Freedom and Law

The Law of the Ancient, the Rights of the Modern

András Lánczi

The concept of freedom, like many other concepts and ideas, was developed or invented by modern liberals. Anyone may attempt to appropriate or absolutise an idea, yet it will not be theirs. Every concept and idea about something will always have rivals and critics. There were such opponents in the past, just as there are today. Ideas of freedom have been formulated within ancient Greek, Roman and Christian philosophies as well as modern human rights doctrines. They are, in part or in whole, in dispute with each other, they always have been, because freedom, like other concepts, needs a point of reference: It may be God, Nature, or individual human reason. Ultimately, even the simplest human questions are surrounded by the totality of existence; that is, one cannot be answered unless the respondent, openly or implicitly, takes a stand on the simplest or first questions that man has always asked himself. Today, many profess to believe what modern, that is empirically based, science says. It is as if modern science and truth are in complete conformity.

Modern science, however, has consciously renounced two things: One is the requirement to be guided solely by truth, instead it may be guided by usefulness or by an ideology, and the other is the ineradicable link between knowledge and the morality of human coexistence. Because of this, modern science has abandoned its understanding of the whole, relativised knowledge, shattered the whole or the completeness and politicised human coexistence by minimising, if not downright eliminating, private life by turning all human phenomena, actions and thoughts into public matters. Despite the idea of modern freedom being tied to the individual, in fact the freedom of the individual, in a moral sense, as opposed to the rights of political or physical freedom, is narrowing, while liberals seek to expand the scope of political freedom in very particular directions, such as gender rights, the naming of desire-driven or purely subjective legal bases, or the rights of natural objects. Man lives in a social mass, mass democracy, mass production, mass culture, in the all-politicising-propagandist-ideological (non-truth-seeking) framework of modern democracy, as well as in the omnipotent hope of technology.

In the midst of these conditions, the individual no longer reigns over his own world; moreover, it is not even desirable any more. More specifically, the freedom

of the individual is formal, in the sense of content – because of the omnipotence of science and democratic propaganda – while in fact, the individual has become a mere tool of the public. I call this set of circumstances a modern totalising trend. No matter what modern political system we are talking about – Soviet or American – we can talk about a mutually exclusive version of the totalising trends. The main tool of the totalising trend is the idea of modern law, both politically and in terms of social organisation and administration. As for the rule of law in politics, it is the same model as that of managerial governance in the economy and administration. There is no need for a leader in either sphere, only controllers following algorithms. We live in 1984, whether we like it or not. When we talk about freedom today, we are thinking almost exclusively of a totalising political freedom that promises and provides comfort and boredom rather than freedom. It is in the light of these thoughts that I will examine the concepts of laws, law and freedom.

I Freedom ancient and modern

As the idea of the modern state evolved, of the state as the ultimate safeguard, guarantee, protector and distributor, privacy became increasingly distorted, moving toward its destruction. Increasingly, the public envisage freedom as something guaranteed by the state, rather than based on individual decisions. It is as if the nature of freedom is inherently political and not metaphysical or transcendental. It was at this point that the two paths of modernity diverged sharply: The modern materialist, anti-metaphysical idea of human rights and the classical (antique and Christian or religious in general) concept, which takes order, God and Nature as the starting points to determine man's position, opportunities and objectives. No compromise is possible between the two perceptions, at best a short-term pragmatic coexistence or a stalemate. Modern democracy is said to be able to accommodate these two completely opposing ideas. Certain trends in the modern conservative position serve this purpose, but it does not equate to the overall conservative view. This attempt at consensus currently legitimises the rule of modern Western civilisation worldwide. The globalising or westernising civilisation of today is, in fact, the testbed of American historical experimentation: Is it possible at last to eradicate political differences arising from ethnic, as Americans say, racial, religious and cultural affiliations? This has not been the case to date; in fact, economic expansion and the greater convenience that comes with it hold the American historical experiment together.

According to the ancient Greek and Roman views, it is not realistically conceivable to eliminate the differences between people: Men and women, lords and servants, leaders and followers exist by nature. No-one can change this. This is the basis of the political philosophy of both Plato and Aristotle. Another basic premise of theirs is that man is an intermediate being; that is, he is able to perceive

the divine, he is able to reason and think, but at the same time, man has animalistic, instinctive qualities that are difficult to control by reason. The third precondition of human life is that man is a communal being; therefore, all human life is regulated by communal customs and regulations – legal and moral norms – that determine the way of life that a community lives. Whatever lifestyle a community leads, it attempts to build inner peace, which is hampered by the origin-, belief-, customs-, wealth- and interest-based relations within the community and by individual beliefs that constantly produce fractures and cracks in the community. Forging community cohesion is therefore a constant task within the community. The community needs to have self-awareness, purpose and a system of mechanisms, as it selects its leaders and makes its decisions.

If these conditions are laid out, the antique notion of freedom becomes immediately understandable. Freedom is never of a political nature but is a matter of metaphysical and moral perfection and the inner perfection of the individual ('the deficiencies of nature are what art and education seek to fill up'),[1] which allows the internal unity of the community, its goodness and the possibility of a good life to develop. It is not the political system that validates a person; it cannot ensure that he leads a good life, but, inversely, a virtuous person will be able to form a good community. The opposite is true of today's perception: If the political system is good, then the life of the individual will be good, whatever the concept of good means here. The ancients made education one of the most important tasks of the state, because the character of the state depends on the education of its citizens or subjects. There are as many forms of state, as there are lifestyles, depending on the nature (democratic, aristocratic and so on) of the education the people receive.

It is no different with Plato; there are only differences in emphasis, methods and tools. While Aristotle's aim was the good life, for Plato justice was the main goal when seeking the best political order. Because Aristotle's approach was more realistic, the main goal for him was to create and maintain peace; for Plato, it was the development of fair laws, whether it be in the best existing state *(The Republic)* or in the best possible state *(Laws)*. Of course, according to both views, the greatest goal of political action is to make good laws, which requires a political philosophy. The two perceptions also share the belief that freedom is not political in nature. Freedom is a private matter, because it is based on self-control and not on the nature of public power; according to Plato, even in the fairest state, there are rulers and the ruled, so everyone has to live a life according to their nature, which implies that in doing so someone's life will be the most satisfied. Is this freedom? Today's view would answer this with a definite no, but the ancients answered in the affirmative, although they would not use the word 'freedom' here at all.

