52, a. 3, s.c.

but the whole of vice”²⁷. Considering this Aristotelian claim, Aquinas is near to subscribe the thesis that analytical difference between virtues does not exclude the systemic conversion of them in justice when says that “the name of legal justice can be given to every virtue, in so far as every virtue is directed to the common good by the aforesaid legal justice, which though special essentially is nevertheless virtually general. Speaking in this way, legal justice is essentially the same as all virtue, but differs therefrom logically: and it is in this sense that the Philosopher speaks”²⁸.

Therefore, according to Polo, justice develops prudence. The fact that justice is a virtue of the will that develops prudence, a habit of reason which requires wise practical judgements, explains why the word ‘justice’ comes from ‘judgment’. Judging is normative.²⁹ There is no human and social action without a rule or regulation, to be more precise, without justice.³⁰ Justice can be considered “the first virtue of social institutions”.³¹

Acquired justice concerns itself with not only means but also how the means are distributed among people. The recipients of the means are not themselves means but are rather far superior to them. “Justice is the un-objectifying virtue that allows us to produce and use things as a means to a superior purpose, taking into account that there are many other persons.”³²

The above indicates that justice allows one to see that the others are also intrinsically perfectible and that the common good does not lie only in the accumulation and ordering of external goods, but rather in virtuous inner growth. “The one who loves justice is moved to help others.”³³

The means, natural and cultural goods, form a *plexus* because they are related³⁴. “Here one finds the root of justice, embedded within human relations

27 Aristotle, *Nicomachean Ethics*, V, 1129 b 25–1130 a 12.

28 Aquinas, *S.Th.*, II-II, q. 58, a. 6, co.

29 “Justice adds to prudence the matter of the law, of the obligation. Being obliged to comply with standards, these rules are related to the law. The *Ius*. These rules have to do with human coexistence. The human being already controls himself by prudence when alone, which is *auriga* (*Kibernetes*, in Greek), but does it control your relationship with others? No, that is done with laws, and the fulfilment of those laws is the virtue of the justice.” Leonardo Polo, *La conexión de las virtudes* (Universidad de Piura (Peru) 15-VIII-1995. Pro manuscript), 25.

30 “Virtue as a rule is justice.” Polo, *La conexión de las virtudes*, 24.

31 Rawls, J., *A Theory of Justice. Revised edition*, Cambridge (MA: Harvard University Press, 1999): 3.

32 Leonardo Polo, *La articulación de lo público y lo privado* (PAD, Universidad de Piura, Lima, 1-IX-1986. Pro manuscript), 12.

33 Polo, *Epistemología*, 302.

34 See Polo, *Having, Giving, Hoping*. This idea was developed by Heidegger in his famous book *Being and Time*.

precisely because man is a being that possesses, a condition that endows him with a title to claim something as his own. The distribution of the *plexus* certainly follows certain criteria of function and of use; but it is a priori possible from the perspective of the definition of human nature that we have proposed. The discussion of the criteria for distributing presupposes a title to claim things as his own.”³⁵ “The distribution criteria are debatable. This is where human justice is primarily rooted.”³⁶ Nevertheless, this title is no way exclusive; it cannot be so because the plexus is a totality. To each man or each group some things are ascribed; but it must not be forgotten that these things belong to the *plexus*: they are in it, and they are not *khremata* except when within it.”³⁷

III. THE RELATIONSHIP BETWEEN ACQUIRED JUSTICE AND INFUSED JUSTICE

It can be said that, since synderesis is superior to the moral virtues, it is elevated by a higher and more active Holy Spirit’s gift than the acquired virtues, the gift of Counsel.³⁸ If the acquired moral virtues depend on the increase of the synderesis, they consequently depend on this elevation. Infused justice derives from transcendental personal love elevated by the virtue of charity. In turn, the transcendental personal knowledge is the support of the virtue of prudence, and infused prudence derives from that transcendental raised by the supernatural virtue of faith.

Infused justice boosts acquired justice, but it does not replace or override it. God does not have to give what one can attain by oneself. He supplements what one, through her own effort, has developed. The infused virtues require as their base the acquired virtues. As the adage goes, “grace does not destroy nature but elevates it.”

