

**"Beyond Punishment: How Determinism Can Transform Criminal Justice and Social Responsibility"**

**By**

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**ABSTRACT**

For long there has been the idea that man has free will and that he exercises this free will to make his choices. Our criminal law systems are mostly designed in a way that deals with a freely choosing person. However, there are now findings that shows that this freewill a person is assumed to have and exercise may not be as full and free as we thought. This has laid to some arguing for a more deterministic view to be included in our system which will lead to a more scientific and neutral view of those that commit crimes and one that doesn't attach moral values. This article will be discussing the view point of determinism and how that can shape our criminal punishment system.

**Keywords:** *Determinism, Free will, Criminal responsibility, Criminal justice reform, Moral Responsibility*

## INTRODUCTION

Most current criminal law systems are designed based on the premise that man exercises his free will and thus should be held responsible for such actions. Free will is believed to be allowing him to determine his actions and in choosing to commit acts that Society and the criminal system deems wrong he should also be punished.

One of the essential elements of what makes a person liable for a crime is the person having full knowledge of the act and its consequence and still choosing to commit the act.<sup>2</sup>

Cases where the person is believed to not have exercised their real choice such as coercion necessity and legitimate defence depending on the degree of lack of choice may lessen the criminal liability and in some cases make the person fully not liable or responsible even if they have committed a criminal act.<sup>3</sup>

From this we can see the legal system puts a great importance in choice and once the person is believed to have acted using their choice freely they are going to receive their punishment ranging from simple imprisonments to capital punishment. However Findings show that we may not be as free in choosing our actions as the law assumed were. The findings strengthen arguments of determinism and they argue that a person, all events in the universe including human decisions and actions are actually inevitable. This argument questions how the criminal Law system operates especially how criminals are punished and looked at. In the next few pages we will discuss determinism and how this findings may help criminal law reform offering view for a better criminal law system and possibly a better preventive method which will attempt to understand the real cause of crimes and find real solutions instead of waiting for the crime to happen to solve it.

### Determinism

Determinism is the science and philosophy that all events in the universe including the human decisions are casually inevitable.<sup>4</sup> Causal determinism states that each effect in the world has a specific identifiable cause.<sup>5</sup> This idea suggests a chain-like effect where one act inevitably causes another act to occur and this chain goes back well into the past as well as the future. It states that every event is preceded by an occurrence that goes back and back to the extent it would be difficult to point out one action and view them as a single occurrence.

In the context of criminal law a determinist would ask questions such as what were the environmental, genetic, economical, educational factors that proceeded the criminal act. They will also question if the choice that the person has made is a real choice or a mere result of the interplay of the events that took place before the choice was made or the act was committed.

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<sup>2</sup> Art 48, Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No 414/2004.

<sup>3</sup> Title III ch 2 s 2, Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No 414/2004.

<sup>4</sup> The Editors of Encyclopaedia Britannica, 'Determinism' Encyclopaedia Britannica (online) <https://www.britannica.com/topic/determinism> accessed 13 October, 2025.

<sup>5</sup> John D. Norton, 'Causal Determinism' Stanford Encyclopedia of Philosophy (online, revised 21 September 2023) <https://plato.stanford.edu/entries/determinism-causal/> accessed 13 October 2025.

Due to this views the idea of responsibility we typically adopt is also questioned. Free will on the other hand opposes the idea of determinists and proposes that people's actions are not just mere follow up of previous occurrences but also majorly influenced by the choice of the person.<sup>6</sup> They reject the idea that man can't influence his actions they believe our acts are choices we make based on our own volition thus we should be held responsible for them.

The idea of free will and freely made choices is the basis of responsibility and criminal law as they are crucial elements in making a person criminally liable for their actions. The FDRE criminal code has clauses such as Article 71 which provides for absolute coercion, Article 75 provides for necessity and Article 78 provides for legitimate self defense that mitigate and even fully remove liability as well as in the case of correction transfer of the liability to the person who is believed to have made the choice because of the lack of choice the person exercises during this acts this shows us how important the matter of choice is in ascertaining responsibility.

The idea of choice is what makes people applaud and award a person for their good deeds as well as condemn and punish those who do badly. With the determinist view, that events are mere results of past actions that cause them things such as condemnation and viewing a person as a monster as well as applauding someone for their good deeds tend to lose their meaning. That is because that's the good and the bad aren't only attributed to those that commit the act but to the different factors that interplayed that has caused the person to act the way they did. For example in the FDRE criminal code article 48(1) states that "the person who is responsible for his acts is alone liable to punishment". However the determinist view argues if it is fair to punish and give only one person the full responsibility associated with the act when it is the by-product of all this other factors such factors shall be discussed in the following section which contributed in their interplay causing this wrong to happen.

The deterministic view applies a neutral and scientific view rather than moral view for acts of human beings for things such as wrong doings as it believes these people don't really have the free will to act otherwise. It tries to implement a more scientific description of occurrences it is more neutral while still acknowledging the event. With this view we are led to look at the way a person is held criminally responsible and how the person is treated after in a different way suggesting a need for revision.