---

1   Aristotle, *Politics*. Transl. by Benjamin Jowett (Oxford: Clarendon, 1885), 1337a.

According to the ancients, the greatest freedom is to defeat ourselves, to resist the destructive forces of our own nature. Freedom was never an abstract concept for the ancients. It is not freedom that is the starting condition for a good life, but a virtuous life, one which can be achieved through education, because everything that exists must be viewed from the perspective of its purpose. An excellent example is the relationship between virtue and freedom in Aristotle's concept of 'leisure'. All life, Aristotle argued, takes place in choices between goals:

> [T]he actions of the naturally better principle are to be preferred by those who have it in their power to attain to both or to all, for that is always to every one the most eligible which is the highest attainable by him. The whole of life is further divided into two parts, business and leisure, war and peace, and all actions into those which are necessary and useful, and those which are honourable. . . . [T]here must be war for the sake of peace, business for the sake of leisure, things useful and necessary for the sake of things honourable.[2]

Peace and relaxation, tranquillity and leisure. In Greek, the word *'scholē' (σχολή)* is used (see Josef Pieper),[3] which denotes the time that one uses at one's discretion. A free life is the opposite of that of a slave, who has no spare time. One who lives for others in every minute of their life cannot be free. However, in a community like the human community, we are constantly living, acting and thinking for other people, because we are moral beings. Of course, the extent to which we do so is by no means irrelevant. The slave has hardly any spare time, the free man can have essentially any length of it. It cannot be denied that most people would not only choose the latter but would be willing to sacrifice the spare time of others for their own at any time.

According to the ancient concept, nothing is for itself, everything is for something else: Woman is for man, the servant is for the lord, war is for peace, the cause for the effect and man is for the gods. Modernity began when the original meaning of nature *(physis, φύσις)* was replaced by a new concept of nature, the idea of purpose-causality was gradually replaced by analysis, the methodology of fragmentation of the whole (René Descartes, *Discourse on Method*), which had culminated by the twentieth century in deconstructivism. There is no whole, no justification for philosophy, and theology is an internal affair for religious people. The scientific focus was directed at the cause-and-effect relationship. There is a reason for all of this; the effect or the effecting cause replaced the purpose-cause. Behind this, a huge intellectual rearrangement took place. Slowly but surely, the classical conception of nature was classified as obsolete, replaced by the principles of the new science – empirical observation, a material approach, mathematical modelling, the prioritising of logical constructions over rhetorical approaches.

---

2 Ibid. 1333a.
3 Josef Pieper, *Leisure. The Basis of Culture* (San Francisco: Ignatius, 2009).

The idea of modern freedom was made possible by a radical transformation of the concept of nature: The conditions for the idea of modern freedom were economic development (Blaise Pascal did not waste a single word on the economy in the seventeenth century), which began with John Locke's justification of unlimited acquisition (that is, there is no objective argument to justify how much material wealth one deems necessary to sustain one's life), the detachment of law from the concept of laws whereby truth and justice were deliberately separated from each other and human law (positive laws) became a source of legitimacy and rights, as opposed to divine and natural law. The greatest influence of the French Revolution can be understood as this. In short, the source of freedom is neither divine, nor transcendental, but depends on the decision and support of members of the human community. Human rights are what human rationality can legislate, backed by the power of the democratic majority. The essence of freedom is political rather than divine or natural. This holds true, even if the early modern conception of freedom was rooted in modern natural law by Thomas Hobbes, Locke, Jean-Jacques Rousseau, in part by Georg WF Hegel, and least of all, Immanuel Kant.

It has long been noted that proponents of modern human rights teaching are simply unwilling to deal with earlier concepts of freedom and classical human rights. They are already 'beyond' these old things. Conversely, those who profess the classical sense of natural law typically make systematic attempts to address modern concepts of human rights and freedom, as they see a challenge in them. This could be termed *progressive asymmetry,* but the point is that modernist concepts are constantly striving for a radical transformation of a culture that ends in self-abandonment and a form of universalism in which there is only one dogma (positivist human rights) and its logical protection. The essential difference between these two concepts has been known and reflected on for quite some time.

Pál Kecskés's concise paper, *Természetjog,*[4] describes the difference between classical natural law and modern common law, thinking with such conceptual precision that it is still a compulsory reading even today. Kecskés's succinct formulation identifies the different perceptions of the relationship between law and morality in natural law approaches and modern human rights thinking, the current interrelationships between freedom and law, the conflicts between individual and community rights, and the philosophical depths of this permanent and volatile difference. The classical unity of thought encompassing laws, the law and freedom disintegrated with the advent of modernity. The hierarchy of laws gradually evolved into a focus in natural law on eternal and divine laws, then slowly, after the French Revolution, the concept of natural law also weakened, and positive law became the expression of laws. While the eternal and divine laws are one, natural law already entails natural laws, and today the number of laws is, in principle, infinite. From the one God many, many religion-substituting gods emerged; the concepts of laws

---

[4]   Pál Kecskés, 'Természetjog', *Magyar Szemle* (May 1940), 321–328.

and the law, the law and morality, and politics and morality have diverged; a gap appeared between past and future, virtues were replaced by values, and man or the person became an individual in modern understanding. All of this has been seen as a positive sign of progression.

How was the ideal of modern rights (plural) created from the classic *jus* (singular)? Answering this question is the key to understanding the difference between the old and modern conceptions of freedom. The process of divergence can be traced from the mediaeval Franciscan debates on the nature of property to the arguments against the natural justification of private property, which culminated in Pierre-Joseph Proudhon's and Karl Marx's philosophy of the abolition of private property (in practical terms, of course, the timescale extends to the communist regimes of the twentieth century). The seriousness of this issue demands an examination of the philosophical-Christian judgement of free will, the focus of which is on Augustine of Hippo's writing on free will, Thomas Aquinas's *Summa Theologiae,* and Pope Leo XIII's encyclical on freedom which will be drawn upon for examples. The classical definition of freedom can be traced back to ancient philosophy; the Christian concept evolved from this, first absorbing the thoughts of Aristotle, and second the thoughts of the Stoics. Saint Thomas's constant references to Aristotle are known even to the less philosophically educated, but perhaps it is less known that there was a correspondence between Saint Paul and Seneca.[5] That there indeed was such a dialogue reinforces the need for an intellectual connection between the Stoic law and the Christian concept of freedom, which means that it is justified, along with other arguments, to show the continuity between the ancient and the Christian concept of freedom.

Law or *rights* – this difference between singular and plural reveals the fundamental difference between classical European (ancient and Christian) rule-making and the concept of freedom, as well as the tension and even conflict between them. In other words, it encapsulates the contradiction and sometimes struggle between the classical and modern concepts of Law – natural law and positive law. All sources of controversy arise from differences between judgements of the concept of rules. In European culture, as in any other culture, the concepts of rules or the right way describe what can and must be done if we want to stay alive or if we want to live well. It is only in the European culture that the concepts of 'how one must live' and 'how one ought to live' have divided. The 'ought' expresses that human rationality is able to shape what is given by nature, or to deviate from the experience we have lived so far, which may be full of trouble, war, insecurity, poverty, or as the Greeks expressed it, the condition of *statis* (in ancient Greek, *στάσις*) threatens,[6] a kind of chaos that people cannot control, even though it is caused by people.