35 Polo, *Having, Giving, Hoping*.

36 Polo, *Epistemología*, 280. For a discussion on the need of justice in the plexus, see Zorroza, “Justice and Dominion”.

37 Polo, *Having, Giving, Hoping*. An understanding of the means would be incomplete if this connection were overlooked. And the immediate consequence of this simple observation is that “the idea of absolute private property is contradictory, because the way human possesses at the corporeal level constitutes, as we have just said, a *plexus* of relationships.” Polo, *Filosofía y economía*, 280.

38 Polo says that “according to the anthropology I have proposed, the location of the Gifts of the Holy Spirit is the following. (...) The *gift of counsel* perfects synderesis, and therefore the virtue of prudence” Polo *L. Epistemología*, 250. According to Aquinas, the *gift of counsel* perfects the virtue of prudence (*S.Th.*, II-II, q. 52, a.2), being the reason that “it is proper to the rational creature to be moved through the research of reason to perform any particular action, and this research is called *counsel*” (*S.Th.*, II-II, q. 52, a. 1, co).

Infused justice respects the correlation between the means and their subordination to people. Moreover, it leads to them be elevated, along with the people who possess them, to be accepted by God.

Similarly, infused justice is corrigible. Just as the human person increases acquired justice by improving the goodness of her will, God increases infused justice. Infused justice adds to the acquired justice that it gives the other more than is due, by accepting her as a child of God.

Grace and sin are based on the transcendental-personal level, because both are, first than a manifestative action, a mark of the person. That is, grace is an elevation of the personal act of being to God, and sin is an offence against the human act of being. From there they influence and manifest themselves through the powers of the human essence; by judging through the acts of reason, and by its righteousness through the acts of the will.

Consequently, infused justice extends the vision of this transcendental order from the human person to the personal God. It allows one to see that the acts of judging, the virtue of justice and righteous actions, are intended to be accepted by God and therefore, elevated by Him along with the one who exercises them.

We can, therefore, maintain that the natural virtue of justice really enhances the human person. However, it can be enhanced even further by infused justice. Just as, through acquired justice, one considers “the other” to whom it is necessary to give “his due,” by infused justice, one considers “the other” as an unrepeatable child of God, that is, someone for whose redemption Christ has died and who deserves to be treated accordingly.

Virtuous suffering improves acquired justice. In the same way, injustices suffered because of Christian charity help one to grow in infused justice through a special divine blessing.

IV. PARTS OF JUSTICE

One can analyse the virtue according to three criteria. These are the integral, subjective, and potential elements.³⁹ The integral elements are those essential to justice, without which there is no proper justice. The potential elements are those virtues that are previous to justice. When the virtue of justice considers who lives it in society it is divided into three types, which are called “subjective,”

39 As it is widely known, this distinction comes from Aquinas, see for example *S.Th.*, II-II, q. 48.

based on the categories of people that interact. These types are commutative justice, legal justice and distributive justice.⁴⁰ The most important of the three, according to the classical conception, is distributive justice, because it involves more people and better goods.⁴¹

“There are two integral elements of justice. The first is to give each one what is due when the other lacks it. And the second is to respect the possessions of others, not take them away. Other virtues do not have this distinction.”⁴² Infused justice enhances the integral elements of justice by giving more than what is due and ensuring that what one has obtained helps her to get closer to God.

“The potential elements of the virtue of justice are of two kinds. Those where proper retribution is not possible like the virtues of religion, piety and respect. The second group are those where there is no strict obligation to retribute like gratitude, truthfulness, affability and liberality.”⁴³

There are many dimensions within the virtue of justice, because every man owes much to others, and that debt is in many cases even higher than strict justice demands. For example, one owes life to one’s parents, a value that requires an excessive return, because to give back one must give it’s own life. To our fatherland we owe, for example, the language, the culture in a multitude of its forms, gifts that are hard to repay. To the intermediate social institutions, we owe education, job training, etc. To the country, just laws, infrastructure, and a multitude of other natural and cultural goods.

