

EFFECT OF DETERMINISM ON CRIMINAL LIABILITY IN NIGERIA*

Abstract

Criminal liability is the imputation of guilt on a person for an omission or a wrong done. A person is therefore said to be criminally liable when he commits an offence known to law and in the Nigerian criminal justice system, such a person is presumed until he is found guilty by a court of competent jurisdiction. There is no gainsaying that several factors may contribute to the criminal acts of such a person, which are usually the defences available to him such as mistake as to fact, insanity, delusion, accident, etc. Recent researches in other climes and jurisdictions have shown and revealed that determinism can now validly suffice as a defense for criminal liability where successfully proved, although the Nigerian criminal justice system is yet to come to terms with the doctrine and concept of determinism as a defence for criminal liability. This paper is aimed at elucidating the concept or doctrine of determinism in relation to criminal liability in Nigeria in pari materia with its applicability or effects on criminal liability in some other common law countries of choice. In furtherance of this work therefore and for the purposes of this paper, it is imperative that study the concept of determinism. The comparative and descriptive research approaches are employed in the analysis of data collected through doctrinal sources. The study recommends that determinism in criminal liability in Nigeria should be jettisoned for now because of the several nuances of criminal activities therein.

Keywords: Determinism, Criminal liability, Nigeria, Effect

1. Introduction

Determinism and criminal liability have become issues of discourse in recent time in the criminal academic world, this is because, there seems to be an up surge and emergence in the believe in Destiny, Will of God, Genetic Influences, Nature and Nurture Principles, Latency, Innate Abilities, Predestination, *et cetera*. According to Justice E. O. Fakayode (as he then was), ‘*The idea of codifying the law of a sophisticated society is very ancient*¹ which purports that the beliefs and issues that were considered in the making of our criminal law(s) are ancient and of course portends that these believes are not very recent, but have been with us from time immemorial, except that there is now a much more interest and inquest on how they have contributed in shaping our lives, especially criminalwise. Despite the so much influence on the Nigerian society, our criminal justice system as inherited from the Colonial Masters who had no consideration for these issues or beliefs, hence our criminal law (Criminal Code and Penal Code) are very silent on most of the issues mentioned herein. In answering the questions raised in the abstract to this paper, the author has identified three variables which shall be treated as sub-topics in this work. They include; Criminal Liability, Determinism and Effect of Determinism on Criminal Liability. The work finally ended with a comparative discuss on the effect of determinism on criminal liability in Ghana, plus a conclusion and recommendation.

2. What Is Criminal Liability/Responsibility?

There is no dispute that law is defined in a wider sense as rule of action, especially for the control of human actions.² Thus every society whether primitive or civilised is governed by rules of conduct which the society regards as the ‘standard of behaviour.’³ Ordinarily, obedience to law is usually secured by sanctions or punishments, although there are a lot of persons who just obey laws because they believe that it is in their best interest and the entire society to so do in other to avoid anarchy. Sanctions for disobedience to law are usually imposed for the purpose of protecting the general populace and society against persons who may be of, or manifest deviant behaviours as is always the case. In our local or primitive societies before the advent of the colonial masters, laws were the unwritten customs and traditions of the people handed down from generation to generation and were seen as binding amongst members of the community.⁴ And to justify these customs and traditions, a person in breach of them is said to have committed an offence punishable as stipulated in the custom, no more, no less. This is why a person who has killed another person whether by accident or intentionally is made to die by hanging in most of our primitive societies. Often times the accused hangs himself even before he is apprehended and made to face the wrath of the law/custom. This was therefore the beginning of criminal responsibility or liability in Nigeria before the laws were later codified and criminal responsibility or liability defined and specified. Thus, Criminal Law became known as the law that deals with, and regulates criminal acts of members of a given society, hence a crime is an offence against the state and punishable by the state that made the law.

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¹ Justice E. O. Fakayode, *The Nigerian Criminal Code Companion* (Ethiopo Publishing House, Benin, 1985), xli.

² A. O. Obilade, *The Nigerian Legal System*, (Spectrum Books Ltd, Ibadan, 1979). 3.

³ Ibid.

⁴ Ibid.