---

[5]   Claude W Barlow (ed.), *Epistolae Senecae ad Paulum et Pauli ad Senecam* (Rome: American Academy in Rome, 1938).
[6]   For a detailed description of the phenomenon, see Thucydides, *The History of the Peloponnesian War* (London: Penguin, 1972), Book III.

II Saint Augustine on free will

The philosophical starting point for all later Christian concepts of freedom is Saint Augustine's book on free will, from which branched Pelagius's discussion with Saint Augustine. The Augustine–Pelagius debate is the first metaphysical debate on freedom. This was followed by a debate later, toward the end of the eighteenth century, between Edmund Burke and Thomas Paine on law, freedom and the limits or infinity of human rationality. In the third part of Saint Augustine's book, he compared the nature of a stone and the will. A stone cannot prevent itself from falling downwards, but there is nothing to prevent the will from following higher things, and it will only love lower things if it so wills. In other words, 'the movement of the stone is natural, but the movement of the mind is voluntary'.[7] The movement of the will is controlled by man, that is, a free being.

The Christian concept of freedom is the very first question of Christian philosophy, and may be examined within the question of free will. The concept of metaphysical and/or religious freedom differs from most modern notions of freedom, in that its starting point is different: For the modern man the basis of thought or rationality is the individual, while in the metaphysical-Christian concept, it is God. These two are in irreconcilable contradiction, although this does not mean that the two concepts can always and in all cases be clearly separated. This is because both God ('Why, Lord, do you stand far off? Why do you hide yourself in times of trouble?')[8] and Evil are hidden (since this is their nature); they do not show themselves to earthbound human nature. The Fall expresses the real existence of evil; it also refers to the free will of man, which makes man a moral being, one who can choose good or evil. The basis of all freedom, metaphysical and political, is the free will of man *(arbitrium liberum),* however, its classical-Christian bed-stone is the evil or bad.

Saint Augustine began his paper on free will *(De libero arbitrio),* written in dialogues, with the following sentences: 'Evodius: Please tell me whether god is not the author of evil. Augustine: I shall tell you if you make it plain what kind of evil you are asking about. We usually speak of "evil" in two ways, namely when someone has (a) done evil; (b) suffered something evil.'[9] The opposite of evil is good. According to Saint Augustine, the source of this is God. If one accepts that God is good, (what else could He be?), a field of thought emerges in which the relationship between evil and good forms the basis of the first or metaphysical opposition. God cannot want evil – yet there is evil in the human world. How can this be? Saint Augustine turns to circumstantial evidence: One can only cause

---

[7]   Augustine, *On the Free Choice of the Will.* Ed. and transl. by Peter King (Cambridge: Cambridge University Press, 2010), 74.

[8]   Psalm 10:1.

[9]   Augustine, *On the Free Choice*, 3.

evil if one does not learn to be good. The concept of learning becomes a central argument. Here, of course, we do not see a foreshadowing of the principle of modern Enlightenment, but the problem that knowing good presupposes that good is absolute. Without knowing God, the possibility of avoiding evil becomes very uncertain.

At this point, Saint Augustine introduces the concepts of temporal and eternal law. In his argument, he shows that human laws are volatile and therefore unable to provide guidance on absolute issues. Laws limited by time – temporal laws – are variable; eternal law is singular, that is, it cannot be plural, as opposed to human laws, which occur in the plural, and furthermore, it is constant and unchanging. Saint Augustine began his writing of free will by clarifying the nature of law, because the human will can nurture many kinds of disordered desires that can easily go astray, and so the good provided by Divine law – as a command – could not help the individual's decisions. It goes beyond question that a human decision to avoid evil is a prerequisite for being able to distinguish between temporal and eternal law. The second important condition is that man, as opposed to animals, is a sentient being, and as such is able to understand the eternal law, and is capable of directing his decisions for good against evil. It follows that while human law can be unjust, eternal law can only be just. Although this is a metaphysical approach to freedom, Saint Augustine cited realistic and typical cases to show that human law often conflicts with eternal law. For example, when a man kills a bandit to save his own life, or when a commander orders his soldier to kill an enemy, but the soldier refuses to do so, for which the soldier must be punished under existing human laws. According to Saint Augustine, a law must be fair, otherwise it is not a law.

In another part of the Augustinian work on free will, the author raises the question of '*why* god gave human beings free choice of the will'.[10] The answer starts from the existential situation of man: If it is the case that there is good and bad, and man is able to recognise this with his mind, then free will obviously serves this cause, which is why man received it from God to 'live rightly'. For otherwise he would not be allowed to choose to commit evil instead of living a good life, because without choice the punishment would be unfair, for which he would be punished for committing evil! At the same time, Saint Augustine summarised three additional issues related to free will: (1) Why is it obvious that God exists?; (2) Do all good things come from God? and (3) Can there be such a thing as free will? This is followed by Saint Augustine's epistemological explanations, which are interesting in that free will can be derived from what is not variable, that is, from God and the eternal law, as opposed to changeable material things.

Saint Augustine included the human mind among changeable things: '[R]eason is surely proved to be itself changeable when at one time it strives to reach the

---

10   Ibid. 30.

truth and at another it does not, and at one time it reaches truth and at another it fails.'[11] This finding clearly contrasts Saint Augustine's conception with the modern rationalist use of reason: Free will cannot arise from reason because it is volatile, and its relation to truth is uncertain. Consequently, it is not rational thinking but a deeper knowledge of objective truth or reality that can lead to freedom. In other words, God is higher than reason. The material world is diverse, consisting of many parts, so it is volatile. In contrast, the highest good can be recognised in truth, which may be called wisdom. Moreover, as Saint Augustine explained at length, this wisdom is available to anyone because it is common to all; no one can say that it is exclusively his. Furthermore, '[o]ur freedom is this: To submit to this truth, which is our God'.[12]

The truth is unchanging; it cannot desire evil, it ensures the security of cognition, as opposed to volatile things that may necessarily be shaped. However, no volatile thing can shape itself. In addition to the objective good, in the existence of God, it is important to see the will, which the author calls 'intermediate good' when directed to the unchanging good, is a good in common, not belonging to a single individual; that is, it constructs human existence as a communal existence. Anyone who has virtues can choose to do good, but virtues are not community goods, they must be shaped by each person for himself. When one aspires to more menial (volatile) things of his own will, they will also be selfish, as they will seek their own good. 'Do not hesitate to attribute to God as its Maker everything in which you see number and measure and order. Once you remove these things entirely, absolutely nothing will be left.'[13]

Surprisingly, in the third part of Saint Augustine's book, he brought up suicide as a further interpretation of free will. First, however, Saint Augustine sought to clarify the nature of divine foresight. If God is the supreme good, His existence is necessary and stands above human reason, and then God must also know what will happen in the future. But how does divine foresight relate to the free choice of our will? Saint Augustine resolved the contradiction by saying that God presupposes human will and that man has the power to want. Whatever man chooses, whatever he wants, he fits into the divine omniscience from the outset, because He knows that man has free will. God also knows that an individual can want to commit evil. If one chooses evil, then one can also be sure that one will not escape punishment: This is included in Divine foresight. Although Saint Augustine only dealt with it in passing, it is important: 'Reason and utility evaluate matters differently.'[14] Reason judges in the light of truth, while habit easily becomes lost, as it is not necessarily guided by higher things.