Norms are the base of judgments. A norm is a type of law. Without laws, there are no rights, and without rights, there can be no society, because it would be disorganized. Laws regulate human relationships starting with the basics, that is, the interpersonal interactions.

Commutative justice regulates interactions among similar people. The rule in such cases is equality. Equality referred to material objects seems to be strict:

40 According to Aquinas, the virtue of justice is firstly divided into general or legal justice and particular justice (*S.Th.*, II-II, q. 58, a. 7), and then particular justice is divided into commutative and distributive justice (*S.Th.*, II-II, q. 61, a. 1). According to this division, the legal or general justice is the justice of the part or individual to the whole or common good, the commutative justice is the order of one part to another, and the distributive justice is that of the whole towards the parts.

41 Another argument is that of Aquinas that distributive justice is the only part of justice that can belong to God (see *S.Th.*, I, q. 21, a. 1). See Manzanedo, “La justicia y la misericordia en Dios”.

42 Polo, *Antropología Trascendental*, 466. See Aquinas, *S.Th.*, II-II, q. 79 a.1.

43 Polo, *Antropología trascendental*, 466. Truthfulness, justice and trust are intertwined: “He who is not truthful cannot be righteous, and without righteousness and without truthfulness there can be no trust.” Polo, *Filosofía y economía*, 428.

what one takes should be equal to what one returns, but nevertheless this is problematic, because a perfect standard of inequality is impossible.⁴⁴ Indeed, justice lies in trying to treat unequally unequal people. Total equality is an injustice because it is to ignore that each person is unique and unrepeatable. “Undoubtedly, inequalities become injustices when they are not advantageous for all.”⁴⁵ As for the first, commutative justice, the key is “*do ut des*” (I give for you to give back). Polo frequently gave the following example: A teacher teaches a course required by the university. It is therefore fair that in the future those who have benefited from such a course and have excelled on it, can start a similar course at their universities.

Legal justice relates the duties of members of a community to the community. The rule is like in commutative justice. The key to legal justice is that each person should subordinate their particular interest to the common good. Polo’s example is that the honour received by a professor should also revert to the university to which he belongs.

V. DISTRIBUTIVE JUSTICE

In this section we will expose Polo’s comprehension of distributive justice and the way infused justice enhances it by considering each person unique, valuable and son of God.

Distributive justice relates the community to each of its members, determining how it shares goods with them. Fair distribution is based on merit. The goods to be shared are not only material but also immaterial. The material goods are easier to produce and distribute.

The key to distributive justice is that the community should distribute the communal burdens according to the capacity of each member. “Thus, it should be said that distributive justice guarantees what is usually called the common good, that is, that the interplay of human endeavours in society be a good for all.”⁴⁶ Similarly, the benefits ought to be distributed according to each member

44 It can be said that “equality is the default principle that applies in the absence of any special claims that can be presented as reasons of justice” Miller, David. “Justice”. *The Stanford Encyclopedia of Philosophy*. (Fall 2021 Edition), Edward N. Zalta (ed.). URL = <https://plato.stanford.edu/archives/fall2021/entries/justice/>.

45 Polo, *Rich and Poor*, 11. “Injustice consists in those inequalities that are not advantageous for all appears when the inequalities that are advantageous for all are forgotten or misused; here “for all” indicates that they are advantageous for man as such” *Rich and Poor*, 9.

46 Polo, *Rich and Poor*, 20. See also Daniel Castañeda, “Requirements for the Study of Time and Action in Polo’s Notion of Law... and in Jurisprudence”. *Journal of Polian Studies* 1 (2014): 121-162, 134.

performance, thus distributive justice is similar to meritocracy.⁴⁷

For those who lead, “to give each one their own” requires “to give to each her due according to her aptitudes, to give each one the task that he can fulfil best”.⁴⁸ Thus, “The justice that has more to do with government is the distributive, not the commutative. The distributive justice is the leader’s own: to establish the rank according to the capacity of each one.”⁴⁹ Since each person is unique and unrepeatable, total equality is an injustice, and to promote it is the greatest injustice.⁵⁰

From what was said it seems that for any type of organisation –family, company, university, government, church– it is important to distribute duties and responsibilities after giving sufficient training and, consequently, promote those who perform well. The opposite to fair promotion is when the so-called ‘climbers’ whose purpose is to be promoted by ‘cunning’ rather than by their performance. This is an ‘injustice’ to those who perform well. Distributive justice should prevent the rulers accumulating power or to treat all those governed by equally giving a minimum reward. The opposite could be a great injustice, since no two people are identical.