The Nigerian Criminal Law derives its source from the English Common law⁵ through colonialism and was later codified into the Criminal Code and the Penal Code which never defined crime, except for the Criminal Code Act which merely defined ‘Criminally Responsible’ and ‘Criminal Responsibility’. According to the Criminal Code Act ‘Criminally Responsible’ *‘means liable to punishment as for an offence,’* while ‘Criminal Responsibility’ *‘means liability to punishment as for an offence’.*⁶

In case law, Karibi-Whyte (JSC) of blessed memory had stated that:⁷

The principle of causation dictates that an event is caused by the act approximate to it and in the absence of which the event would not have happened-so long as the cause of death is traceable to the injury inflicted by the accused, he would be held CRIMINALLY RESPONSIBLE.⁸ The important consideration for determining (Criminal) responsibility is whether death of the deceased was caused by the injuries he sustained through the act of the accused and not whether from the medical point of view death was caused by such injuries.

On the other hand, Justice Fakayode tried to point out that there are two main rules of ascertaining criminal liability, namely; the Strict Liability Rule and the Morally-Blameworthy Rule,⁹ which are traceable to the Common Law principle of criminal liability. At Common Law, the test for Criminal Liability is summed up in the Latin expression/*maxim actus non facit reum nisi mens sit rea*. This expression have gone down in the history of our criminal justice system as *actus reus ad mens rea* which connotes that for any person to be held criminally liable for the offence he is charged with, it must be as a result of his voluntary outward conduct concurring with his morally blame-worthy mind.¹⁰ And that at the stage of completing the commission or omission which leads to his offence, his conduct and mind meet together, otherwise he cannot be said to be criminally liable, except for strict liability offences which take into consideration the *actus reus* (wilful conduct or inadvertent omission on the part of the accused person) only. This is why strict liability offences are specifically provided for as so in statute books.¹¹

The closest definition of Criminal Liability in the Nigerian Criminal Code Act is that found in section 24, which says that: subject to the express provisions of the Criminal Code Act relating to Negligent acts and omissions, a person is not to be criminally responsible for an act which occurs independently of the exercise of his will, or for an event which occurs by accident.¹² The purport of this is that there must be a meeting of the evil mind of the accused and his overt conduct/misconduct before criminal liability of the offence can be imputed against him. Suffice it to say therefore that Criminal Liability has become the bases for offences in Nigeria whether strict liability offences or otherwise by virtue of the provisions of the Criminal code Act, the Penal Code, the recent Administration of Criminal justice Act (2015) and the Administration of Criminal Justice Laws of the various states of the Federation.

3. What is Determinism?

The term Determinism, or its principles are not contained, nor defined in any law or statute in the Nigerian criminal justice system, although the doctrine or concept as the case may be is one of the emerging trends and developments making inroads into criminal justice systems worldwide. It is therefore more jurisprudential in nature for now, with the belief that it will soon become a very serious issue for consideration in determining criminal liability in Nigeria very soon. The proponents of determinism are philosophers who have come to the conclusion that criminal offences have some form of determining factors that may and usually influence a person into committing an offence.¹³ Plato the renowned scholar was one of the foremost philosophers who alluded to determinism when he posited in his Idealistic philosophy that; ‘Physical or natural manifestations, are mere reflections of the higher spiritual foundation of the principles, or real forces behind them, in the unseen realm’¹⁴ Plato was alluding to the fact that there are principles and real forces that influence the behaviour of man from the unseen realm. He therefore advised that there is need to seek for the *absolute basis*¹⁵ of any matter,¹⁶ because of the fact that the

⁵ C. O. Okonkwo (Ed), Okonkwo and Nash, *Criminal Law in Nigeria* (Spectrum Books Ltd, Ibadan 2002). 3

⁶ Interpretation section of Criminal Code Act, Cap 77, Laws of Federation of Nigeria (LFN) 2004.

⁷ *Eric Uyo v. A. G. Bendel State* (1986) 2 SC 1, at page 31

⁸ Emphasis mine

⁹ E. O. Fakayode (*Supra*), 8.

¹⁰ Ibid.

¹¹ Ibid.

¹² Section 24, Criminal Code Act,

¹³ Martin Oteng-Ababio, et al, ‘Is the Underdevelopment of Northern Ghana a Case of Environmental Determinism or Governance Crisis?’ <https://www.ajol.info/index.php/gjg/article/view/159536>, Accessed 02/08/2021

¹⁴ F. Obi. Nwanze, *Basic Understanding of Jurisprudence*, (Mercury Press Asaba, 2004). 23

¹⁵ Emphasis mine.