---

[11]   Ibid. 42.
[12]   Ibid. 59.
[13]   Ibid. 71.
[14]   Ibid. 85.

Saint Augustine's metaphysical mind-set is, again, reinforced by realistic elements: Children come to accept sooner that a person dies than when their favourite bird does, which, of course, adults say can be corrected by education. Every person wants to be happy, and if this is not possible, they would even rather die. The juxtaposition of unhappiness and existence introduces the theme of suicide into Saint Augustine's line of thought. If one were to die rather than live unhappily, one loses the essence of human choice, namely that the choice between higher and lower things constantly characterises human life. The choice of non-existence is not a choice of 'something' but of 'nothing'. '[T]he whole of his pursuit in the wish for death is not meant so that the person who dies is not, but rather so that he is at rest.'[15] There is an order of existence, a hierarchical order that the will must follow.

This supports the claim that all nature is either corruptible or not. Non-corruptible nature is good. What is nature? Often referred to as 'substance', all substance is either God or comes from God. All good is either God Himself or comes from Him. In this way – referring back to the whole question of where evil comes from – evil comes from the corrupted will, when one uses one's free will in a distorted way. The main question, then, is not whether man has free will, but why he misuses his will. The answer, according to Saint Augustine, is that he is a free being, in a metaphysical sense, and this is not a political, legal, or, as they would say today, social issue.

Pelagius's discussion with Saint Augustine echoes the essence of later conflicts between modern liberals and conservatives: As a kind of liberal, Pelagius denied the notion of original sin.[16] At birth, man is neither good nor bad; that is, sin is not an inherent part of human nature. In fact, bad habits make a person bad, so habits must be broken by the power of the will. In institutional terms, this debate ended with the Council of Orange of 529, which clearly took a position on Saint Augustine's view. At the same time, again using later concepts, it was a position against anthropological pessimism over anthropological optimism. Without assuming original sin, it is not possible to give a coherent explanation for human sin or evil. This was to determine the path of Christian classical philosophy.

As can be seen, the issue of freedom is closely related to the description of the status of law, rights and human existence (or human nature). According to Saint Thomas, the definition of freedom is essentially an integrated repetition of the Aristotelian and Augustinian definitions: '*The free is that which is its own cause:* and so the free has the aspect of that which is of itself.'[17] In Saint Thomas's main work (*Summa Theologiae,* I Question 68) it is easy to realise that he reproduced Saint Augustine's argument, even by repeating the fall of the stone and the difference attributable to human free will. While certainly not underestimating

---

[15]   Ibid. 90.
[16]   See *Pelagius's Commentary on St Paul's Epistle to the Romans* (Oxford: Clarendon, 1993).
[17]   Thomas Aquinas, *The Summa Contra Gentiles* (London: Burns, Oats and Washbourne, 1924), 161.

Saint Thomas's thoughts, it is not necessary to analyse his argument separately from the point of view of the current topic – the difference between classical and modern freedom. It is certainly possible to integrate Aristotelian and Christian philosophy, but, from the point of view of the history of ancient and Christian medieval European philosophy, the real fault-line lies not between the former two, but between the ancient and Christian classical notions of freedom and justice on the one hand and the modern notions of freedom and justice on the other hand. This holds true even if it can be shown that there is a mediating channel of thought between classical and modern natural law, because there could not be a complete cut-off between the classical and modern worlds.

However, modern natural law teachings and concepts have also made a break with classical natural law teachings within this intellectual field. The classicist based his argument on the concept of Law being identical to the laws, while the modern separated the doctrine of law and the laws, and even rights. Laws are no longer necessarily commands, and the law is meant to guarantee the well-being and political security of the individual or individuals from that point onwards and for as long as the majority human opinion can be lined up behind it. Modern thinking, after all, openly or covertly aims to influence the opinion of the majority in order to maintain the idea of modern rights. One of the most important constructivist works to have been written on the modern conception of law is by John Rawls *(A Theory of Justice)*. The following sentence clearly articulates the essence of modern freedom, which distinguishes it from earlier concepts of freedom: 'Thus liberty and the worth of liberty are distinguished as follows: liberty is represented by the complete system of the liberties of equal citizenship, while the worth of liberty to persons and groups is proportional to their capacity to advance their ends within the framework the system defines.'[18] This means that freedom is constructed by equality, which, through the totality of rights (in the plural), forms a system, and individuals and groups live by it (or not) in their own moral perception.

We do not know where the idea of equality as an axiom comes from, but it is clear that it is a constructed system, which neither God nor Nature has anything to do with, because, according to the modern conception, the individual or mind left to itself does not need them. This is because the essence of the modern conception of freedom is to discover and focus on the European individual. Benjamin Constant's notable work on the difference between freedom in antiquity and modernity clarifies this point: 'Individual liberty, I repeat, is the true modern liberty. Political liberty is its guarantee, consequently political liberty is indispensable.'[19]

---

[18] John Rawls, *A Theory of Justice* (London: Belknap, 1971), 204.
[19] Benjamin Constant, 'The Liberty of Ancients Compared with that of Moderns', in Benjamin Constant, *Political Writings*. Ed. and transl. by Biancamaria Fontana (Cambridge: Cambridge University Press, 1819), 323. See also Michael Rosen and Jonathan Wolff (eds), *Political Thought* (Oxford: Oxford University Press, 1999), 123.

III Natural law, law of nature

The modern understanding of freedom consists of two main elements: One is the new concept of nature, and the other is the transformation of freedom into a political interpretation. Consequently, modern natural law broke not only with the notion of classical law (eternal law and Divine law), but also with classical natural law, since classical natural law has metaphysical roots while the modern version takes a materialist approach. Therefore, it may be questioned anew whether or not the image of nature of the materialist Hobbes, or the atheist Baruch Spinoza or Rousseau still has a metaphysical basis, or whether the French deists' concept of God did not feed exclusively on new science. Modern natural law was nourished by the modern conception of nature and gave freedom a political interpretation by separating law from the laws and by pluralising it to the individual, in that modern natural law thinkers began to speak of rights.