Every person has her peculiar character, which is at the level of having – essential level– not of being and has common elements with many other men. The different types of character are usually classified into various psychological ‘typologies’. Distributive justice considers this fact to divide the work and to distribute it according to each persons’ character.⁵¹ “Because of this, distributive justice is an indication of the effectiveness of the organisation, according to which human capacities can be used to the maximum. Lack of distributive justice means that the individual characters have not been taken into consideration. The drawbacks of this lack of adjustment deserve to be underlined, because insofar as some do not fulfil the assigned function –due to the abilities mismatch– they have to be covered up or they degenerate into corruption (abuse of one’s authority). They demoralise other social agents,

47 Cf. Polo, *Filosofía y economía*, 440.

48 Polo, *Ethics*, 22.

49 Polo, *Filosofía y economía*, 420.

50 This is perhaps the main reason for the family to be the model for a good society: parents give specific things to each child because they know that each one is different.

51 Polo indicates that, according to distributive justice, “each one should be attributed to that position for which it is most suitable and not place him in a position for which it does not fit.” Polo, *Antropología de la acción directiva*, 451.

making them give up or cutting the scope of their interests.”⁵²

Justice enhances the preceding ordering by giving more importance to the human person, rather than to the differences or types. This is to take care of each person, for its specific act of being, which is capable of ‘raise above’ one’s own ‘essential typology’. It also allows seeing each person as being capable of being uplifted, ‘make godlike’, i.e., pointing to each eternal destiny.

When justice is based exclusively on ‘types’, it tends to pigeonhole people under these ‘types of character’, and as this way of treating everyone tends to egalitarianism, to treat people as groups. This type of government tends to become bureaucratic. This is to give up on leadership because it does not see people as capable of novelty, but it caters only to what is common to all humans. What is common is quite homogeneous despite the accidental changes of each historic period. The result, when one does seek each one’s depersonalisation, favours the common man dehumanisation, because the human inclination is to what is lower, due to the weight of the original sin. On the contrary, what personalises most is the Christian vision of existence, because such a vision considers each person. Treating people in a homogenising is unjust. This is caused from the loss of knowledge of the most relevant factor of each human person: one’s act of being: “the fact that the great human active capacities are not developed –which is to live a reduced by half life– or not being working is one of the greatest injustices.”⁵³

To promote a human capacity in a unilateral way to the detriment of the others, due to an obsession for specialisation is another type of injustice which is common today. If before some ideologies did not facilitate growth in humanity because they prevented the joint development of the virtues, today an excessive specialisation does not facilitate it either. Justice, like all virtues, is linked to others and cannot exist without them. If one virtue is missing the others are also missing, for the will is, so to speak, *Átoma*, because it only has one ultimate goal, the ultimate good. The virtues activate and allow the will to grow towards the end and adapt to the ultimate good. This shows that God cannot grant infused justice to foster unilateral biases of will, for a will that does not grow globally toward the ultimate good is not open to God. Note that the ‘ultimate good’ of the will must be ‘common good’, i.e. not only of a person’s will but of all persons. That is why the will is open to God as the common good,

52 Leonardo Polo, *La persona humana y su crecimiento. La originalidad de la concepción cristiana de la existencia*, in *Obras Completas*, vol. XIII (Pamplona: Eunsa, 2015), 218.

53 Polo, *La persona humana*, 276.

and therefore one cannot love God without loving others. Thus, the laws that close human access to God do not favour the common good, which means that they are not fair and therefore are not just laws and must be scrapped. These purposed laws are not laws because they only support the private good of the ruler or the people, i.e., they do not foster the common good.