¹⁶ Ibid

implication that the immediate experience may not be, or indeed, is not the ultimate reality that should be understood.¹⁷ A cursory look at the proposition of Plato as seen above reveals that there is something supernatural that influences the actions and activities of any person so much so that the immediate things we see around that person may never be what it ought to be. This to the writer's mind may be responsible for the recent views expressed by some scholars to the extent that Determinism and Free Will are now issues of the classic debates in psychology to the extent that psychologists now believe that human behaviours are influenced by forces beyond their control. Borrowing a leaf from Plato, it does appear that later philosophers who have canvassed the relationship between Determinism and Criminal Liability began to think and posit that; the entire gamut of criminal liability or responsibility as the case may be, is not entirely an issue of just making laws to restrain, or combat crimes in the society, but that law making must go beyond that so as to seek out why certain behaviours which later manifest as crimes and offences by persons in the society, are still exhibited despite the laws and punishments for such crimes/offences that stare such exhibitors on their faces.

These later scholars of determinism, therefore concluded in their postulations that, from a criminological perspective, Determinism is 'a philosophy contending that human behavior is caused by biological and psychological factors specific to individuals and/or the structural factors that comprise one's environment.'¹⁸ In their thinking, there are economic, environmental, criminal and social determinism, which is why even after independence, most African nations are still bedeviled with political, economic, cultural, and social problems borne out of determinism. And this is the reason why economic development is very minimal in Africa¹⁹ coupled with bad leadership or governance. There is therefore no gainsaying that the determinist approach *proposes that all behaviour has a cause and is thus predictable*, while free will is an illusion, as our behaviours are governed by internal or external forces over which we have no control.²⁰ There is also another school of thought that believes and holds the view that an individual's behaviour is controlled by internal (genes etc...) **or** external (e.g. learning behaviours from our parents) forces.²¹ The purport of their belief is that, our behaviours should **be** predictable, by virtue of who our parents are (whether saints or thieves), and the external experience we have passed through at home, school, religious classes, *et cetera*.

In Criminology, there is also the concept of freedom of will, freedom of action, or freedom of self, which is a very pivotal issue of criminology and often times leads to the question of man's freedom of choice in acting or not acting and his consequent responsibility for his action or inaction i.e conduct. Contrary to the freedom of action or self, theory of the Criminologists, the determinist theory suggests that man's will does not motivate action, or his conduct, but that man's actions or inactions results from extraneous sources or factors.²² This means that determinists are of the opinion that every man is already predestined or predetermined to act in a way beyond his control, hence criminals do not exist, since all impulses from which actions stem are irresistible. It is important to reiterate that despite the fact that God gave humans the right to Choice or Will,²³ determinists suggest that man has no control of that choice or will given to him and should the determinists be right in their view, then man ought not to be punished for any offence, since he did not commit it willingly.

Some other scholars have advanced the frontiers of determinism by identifying the fact that there are varied types of determinism, ranging from social, economic, environmental etcetera. Accordingly, they have argued that there is what is known as Environmental Determinism, which connotes that, or which is the idea that the environment (including geography and climate) determines the character and attributes of cultural and ethnic groups.²⁴ If this view of environmental determinism is allowed to hold sway, it means that a nation like Nigeria cannot have one Criminal justice system as it is presently provided for in the Criminal Code Act, or in the Administration of Criminal Justice Act, but an ethnic/cultural criminal justice system applicable to each of the ethnic groups in the country. It will therefore be full hardy for any state like the Nigerian state, to make laws regulating offences in every part of the country made up of various ethnic groups, this may probably be the reason why states in Nigeria are allowed to make their own peculiar laws triable in the courts of that state.

¹⁷ Ibid

¹⁸ J.A. Helen, 'Independence or Colonial Determinism? The African Case' <https://www.jstor.org/stable/2614925>. Accessed 03/08/2021.

¹⁹ Ibid

²⁰ Simha Landau and Leslie Sebba, 'Problem of Free Will in Criminology (from Criminology in Perspective - Essays in Honor of Israel Drapkin, 1977 by - ncj-45543). <https://www.ojp.gov/ncjrs/virtual-library/abstracts/problem-free-will-criminology-criminology-perspective-essays-honor> ACCESSED 04/08/2021.

²¹ Ibid

²² Ibid

²³ Deuteronomy 30:19, Joshua 24:15, (The Holy Bible, King James Version)

²⁴ K. Matthew, 'Environmental determinism' <https://www.futurelearn.com/info/courses/remaking-nature/0/steps/16726>. Accessed 03/08/2021

The environmental and social determinists also hold the view and assumption that there is climate determinism which is the basis for the racially motivated notion that the climate influences human intelligence and societal development.²⁵ They further assumed whether rightly or wrongly that people in tropical climates are helpless victims who lack the capacity to cope with climate change²⁶ which may in turn affect their degree or level of criminal liability.

