

ABSTRACT

Presented thesis deals with different approaches and methods of research on the free will issue and with the comparison of these approaches and methods. First part comprises of description of the philosophical discourse of free will. This part is divided into four sections. First section includes those free will concepts that can be called hard-deterministic, as they hold the laws of physical determination to be true and they believe that there is no such a thing as a free will in this world. Compatibilist theories whose authors claim that the laws of determination and free will are able to coexist are included in the second section. Third section encompasses those free will theories that claim that free will is not possible both in deterministic and non-deterministic world. These theories are called impossibilist. Libertarian theories which claim that in fact there exists free will in a non-deterministic universe constitute the last section.

Content of the second part of the thesis is based upon neurological studies and praxis of legal experts in the field of psychiatrics and psychology in the Czech Republic. Opening section consists of three divisions. The first one is devoted to the description of the physiological correlates of will processes and to the cases of disruptions in these processes. The so-called Libet's experiment and consequent studies that were researching the relationship between neuronal activity and consciousness are described in the middle division of this section. The last division occupies itself with neurological illnesses that lead to a loss or restraint of control over one's movements. Focus of the second section is on the work of legal experts while studying capabilities of will. Description of the legal regulation of the legal psychologically and psychiatrically expertize has a place at the beginning of this section. The second division of this section deals with variety of phenomena's that are psychiatrically and psychologically accepted as influential in the relation to capabilities of will.

The last part of thesis deals with selected components of the penal law system that have a sort of affinity with the free will. First section is devoted to different penal theories (utilitarian and retributive) which are trying to legitimize and justify crime acts punishment. The last section deals with the construction of legal institutes of sanity and fault under the terms of Czech penal law.

Key words: free will, hard-determinism, compatibilism, impossibilism, libertarianism, neuroscience, legal expertise, capabilities of will, penal theories, sanity, fault