Classical natural law assumes the hierarchical nature of the world, while the idea of modern rights is based on the principle of equality. Although classical natural law also had its own conceptual political implications such as the idea of a mixed form of state, the virtue-centredness of citizenship or linking, the characteristics of a statesman greatness, the concept of freedom remained within the metaphysical sphere of interpretation. In contrast, modern natural law has founded freedom on the legitimacy of human communities based on human rationality. The point is that everyone enjoys freedom from birth – based on the application of the principle of individuality – and loses it only because of a bad political arrangement. Rousseau's thinking in this direction was indeed a breakthrough: The concept of nature, in Rousseau's interpretation, became the framework notion of an inherently innocent, morally good individual, as in the state of Eden before politics. But because man had left his pre-original state for obscure reasons, men's relationships with each other deteriorated, and a solution thus had to be found by means of politics. Contract theory, which paved the way for written constitutions, also transformed freedom into a political problem. Just as the modern concept of nature made God an epistemological question, contract theory deprived freedom of its metaphysical dimension.

Although there are many interpretations of nature, they can be grouped into roughly two basic types. One asserts that nature expresses 'the nature of things', while for the other it expresses 'the things of nature'. The first view was mainly emphasised by the ancient authors, according to which we can identify a thing on the basis of what internal force operates it or drives it – what makes a thing what it is. Accordingly, we speak of the nature of a plant, animal, or man. In contrast, the second interpretation reflects the concept of nature commonly used today, grass, tree, flower, sea, fox, land, and so on. Modern natural sciences start from the latter notion of nature; all scientific discoveries are directed at the things of nature, and this is considered to take precedence over the notion of the nature of things. Technology

has now reached the point where it is able to create a virtual reality that has its own world, is able to fill the realm of human mentality and imagination, and creates rules that users are willing to keep voluntarily, even by sacrificing their freedom. It can be said that this is not a change of level, but a shift in focus. So far, we have looked at the trees and said it is 'nature', but now we observe still and moving images. Perhaps, from now on, this new virtual world will be 'nature'.

In the eighteenth century, Voltaire composed a brief conversation between the philosopher and Nature in his dictionary of philosophy. The philosopher is constantly bombarding Nature with the question of who he really is. Nature ultimately surprises the philosopher, revealing that he is in fact a creature, not the ultimate source of things, although this seems to be the case. Nature poses a question: 'Since I am the whole being, how is it possible for a being like you, who is a tiny part of me, to comprehend it all?' My suspicion is that, because modern man considers himself the lord of everything, he really thinks he can do everything. He can change the climate; even human decisions can be replaced with robots.

Overcoming or dominating nature would mean that man is able to overcome his own nature. But who will overcome it? Obviously a select group of people – which in turn raises serious power and political issues. These revolve around the problem that there will be a select circle of people who know things, and there will be a multitude that will be forced to follow, and to accept the decisions of the chosen elite. One might be tempted to remark that this has anyway been the case throughout history. It did not claim, however, to be either liberal democracy, the rule of law or the inviolability of human rights. The conceptual and practical aspect of power can never be eliminated because it cannot be technicalised; it cannot be made to appear neutral, much less independent. So far, Communism has been the only publicly acting political force that has sought to achieve domination over history in a practical way. It is a sad realisation that Communism is not the only aspirant in modernity.

IV Paine's discussion with Burke on freedom

The second half of the eighteenth century, especially the period of the French Revolution, was characterised by an intense clash between intellectual positions which had formed gradually over previous decades. It is impossible to summarise briefly the elements of the diversified European intellectual movement, collectively referred to as 'the Enlightenment', although its essence is best understood by examining the items of debate between the 'old', or the ancient, and the 'new', or modern. The point of the debate is who is right when seeking answers to one's most basic questions: The old or the new? The most important argument of the new, that is, the modern, was (and still is) that the present takes precedence over all that is past; that is, the past does not bind the decisions of the people living today and the present does not have to be influenced by its decisions, opinions, experiences

and perception. The past does not help the living; on the contrary, it hinders the formation of their own decisions. Translated into the language of freedom, our decisions should not be motivated by avoiding evil, as Saint Augustine had written about free will, but by anything else: prosperity, justice, scientific truth contradicting religion. Given the longer-term impact, it is worth recalling at this point Paine's opinions of Burke's views condemning the French Revolution.

When, in 1790, Burke published his book entitled *Reflections on the Revolution in France,* his compatriot, Paine, who had already emigrated and settled in the United States, published a number of articles that preceded his paper written in response to Burke *(Rights of Man).* In 1776, Paine wrote a pamphlet entitled *Common Sense,* which came out in favour of the American Revolution based on the argument that the past must be completely ditched. What is more, every government is evil in itself, as opposed to the innocent society: 'Society in every state is a blessing, but Government, even in its best state, is but a necessary evil; in its worst state an intolerable one.'[20] Paine claimed no less than that the state, government and politics are the source of evil. Clearly – right from the beginning of his writing – Paine blamed the government itself, politics, making it the source of evil. Paine was not talking about the natural state, but about 'society', which will be the people in later rhetoric, as opposed to the holders of corrupt power who run the state. There is therefore no metaphysical, that is, presumably unchangeable, cause of evil, but it is to be sought in human institutions. In this way, evil can be eliminated: It is up to man, human reason, to make it happen.

The establishment of the American political state signposts a direct, accessible path to this plan or goal. Paine became so committed a believer in the American Revolution that he was happy to communicate its principles and deeds to the French revolutionaries, travelling to France to intervene in the course of their revolution. In parallel, Burke's work appeared, to which Paine reacted in early 1791 by writing his *Rights of Man*. When intellectual and practical events pile up or overlap, at least in time, it is very difficult to distinguish an argument, or even related events, from the person making the argument or opinion. In fact, the great friend of the French Revolution, Paine, was nearly executed by the internal logic of the French Revolution. The good English atheist spent a year in prison in France, then escaped execution only by a comic coincidence, and the intervention of the American Government saved the hearty political activist from the revolutionary meat-mincer. Whatever happened to Paine did not prevent him from continuing to expand on his earlier views: The past must not only be enclosed in brackets, but also explained in a philosophical sense *(Rights of Man),* and religion must be treated with the deepest contempt (*The Age of Reason*, 1793).

---

[20]   Thomas Paine, 'Common Sense', in Thomas Paine, *Common Sense, The Rights of Man, and Other Essential Writings* (New York: Penguin, 1984), 24.