### **Determinism in the real world**

Deterministic factors can be internal and external. A person's genetic makeup, their neural chemistry, their brain structure are some internal factors. Their family upbringing, economic status, education, social conditioning, and their surrounding environments are some external ones. Determinist see a person as an amalgamation of all these external and internal experiences a person has encountered since the day they were born. These factors one has virtually no influence in changing such as the DNA end up dictating how the person thinks, acts and lives determinists argue that the free choice the law assumes is an illusion and that this factors create a deterministic web. This makes a person's behaviour the product of circumstances

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<sup>6</sup> The Editors of Encyclopaedia Britannica, 'Determinism' Encyclopaedia Britannica (online) <https://www.britannica.com/topic/determinism> accessed 13 October, 2025.

and biology and not pure free will. A study conducted by Bick & Nelson shows that event that occur in the early life stages such as the events that happened during infancy and childhood are crucial for brain development. Environmental things such as poverty, famine, as well as the state of the mother such a stress during the pregnancy, the nutrition she had, and her sleep have a big impact on the child's brain development which will affect its whole adult life.<sup>7</sup>

Another study shows how parental education and family income influences a child's brain development in regards to memory executive function and language. The study doesn't conclusively show that just because a child grows up in a certain educational and economic background we will be able to know the exact way the child will turn out. However the interplay between this environmental factors as well as the internal ones such as the brain chemicals DNA and the other what will dictates how the person will act and in most cases these are things the child cannot choose to change.<sup>8</sup>

Determinists thus argue that although our system mostly assumes free will and choice and that's people can influence their environment most of the factors that influence it have to do with development which occurs during childhood and these factors are ones the child can have control over. Although it might seem that a child from a background with poor education, poverty can still use its free will to change things to the better it is still because of the things it was endowed with and other factors that preceded the event that he was able to become what society deems a better person and not because of his choice.

### **Compatibility**

The purposes of the criminal law are protection of the society, punishment of those that transgress the law, deterring crimes through punishment, incapacitating those that have committed a crime from committing further crimes, Rehabilitation and restoration. However, the grand aim is the protection and betterment of society.

This idea does not contradict with determinism. What determinism questions is not whether or not a wrong has been done. The questions have more to do with the type of responsibility we give to the person as well as the punishment and moral responsibility we attach to the wrong that has occurred. It questions the moral judgment we attach rather than the simple fact a person who has committed a wrong. It argues prison should not be a place where one is put away and cast as a monster but a place where criminals are kept in order to protect the public safety and provided the things that they need, with rehabilitation, being the main focus.

Determinist views claim those choices are not freely made by the people and that the moral responsibility cannot be the basis for the inhumane treatment people usually face. As the people are not responsible for their mother's mental health during her pregnancy. They were born into this condition and the rest internal and external factors that we have discussed in previous pages. The punishment should not be bared only by

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<sup>7</sup> Bick, J., & Nelson, C. A. (2016). Early adverse experiences and the developing brain. *Neuropsychopharmacology*, 41, 177-196 [www.nature.com/articles/npp2015252](http://www.nature.com/articles/npp2015252) accessed on the 14th October, 2025

<sup>8</sup> Kimberly G Noble and others, 'Family Income, Parental Education and Brain Structure in Children and Adolescents' (2015) 18 *Nature Neuroscience* 773

that person who commits the act. For this a deterministic view would suggest implementing preventive programs as a solution for how to keep the society safe. Simply punishing those that commit crimes doesn't really help the issue as much. It is only after the crime is committed that we are intervening. However, working on the preventive measures especially the external factors of determinism can help a great deal as if you play a great role in not creating as much criminals in the first place. Preventing wrongs from happening from the start. Of course there will still exist those that commit wrongs. However the determinist view still maintains that we should hold such wrong acts accountable but that shouldn't be moral accountability. For those wrongdoers we should provide rehabilitative Solutions. And this is how we as a society bear collective responsibility as the society and the environment are also factors to the wrong a person has committed. The society shall not simply wash their hands off their responsibility by chalking it up to that one person's act.

### **Conclusion**

A basic question at the core of criminal law is revealed by the debate between determinism and free choice. The foundation of today's criminal justice systems is the idea that people have free will, that they intentionally decide what is right and wrong, and that they should be rewarded or punished for their deeds. However, as the science and philosophy of determinism show, a complex interaction of internal and external factors, ranging from childhood, poverty, and social environment to genetics and brain chemistry, profoundly influences human behaviour. The moral basis for criminal responsibility is called into question if circumstances outside of our control influence our behaviour.

Accepting this does not invalidate the necessity of laws or penalties, nor does it release individuals from all accountability. Instead, it advocates for a more compassionate and fact-based approach to justice, one that places more emphasis on education, prevention, and rehabilitation than on outright retribution. Determinism encourages us to view criminals as the result of situations that society has frequently contributed to creating rather than as essentially bad or "monstrous." By doing this, it increases our sense of accountability because crime is no longer solely the product of one individual but rather reflects societal shortcomings that require community action.

Early interventions, social initiatives, and educational and economic reforms targeted at addressing the underlying causes of crime would be the main features of a redesigned criminal justice system motivated by determinist views. Additionally, it would guarantee that jails prioritize rehabilitation over retribution, giving criminals the chance to reintegrate into society as changed people. In the end, adopting determinism strengthens rather than diminishes the goal of criminal law, which is to protect and improve society, by promoting a system that actively seeks to avoid crime and address the root causes of it.

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