

(Un)free will - the essential question of human existence and "primeval source" of troubles within contemporary normative systems

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The author presents a mystery that has long been occupying human minds and which represents one of the most essential questions of human existence. Can a person behave according to his will and reach decisions in a free manner, or is his behaviour inevitably set in advance by physical laws and endless chains of causes and consequences, which lie beyond any possibility of human impact? We are dealing with a dilemma that is the main subject of the eternal dispute between determinists (opponents of free will) and indeterminists (defenders of free will). In common language, we are discussing an issue that is widely known as the problem of »the power of human beings in the combat with all-embracing fate«. The author first questions the sense of repeatedly opening discussion on this age-old dilemma. At the same time, he points out the fatality of a need to create a factual and objective basis for all modern social settlements that - at the current point of their evolution - fail to deal with the growing power of arguments from determinists. The author then describes some significant weak points of traditional debates about liberum arbitriae. In the next part of the article, he reasons about the question of how long jurists will be able to maintain the dogma of human beings as »absolute masters of their fate« and, finally, tries to highlight the (critical) meaning of our attention to various natural and social limitations of human freedom for the efficiency of modern legal systems.

Key words: human behaviour, free will, determinism, philosophy, law, legal norms

UDC: 159.947.2 : 340.13