At the beginning of his book, Paine stated that '[e]very age and generation must be as free to act for itself in all cases as the age and generations which preceded it'.[21] What's more, Paine considers it the greatest tyranny for anyone to 'govern [the living] beyond the grave'. Paine claimed to argue for the rights of the living, while, according to him, Burke argued for the rights of those who have already died. This question of principle also translates into English history: Whether the 1688 Parliament would bind later generations, and perhaps forever. According to Paine, Burke created a kind of political Adam, who would forever bind all who lived later. The past, insisted Paine, does not politically bind the present. In other words, the question is: How does a law that dictates relate to the human laws that the parliament adopts? 'Immortal power is not a human right, and therefore cannot be a right of parliament.'[22] According to Paine, no right can be derived from anything other than human rationality. He saw human reason as the only acceptable church, as he wrote in his *Age of Reason*:

> I do not believe in the creed professed by the Jewish church, by the Roman church, by the Greek church, by the Turkish church, by the Protestant church, nor by any church that I know of. My own mind is my own church. All national institutions of churches, whether Jewish, Christian, or Turkish, appear to me no other than human inventions, set up to terrify and enslave mankind, and monopolize power and profit.[23]

Paine argued that any human reason on its own is sufficient to create the best ways and tools for man to achieve happiness. Marx's statement that 'religion is the opium of the people', framing it as a force which serves to mislead the people while the holders of power exploit those deprived of power, was essentially already present in Paine's conception. It does not do much to refine this radical concept that Paine also stated that 'I believe in a single God'; that is, he wanted to contrast faith in God with the churches, rather than undermining faith. What contrasts with religion is modern science – the whole argument relies on modern science to question religious theorems, carrying Spinoza's critical method of reading the Bible on from the seventeenth century. He raised the new political system in the United States above all else because it separated the activities of government and the churches. The political revolution must be followed by a religious revolution, by which he meant the transformation of the political-social role of religion.

Since religion cannot have a say in politics, the interpretation of and debate with Burke's arguments for natural law were conducted in the name of human rights; that is, on principles developed by individual reason. First, Paine claimed, Burke conflated people and principles. Politics must be pursued on the basis of

---

[21] Thomas Paine, *Rights of Man* (New York: Penguin, 1984), 41.
[22] Ibid. 44.
[23] Thomas Paine, 'Age of Reason', in Moncure D Conway (ed.), *The Writings of Thomas Paine* (New York: GP Putman's Sons, 1908), 22.

principles, not from the point of view of individuals, otherwise, as Burke did, it merely venerates powers not principles.[24] The French Revolution, criticised by Burke, was based on a rational understanding of human rights, in an ultimately tense situation with armed power on one side and a mass of unarmed citizens on the other, with the choice left: Freedom or servitude? Second, Paine targeted Burke's precedents from antiquity, usually the significance of previous examples. The problem Paine found with Burke's argument, and with likeminded thinkers, is precisely that 'they do not go far enough into antiquity'.[25] Antiquity cannot be considered an authority at all, since at one time antiquity was 'modern', as every later age was new in its own time. According to Paine, it is a mistake to consider any epoch an authority, because – due to the limitation of infinite regression – we eventually reach God, and the man He created, who is nothing else and nothing more than man; that is, his only title. It is not difficult to trace this argument back to the approach of eighteenth century French *philosophs* (Burke's word) and its political expression: All people are born equal, all other titles and differences are formed only by the relationships between people. The most important theme of modern natural law is to emphasise the arguments in favour of human equality, from which the establishment of individual human rights as an institution is the justifying meaning of modern written constitutions. Stressing the role of rights implies that the ultimate political issues can be made legal in modernity; moreover, they must be made that way. Ultimately, it is not politicians but lawyers who are the leaders, or at least they are the constructors and guarantors of modern freedom. Freedom is a legal issue, the terms of which are provided by politics, enforced by lawyers. As digital medicine has become one of the guardians of health today, so has the lawyer become a sentinel of freedom – supposedly. Third, Paine placed the principle of freedom in the social contract, but derived its starting point from the organic connection between natural rights and civil rights. He defined natural rights as the rights that every human being is entitled to by birth. These may be rights related to the human intellect, while others may be natural rights to human comfort and happiness. Civil rights, in contrast, grow out of natural rights.[26] Ultimately, these rights allow people to contract with each other to create the state. According to Paine, 'this is the only mode in which governments have a right to arise';[27] all other pleas in law are illegitimate. Fourth, aristocratic power, it follows from the above, is unjustified; moreover, the mere existence of the aristocracy is 'against every law of nature'.[28] The aristocracy is perpetuated by 'family tyranny and injustice', as evidenced by the institution of primogeniture, that is, that it is always inherited

---

[24] Paine, *Rights of Man,* 49.
[25] Ibid. 65.
[26] Ibid. 69.
[27] Ibid. 70.
[28] Ibid. 82.

only by the first-born child – which is why the new French constitution abolished this right immediately.

In summary, all of Paine's arguments and claims against Burke were the product of a radical reinterpretation of the law and the right. Its starting point is a person torn from the order of creation (an individual – it is no coincidence that, while people who lived earlier were called *man,* as he came to his own era, he used the word 'individual' more and more often), who as such is innocent and has natural rights by birth. Paine could call them natural, because the concept of nature he uses is already a concept of nature deprived of the metaphysics of modern science, so modern natural law practically falls under the category of man-made positive law, only nominally preserving the classical name of natural law. The guarantor of this idea of positive law rights is the modern constitution established by contract; in other words, the interpretation and management of freedom has become the competence of politics, thus achieving the replacement of the *classical-metaphysical conception of freedom* with the *modern conception of the freedom of the mind*. The paradox of this development is that in this way Paine himself subjected power as such to constant criticism and critique, as he raised the possibility of a complete and radical abolition of power and political leadership itself. Another paradox is that if power is owned by those who are distrustful of power, there is no particular problem with power. For one seeking the roots of modern totalitarianism, there is a good chance that Paine could be of great help, which he would have marvelled at.

V Pope Leo XIII's two encyclicals on freedom

Pope Leo XIII served as head of the church for twenty-five years (1878–1903) in the late nineteenth century. Of his many encyclicals, two are particularly worth considering for our present subject, as both are passionate about the concepts of modern philosophy, the Christian religion and classical law, together with the ideas of freedom that had developed by the end of the nineteenth century. John Stuart Mill, a celebrated liberal thinker of the age, expressed theoretical objections not only to religion but also to the concept of nature;[29] casting doubt even on the reference to modern natural law – although the concept of modern reasoning and modern freedom surrounded by human rights remained. In this intellectual milieu, Leo XIII sought to criticise modernity and defend the classical-Christian concept of freedom.

---

[29]   John S Mill, *Three Essays on Religion: Nature, the Utility of Religion, and Theism* (London: Longmans, Green, Reader, and Dyer, 1874). For a more detailed discussion, see András Lánczi, 'Az utópia sosem halott', *Korunk* (February 2019), 3–10.

