

CONTINUITY AND DISCONTINUITY IN CONCEPT OF LEGAL RESPONSIBILITY

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Resume

The essay entitled 'Continuity and Discontinuity in Concept of Legal Responsibility' analyses the similarities between the modern legal concept of responsibility and the antique censorial moral correction mechanisms. At the beginning some basic theoretical questions, like the aims and the traps of this comparison and the general problem of comparableness, are also being addressed. According to the author the emerging doubts (the chronological gap between the phenomena and the miscellaneous primer sources) are to be combated by a strict functional approach.

Distinguished from the mainstream literature the idea of the prevention is considered to be the main motivation force behind the censorial activity. The almost inexhaustible considerations of the modern legal responsibility will be presented as an inevitable process of the scientific research. From this point of view of the modern scientific theory-making is derived one of the main these of the essay: the eroded concept of legal liability should be replaced by a new paradigm, which is historically and semantically not overshadowed by the theory of the subjective culpability.

Following that, the *regimen morum* will be fittingly placed into the elements of the modern system: the breach of the previous obligation, the imputability, the question-answer scheme, the concurrence of the alternative liabilities, the sanctions. These are all similarities of both systems, which, on the ground of the prevention, are shuttling between the private and public interests stabilised by judicial corrective mechanisms.

In conclusion, the different tools of correction used by a society could not be handled separately. The actual interaction of law and moral may differ from time to time and may

distinguish seemingly similar institutions from each other. This phenomenon is called by the author ‚system relativity’.

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