Free Will v. Determinism

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# Question 1

## Can we really determine why an individual may be predisposed to commit a criminal act?

Entrapment, the inclination of an individual to engage in a particular illegal behavior is often cited as the reason why an individual was entrapped into committing a particular crime by an agent of the law. While this is often used as a defense for victimless crime (Hill, McLeod, & Tanyi, 2018). The American criminal justice system was founded on the belief that every man is responsible for their conduct and should be held accountable for their actions on their own free will.

Thus, while the prosecutor can determine if the crime was committed by a certain individual or it wasn’t, they can even determine if the person guilty of committing the crime intended to what they did. This intent to commit a crime can be general or specific, based on the crime. However, they can, under no circumstances, determine why an individual may be predisposed to commit a criminal act. They may have a theory behind what predisposed them to commit the said crime, but they cannot know for a fact if that was the reason (Hill et al., 2018).

# Question 2

## If some “force” beyond an individual’s control influenced them to commit a criminal act should we hold them criminally responsible?

According to the American criminal justice system, every man is responsible for their conduct and will be held accountable for their actions on their own free will. If a force beyond an individual’s control influences them to commit a crime, then we need to first determine what that force is in the first place. For instance, if an individual commits a crime on behalf of another individual, the state of mind of such individual must be assessed. Under the federal and state law in the country, if an individual need to be convicted of a crime, the prosecutor must prove that the defendant had a particular criminal intent. Unless an individual is clinically proven to be of such a mental state that he or she could not have intended to commit the crime by themselves, then they should not be held criminally responsible. However, if the one committing the crime is of sane mind, and knew what he or she was doing, then they should be held responsible for their actions (Ward & Carter, 2019).

# References

Hill, D. J., McLeod, S. K., & Tanyi, A. (2018). The Concept of Entrapment. *Criminal Law and Philosophy*, *12*(4), 539–554.

Ward, T., & Carter, E. (2019). The classification of offending and crime related problems: A functional perspective. *Psychology, Crime & Law*, *25*(6), 542–560.