Infused justice enhances commutative justice, by giving more than what is required because one values others as God's children. It enhances legal justice, by assuming as own's the community ends because that is pleasing to God. The distributive justice is enhanced by distributing less burdens and more benefits – unequal burdens and honours– than merited, because one knows that for God that each person is valuable. Infused justice, therefore, implies an over-addition to acquired justice, a more significant donation, because the gifts come from God; and have a higher acceptance by God. Divine assistance to our practical judgments is infused justice. But one cannot ask Him to give an increment when one does not practice the acquired justice. One cannot ask to improve one's judgement when one does not use her reason.

Those in authority cannot allow personal injustices and, even less, social injustices like corruption. Those who do not prevent social injustice are not just. Infused justice still enhances it more: to behave as a Christian one should take the necessary measures, i. e., acting in a way that the decisions made allow each person to have their actions elevated by God's grace.

Without justice, there is no friendship. Friendship is superior to justice, as Aristotle said, because friends share.⁵⁴ Therefore, justice must be subordinated to friendship, or, in other words, justice is a way to foster friendship. Most goods and services are the fruit of personal work. Without “the results of work, justice would be empty... as work is more effective when it is done in common, it involves cooperation, which is a dimension of friendship. The exchange of goods and helping the friend in disgrace are not possible without work.”⁵⁵

Infused justice enhances friendship by working what is out of filial love of God, and fraternally sharing what is produced. Infused justice enhances friendship transforming it into fraternity.⁵⁶ Infused justice encourages fraternal

54 For Aristotle, friendship is the greatest virtue, see *Nicomachean Ethics*, VIII, 1155 a 25 ff. Nevertheless, Aristotle falls short according to Polo, because for the Stagirite one cannot really be a friend of God due to the ontological disproportion. See also *Nicomachean Ethics*, VIII, 1159 a 5. For Polo's reply, see Polo, “Friendship in Aristotle”.

55 Polo, *Antropología trascendental*, 476.

56 “When the pursuit of justice becomes a violence, justice is eliminated, and resentment appears, which is justice's vice.” Leonardo Polo, *Lecciones de ética. Ética, hacia una versión moderna de los temas*

sharing of goods among the children of God. One trusts fraternity because one trusts one's divine filiation. Infused justice leads us to treat others as one wishes them to be treated based on our being children of the same father, God. That's why we co-participate in our goods as children of the same God.

The patriotism, –the love for one's land– the sense of what one owes to her home, must make one realise that one has a debt to those who gave one's citizenship which is higher than commutative justice. All these aspects and others like, piety, honour, gratitude, have to do with the acquired justice, but they surpass it. And of course, infused justice surpasses acquired justice, because it leads to obedience, piety, honour, gratitude to God for such gifts, and to obedience, piety, honour, gratitude to others for God. There is an even more unpayable debt than that of having received life, namely, that of having received from God the personal being that one is. This gift is superior to life because from it, one can even give life (generate) to others out of God's love. One cannot return the personal being unless one becomes nothing, not-being, by annihilation. To recognise such debt is far superior to the virtue of justice.⁵⁷

What precedes indicates that a Christian cannot separate justice from charity. Socrates died a victim of injustice; but Christian martyrs are victims of hate for charity, in rigour, hate of God. One does not like being treated like any other –in common or in general, although the treatment be a good one. Because one feels being different from all others. The root of this feeling is awareness of our personal unrepeatable being. We are at the level of infused justice when we can see that we cannot treat everyone equally. Such a new personal awareness has its root in each person's specific divine filiation. This is because with the infused justice one judges each and every other person in her or her personal real value as a child of God.

Now, in the present world “commutative justice in general cannot be established with exactitude. This is very clear: all that is needed is a situation of monopoly, or a greater capacity for resistance on the part of a few, in order to put others in the situation of having to pay what is asked for.”⁵⁸ Similarly legal and distributive justice cannot be established properly. Moreover, infused justice cannot be completely implemented in this world. All this indicates that

clásicos, in *Obras Completas*, vol. XI (Pamplona: Eunsa, 2018), 137. Resentment kills the infused virtue of charity.