The *Immortale Dei* (1885)[30] and the *Libertas, praestantissimum naturae bonum*[31] encyclicals are both resolutions on the Christian concept of freedom and specific critiques of the emerging modern notion of freedom. In the simplest terms, the difference between the classical-Christian and modern conceptions of freedom is succinctly captured in one of the biblical quotations from the *Immortale Dei:* 'We must obey God rather than human beings.' (12; Acts 5:29) The first question of freedom is *who* the man obeys rather than what he can do. Man ultimately obeys the laws, but the concept of law is not clear. According to the ancient-Christian conception, Law is Divine and natural, and thus the law or justice can and must be derived from it; according to the modern concept, the law is human, and the rights derived from it are enjoyed by the individual. Consequently, the ancients obeyed Divine and/or natural law, accepting it as the ultimate framework of their moral existence. In contrast, proponents of modern freedom argue that the individual obeys laws established on the basis of political agreements between people, so morality has no other guarantee than human agreement; that is, man obeys man rather than man being a wolf to his fellow man.

Whether there is a God is secondary; negligible in terms of law and rights, a private matter at best, not even a private matter at worst (cf. the Hungarian history of Communism). To put it another way, while in ancient times, freedom was ultimately a matter of the relationship between man and God and for Nature, for the modern age it is up to the regulation of the relationship between man and man to decide what they accept as the criterion of freedom. Therefore, we have reached the point again where freedom is a metaphysical-moral issue according to the old or classical understanding and a political-legal one according to the new or modern concept, and a moral issue derived from it. The measure of the former is independent of human will, while the latter depends solely on the struggle of human will. For this reason, the modern concept relativises the law from the outset and politicises everything, leading to a blurring of the line between public and private lives.

With this in mind, it is very clear why the two encyclicals complement each other and why they can be read as summaries of the Christian concept of freedom. The initial idea of *Immortale Dei* is that all power ultimately belongs to God, from which everything springs. This is especially important when regulations and institutions arising from divine power conflict with secular power (for example, regulating trade, receiving ambassadors, appointing and so on). Ecclesiastical and secular power coexist, but ultimate power belongs to God. The Almighty has given man two kinds of powers, ecclesiastical and secular. However, the new concept of freedom has turned everything upside down: '[I]n these latter days a novel conception of law has begun here and there to gain increase and influence, the outcome, as it is

---

[30]   Pope Leo XIII, *Immortale Dei*, 1885.
[31]   Pope Leo XIII, *Libertas, praestantissimum naturae bonum*, 1888.

maintained, of an age arrived at full stature, and the result of progressive liberty.'[32] Moreover, Leo XIII noted, it is increasingly being said that ecclesiastical power is the cause of several problems for the state. Although ecclesiastical power has never questioned the legitimacy of secular power, it has also always asserted that it does not favour any form of state. Any may be appropriate. The question is how they relate to each other as a unity of soul and body – if the two are not in harmony, worldly power will not be able to achieve peace either, because the goal of governance can be nothing more than to ensure peace and freedom. Leo XIII wrote: 'In political affairs, and all matters civil, the laws aim at securing the common good, and are not framed according to the delusive caprices and opinions of the mass of the people.'[33] Secular power is endowed with the same sacrament as ecclesiastical power, and it cannot deviate from the path of the fulfilment of duty, nor go beyond the limits of legitimate or lawful authority.

Even so, a political system based on popular sovereignty excludes ecclesiastical power and is counterproductive: 'The sovereignty of the people, however, and this without any reference to God, is held to reside in the multitude; which is doubtless a doctrine exceedingly well calculated to flatter and to inflame many passions, but which lacks all reasonable proof, and all power of insuring public safety and preserving order.'[34] After this, it is no wonder that the encyclical launches a direct and radical attack on all rights arising from the new notion of power and law, including the right to freedom of expression: Unrestricted speech and press freedom are 'fountain-head and origin of many evils. Liberty is a power perfecting man';[35] and as such, the development of human character, good and truth, cannot be changed at will – that is, in modern secular endeavours, he sees the destructive work of relativisation. Only a well-spent life leads to heaven, and if the secular power or state opposes divine and natural laws, the people's education will be led astray. Leo XIII defended the ecclesiastical concept of Christian freedom very strongly. His argument in *Immortale Dei* is clear, but defensive, in spite of the fact that the exclusion of the Church from life, laws, child-raising and the private world was a 'grave and fatal error', the encyclical had yet to explain Christian freedom in more detail.

This explanation was to come in his encyclical published three years later, entitled *On the Nature of Human Liberty*. The opening sentence of this reads: 'Liberty, the highest of natural endowments, being the portion only of intellectual or rational natures, confers on man this dignity – that he is "in the hand of his counsel" and has power over his actions.' If *Immortale Dei* contained a critique of the modern notion of freedom then the *Libertas, praestantissimum naturae bonum* represented a positive expression of Christian freedom. The opening statement

---

[32]   Pope Leo XIII, *Immortale Dei, 2.*
[33]   Ibid. 18.
[34]   Ibid. 31.
[35]   Ibid. 32.

is a concise explanation of the classical concept of freedom: Freedom is first and foremost a matter of man's self-presence and metaphysical place in the world. It is not a political question, but a metaphysical and moral one: Is there a law, who guarantees the law, who should I obey, and why should I exercise self-control? Pope Leo XIII's argument draws on the arguments and sources he has studied before, primarily on Saint Augustine's work on free will. In practice, the encyclical uses the views of Saint Augustine when presenting the theological-philosophical expression of the will.

Leaving aside the analysis of the relevant part of the encyclical, it is worth briefly recalling how the encyclical views modern freedom, which differs from the more radical rhetoric of the earlier encyclical. Indulgence here is not theoretical, but realistic in nature. In this encyclical, the Pope clearly identified his intellectual opponents on the question of freedom: 'What *naturalists* or *rationalists* aim at in philosophy, that the supporters of liberalism, carrying out the principles laid down by naturalism, are attempting in the domain of morality and politics.'[36] The part of liberal ideology that is unacceptable to him is that: '[T]hese followers of liberalism deny the existence of any divine authority to which obedience is due, and proclaim that every man is the law to himself; from which arises that ethical system which they style independent morality, and which, under the guise of liberty, exonerates man from any obedience to the commands of God, and substitutes a boundless license.'[37] Indeed, the term 'every man is the law to himself' captures the essence of the difference between Christian and modern freedom. The differences lies in the fact, that if the source of the law is removed, namely God, there is nothing left but each individual's own mind and judgement of what he accepts and what he does not.

If that happens, obedience, duty and order, which are prerequisites for peace and truth, will disappear. If everyone has their own law, what will hold us together? The encyclical states: 'But many there are who follow in the footsteps of Lucifer, and adopt as their own his rebellious cry, "I will not serve"; and consequently substitute for true liberty what is sheer and most foolish license.'[38] The problem with the modern notion of freedom is not merely that it encourages freedom, but that it does not actually recognise any law, so one does not have to obey. The encyclical then describes the practical situation of modern freedoms – freedom of religion, freedom of speech and the press, freedom of education, freedom of conscience – so, unlike the previous encyclical, it is not satisfied with blanket rejection, but argues in specifics. On freedom of expression and the press, it is no longer completely negative, but it emphasises that this right cannot be unlimited, because then lies will also have unlimited dissemination.

