

Summary

Philosophical and Psychological Issues of Free Will; Free Will and Responsibility

My thesis is dealing with the issues of free will and legal responsibility. I have chosen this topic because it is one of the questions that many people, including me, keep asking very often, but no one really knows the answer. The aim of my thesis is to show that whether free will exists or not, the law as we know it has to admit its existence anyway.

My thesis is composed of three main parts. The first and the second part are introduction to a philosophical and psychological discourse related to free will. Whether free will exists or not has been debated throughout history from antic until today and the opinions are very different. The brightness of the opinions between hard determinism (there is no free will) and libertarianism (our will is completely free) is what I tried to point out.

The third part of my thesis focuses on the link between free will and legal responsibility. I chose to concentrate myself at the criminal responsibility and at those parts of the Criminal Codex assuming human's free will - as paragraphs referring to sanity, and also those parts which excludes criminal responsibility because the free will was missing - as the paragraphs concerned with necessity defense etc.

Another issue related to the question of free will and responsibility is the issue of punishment. My paper analyzes the theories of punishment (retributivism and consequentialism) and their relation to the theories of free will.

Conclusions of the thesis are that the law assumes the existence of free will, even if the suggestion of human's free will might be wrong. This position can be explained by theory of illusion or by Luhmann's system theory. My aim to prove the necessity of free will for our legal system has been reached.

Key words: free will – responsibility – criminal law