⁵⁷ “To love oneself is wrong or vain, but it does not prevent gratitude for being a person, that is to say, the appreciation of personal dignity. There is no doubt that such gratitude is superior to the virtue of justice.” Polo, *Antropología trascendental*, 490.

⁵⁸ Polo, *Rich and Poor*, 17.

the human life in this world cannot be the definitive one, because one seeks the complete fulfillment of justice and this is not possible. Infused justice requires a definite settlement, that is to say, that God definitively judges each one according to one's actions and according to the repercussion of these action in others throughout history.

VI. 'JUSTIFICATION' OR SOMETHING MORE?

In classical Greek philosophy, injustice could not be redeemed in this life, because the one who has committed an injustice becomes unjust in her being. No one in this world could erase such scourge.⁵⁹ In the modern world by contrast –especially in our times– there is no awareness of committing sin. The sense of sin has been lost, no one feels that vice makes them worse. Everyone considers oneself to be a good person. One can understand the present attitude, because sin always brings some level of ignorance on the sinner. Consequently, the sinner does not know what has been lost by sinning, i.e., the sinner becomes ignorant.

Whether the malice of sin is felt or not, it affects the ins and outs of the human being. Therefore, “it is necessary for God to take the initiative because one is not able to erase the injustice that is in within; one cannot make it just by one own's decision. (...) The Christian repents because he knows that God will forgive him; because he knows that he cannot forgive himself.”⁶⁰ A Christian knows that Christ is the one that has justified the human being; that Christ is the one who forgives sins. But this forgiveness and redemption are not automatic, for although the initiative is always divine, God expects the free answer from each one.

That Christ redemption justifies us is perhaps an understatement because Christ paid much more than what ‘in righteousness’ was due to redeem us. Furthermore, the price he gave was not demandable: “The mystery of the cross should not be understood as mere legalistic justice, as if Christ had filled or satisfied an established measure demanded by God. (...) Christ did not just compensate for human sins but used her status as divine logos from her absolute previous personal being. Through this consideration, one can understand the genuine ontological value of redemption above its moral aspect. We have been

59 “What is the remedy to injustice done? Plato says none because he doesn't know what the remedy is.” Polo, *Persona y Libertad*, 99.

60 Polo, *Persona y Libertad*, 99.

bought at a great price.”⁶¹ That’s why the infused justice that Christ bestows adds gifts that are above what is demanded by the acquired natural justice.

There are modalities of justice where proper repayment is not possible. These modalities are an extension of justice to the transcendental level, to the personal act of being. Polo highlights two natural extensions: Mercy and Glory. Mercy refers to the Origin; Glory to the Metahistorical Future: “Justice does not exhaust intentionality of alterity. It is a central virtue, but therefore, it is surrounded by two other virtues. Mercy is also called piety. It is the reverence due to the origin of the human person, who is not under one’s power. Piety is not exactly justice, because it is based on the recognition of a debt that is impossible to pay, or better, of a gift that does not equal the capacity to contribute. The second is the Glory – not the human level which is what we call honour –. Glory is a human virtue because it is a growth of its very tendency to elevate oneself, that is, excellence, the intrinsic superiority of the final end. The tendency of man points to the other as to what ultimately surpasses her and deserves unconditioned esteem. Without the esteem of the final end the human tendency is diverted from its culmination. Although sometimes this is not clearly perceived, justice detached from these two virtues is unstable because it becomes detached from the dignity of man. If he loses her dignity, man is reprehensible.”⁶²

Piety looks to God as My Origin. Glory sees it as My Recipient. The first looks at Him as Donating. The second as Accepting. With the second one gets to know God better than with the first, because accepting is superior to giving. Mercy is more related to humans accepting than to giving. That’s why Christianity prolongs the explanation of divine justice with its Mercy. And as a result since we are God’s image, it increments our human righteousness with mercy⁶³ towards others.

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61 Leonardo Polo, *La persona humana*, 170.

62 Polo, *Filosofía y economía*, 178.

63 “Mercy must accompany charity, for men are not exempt from misery; also in other virtues: for example, justice without mercy is too severe.” Polo, *Epistemología*, 303.

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