---

[36]   Pope Leo XIII, *Libertas,* 15.
[37]   Ibid.
[38]   Ibid. 14.

VI Christian freedom in practice and its two aspects

The cornerstone of any concept of freedom is how it is realised. Because the law commands rather than requests, its validity is unconditional. However, man also has free will; that is, he can and must weigh decisions rationally, since man must respect not only divine commandments but also secular or human laws. It can be stated that Christian freedom can be interpreted in its full extent only among believers in God. This is one aspect of Christian freedom; that is, the question as to whether any other person can exercise power over a person's conscience. The answer to that question is negative, since the revealed law and its keeping in practical life is the duty and responsibility of the individual. The Bible discusses the dilemmas of exercising Christian freedom in several places (for example, Matthew 15:1, 23; 1 Corinthians 8–10; Romans 14 and the entire book of Galatians).

Paul commented on the tension between the law, keeping the commandments and free will, among other things: "'I have the right to do anything,' you say – but not everything is beneficial. 'I have the right to do anything' – but not everything is constructive.'"[39] Christian freedom causes the believer to make a constant intellectual effort; that is, the tension between the command of the law and the freedom of the individual can only be resolved by the personal intellectual effort of every believer. The law is absolute; the decision is always concrete. What is right is determined by the law; what someone decides to do under certain circumstances will be their choice. Of course, the law not only commands but also interprets; it seeks to help us make real decisions. Freedom is also a matter of conscience; however, if one deviates from what is required by law, the individual must be able to formulate appropriate arguments for himself.

As is well known, a multitude of dilemmas stem from the fact that secular or positive laws can contain much that is contrary to the commandments prescribed for the believer. 'Thou shalt not commit adultery!' The command says, while in everyday life both the believer and the unbeliever are endlessly challenged. Sexual freedom has gradually transformed the relationship between man and woman since the 1960s with the introduction of birth control pills for anyone who wants them. Whether the relationship between the two sexes also needs to be morally transformed is another question. Modern technology and the managerial perception that trails in its wake suggest that moral issues can be resolved scientifically and administratively. This is one of the greatest mistakes of the modern conception, because every scientific and technological innovation has moral content from the outset. Not all technological innovations alleviate moral dilemmas but may deepen them and increase their number. As a result, the internal tensions of Christian freedom are growing, but they cannot be resolved by external means; that is, we must continue to study the previously formulated dilemmas of Christian freedom as thoroughly as possible and cling to their original wisdom.

[39] 1 Corinthians 10:23.

The issue arises as to whether the notion and concept of Christian freedom can say anything to non-believers. Albeit with some difficulty, though instinctively, a non-believer can be influenced by the faith in God condemned to death by modernity and by the power of the cultural bonds that flow from it. The tensions of the internal dilemmas that already arise from the Christian idea of freedom may also develop in the non-believer as if he were also a believer. It all depends on the role that the first questions of human existence will play in the worldview of a non-believer. If the answer to this is that it is up to modern science to deal with them, and therefore the progress of science is the solution, then the answer is that this can be true if man is able to overcome nature; that is, no unexpected – independent of human intellect – impact can affect humanity. In other words, is there a limit to human rationality and the development of technology?

Man is currently working to be able to create meaning beyond his own rationality by creating and developing artificial intelligence. Perhaps he will succeed in these efforts. First, it will allow for the development of the greatest tyranny ever seen, as only a very narrow circle of people will be able to understand and control the tools of newer and newer technology. The more advanced the technology, the deeper the moral tension, because the relationship between man and man will become increasingly opaque. Second, what is the guarantee that the artificial intellect will not be in a position of dominion over man? This could happen all too easily, which would be the ultimate paradox of human existence.

To address the above dilemmas, European philosophy has a deepening understanding of the problems recommended from the outset. Constant questioning and deliberation is the only way forward for the European man. One of the sustaining cultural and existential elements of this is the concept of Christian freedom. No one and nothing has absolute power, not even modernity's concept of law and freedom. Philosophy can be eliminated, religious faith can be ridiculed but even the most cynical believer in modernity cannot succeed in putting freedom under his own intellectual domination, because freedom presupposes itself in a metaphysical sense and does not require modern guardians. The positive legal idea of modernity in relation to the protection of freedom is valid and supportable only insofar as individual rights do not conflict with and, above all, do not seek to destroy the basic tenet of the classical concept of freedom: the law commands – it does not merely recommend or suggest.

Bibliography

Aquinas, Thomas, *The Summa Contra Gentiles*. London: Burns, Oats and Washbourne, 1924.

Aristotle, *Politics*. Transl. by Benjamin Jowett. Oxford: Clarendon, 1885.

Augustine, *On the Free Choice of the Will*. Ed. and transl. by Peter King. Cambridge: Cambridge University Press, 2010.

Barlow, Claude W (ed.), *Epistolae Senecae ad Paulum et Pauli ad Senecam*. Rome: American Academy in Rome, 1938.

Constant, Benjamin, 'The Liberty of Ancients Compared with that of Moderns', in Benjamin Constant, *Political Writings*. Ed. and transl. by Biancamaria Fontana. Cambridge: Cambridge University Press, 1819.

Kecskés, Pál, 'Természetjog'. *Magyar Szemle* (May 1940), 321–328.

Lánczi, András, 'Az utópia sosem halott'. *Korunk* (February 2019), 3–10.

Leo XIII, Pope, *Immortale Dei*, 1885. https://bit.ly/2PFl42R

Leo XIII, Pope, *Libertas, praestantissimum naturae bonum*, 1888. https://bit.ly/3wHxzLN

Mill, John Stuart, *Three Essays on Religion: Nature, the Utility of Religion, and Theism*. London: Longmans, Green, Reader, and Dyer, 1874.

Paine, Thomas, 'Age of Reason', in Moncure D Conway (ed.), *The Writings of Thomas Paine*. New York: GP Putman's Sons, 1908.

Paine, Thomas, 'Common Sense'. In Thomas Paine, *Common Sense, The Rights of Man, and Other Essential Writings*. New York: Penguin, 1984.

Paine, Thomas, *Rights of Man*. New York: Penguin, 1984.

Pelagius's Commentary on St. Paul's Epistle to the Romans. Oxford: Clarendon, 1993.

Pieper, Josef, *Leisure. The Basis of Culture*. San Francisco: Ignatius, 2009.

Rawls, John, *A Theory of Justice*. London: Belknap, 1971.

Rosen, Michael and Jonathan Wolff (eds), *Political Thought*. Oxford: Oxford University Press, 1999.

Thucydides, *History of the Peloponnesian War*. London: Penguin, 1972.