

Resume

FREEDOM IN THE VIEW OF LAW THEOLOGY AND PHILOSOPHY

The study is focused in the first part on the conception of freedom and divergence between freedom as general term and freedom of choice. Some authors reflect freedom, but they do not specify your conception of freedom. Man's freedom according to *Gaudium et spes* (17) means: "Authentic freedom is an exceptional sign of the divine image within man." There is the crucial problem: "authentic freedom" – what it means. The study compares conception of freedom by these outstanding theologians: Anselm of Canterbury, S. Augustin, Bernard of Clairvaux, Origenes and Karl Rahner. Accuracy of expressing is necessary for right understanding each other. Transcendental freedom according K. Rahner implies man's freedom as the foundation of human being. Everybody has transcendental freedom, man's dignity is not possible without freedom, otherwise would be man only an instrument destined to certain existence.

Freedom of choice arises from transcendental freedom, but it does not imply man's arbitrariness, because everybody has own dignity and freedom, which belongs one person is the limit for each other person. Transcendental freedom is equal by each person contrary to freedom of choice, which is impacted of man's personality and also external circumstances. The study analyzes also conception of freedom in several ecclesiastical documents. Primarily the study quotes *Veritatis splendor* (96): "There can be no freedom apart from or in opposition to the truth." This statement is concerned about freedom of choice, not transcendental freedom as the foundation of human being, and implies truth as man's dignity and human rights infer from them.

The second part of the study is related to relationship between freedom and morality. Moral assessment of man's behaviour must take into consideration conscience. Man obeys the voice of conscience, which speaks in his heart. Morally right behaviour implies behaviour according own conscience. There are some doubts about rightness of conscience. Misjudge conscience obliges man in the same way as right conscience. Doubts imply from impossibility to ascertain faithfulness of own conscience. Society can not allow any behaviour according to own conscience, because society is obligated to protect each person and guaranteed equal rights for everyone. Ecclesiastical documents often underline obedience to moral norms, but

first of all is faithfulness of own conscience and its formation. Freedom in moral code entails possibility to behave according to own conscience and responsibility for its formation.

The last part of the study is concerned with freedom and law and with nature of law in general and with particularity of canon law. Conception of law means just laws norm, but law as value category. Law is not an instrument of power, but the instrument of human cooperation, of preservation and blossoming of society. In the point of view there is only law in general, one conception of law. Canon law is not the sui generis law, it includes merely some specific norms. Several canon norms are opened, they are according their nature morals norm, for man is possible to respect completely laws norm, but moral norms do not have limits. Author concludes, that it would be better for Christians have the separate constitutional charter, than mutual existence law norms and moral norms in the same codex.