There is also another heavy debate on Determinism versus Free Will, wherein scholars of psychology, history, climatic change, neurologist, etcetera, have argued that the experience of mental disorders like schizophrenia, whose sufferers experience a total loss of control over their thoughts and whose behaviour casts doubts over the notion of free will, **because** no one would ordinarily and naturally want to choose to have schizophrenia, are predetermined. This suggests that at least in terms of mental illness, behaviour would appear to be determined and criminal liability would be suspended, which is usually invoked upon a successful plea and defence of insanity. Accordingly, insanity has been described to mean: 'In law, the word insanity is used to denote that degree of mental illness which negates the individual's legal responsibility or capacity'²⁷.

Meanwhile, the case against Free Will is that Neurological studies have provided evidence that have demonstrated that the brain activity that determines the outcome of simple choices may predate our knowledge of having made such a choice. The researchers found that the activity related to whether or not to press a button with the right or left fingers occurs in the brain up to 10 seconds before the individual becomes consciously aware of making such a decision. **This** suggests that elements of our biology are already being drafted into our decision making before we even become consciously aware of our decision or choice.²⁸

It is submitted categorically that, determinism as it were, is not as recent as canvassed, because Plato and his colleagues of the Idealistic and Positivism schools of thought had written to that effect, wherein they expressed their views regarding aspects of determinism. The issue or concept therefore, has only received a new approach in relation to criminal liability/responsibility vis-a-viz the effect of it on criminal liability.

4. Effect of Determinism on Criminal Liability in Nigeria

The writer had posited earlier that determinism is a recent concept and philosophy in the study of criminology even though it had been alluded to since the time of Plato and his colleagues. The result therefore is that there are only a few literature on the search for the relationship between determinism and criminal liability here in Nigeria and even in other climes. Notwithstanding the overt dearth of literature in this regard, it is important to state here that; the fear of crime, prevention and punishment for crime have been important topics of discuss in the academic world of criminology, not just for the entire people of Nigeria, but also for the Nigerian state and its politicians. This is evident by the fact that politicians have learnt that crime and especially fear of crime is very helpful to follow their own interests to be elected again.²⁹ Several surveys have been carried out on the people's perception of crime and their ideas on how to curb same, the various discoveries have been that, more severe punishments should be imposed for offences, because according to them, 'more severe punishments leads to less crime.'³⁰ That is to say that if you give people what they want to have, i.e. more punishments, harsher laws and more severe crime control, the problems in the society will be 'solved.'³¹ If this view about crime control and prevention is supported, then the state (Nigeria) will have to always look at and amend her criminal laws so as to meet up with their severe punishments per time.

It is no longer news that laws are made by man for the good governance of the state, ordinarily therefore, determinism should not have any effect on the criminal liability of any person because laws are made for the good governance of the state and of course, if the state allows her citizens to behave without any control of their choices and will, then anarchy is imminent. This is because, when choices are not controllable, it will be abused and rights of persons will be trampled upon contrary to the aspirations of the state, which is why the state consciously decides to outlaw certain behaviours in so far as they will not promote good neighbourliness and a just an egalitarian society where opportunities are equal for all. The opening paragraph of the 1999 Constitution will readily come to our aid now as it reads:

We the people of the Federal Republic of Nigeria having firmly and solemnly resolved to live in unity and harmony as one indivisible and indissoluble sovereign nation under God, dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding: And to provide for a Constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality,

²⁵ Ibid

²⁶ Ibid

²⁷ See the case *Of Umar Mustapha Usman v The State* ELC (2018) 3423 SC, Per P. A. Galinje (JSC)

²⁸ Simon Donner, 'The Ugly History of Climate Determinism Is Still Evident Today' <https://www.scientificamerican.com/article/the-ugly-history-of-climate-determinism-is-still-evident-today>. Accessed 03/08/2021.

²⁹ Gorazd Meško and Helmut Kury (eds.), *Crime Policy, Crime Control and Crime Prevention – Slovenian Perspectives*, (Tipografija, Ljubljana 2009), 7

³⁰ Ibid

³¹ Ibid

and justice and for the purpose of consolidating the unity of our people Do hereby make, enact and give to ourselves the following Constitution.³²

An obvious fact from the opening paragraph of the Constitution cited above, is that we all Nigerians consciously chose to make a Constitution for ourselves for the purposes thereto, even though the autochthonousity of the said constitution is still in question till date. But whether we query the autochthonousity of the Constitution or not, we have remained bound by it till date and every other law(s) made in Nigeria have been derived from the said Constitution which gives itself the power to override any law made inconsistent with its provisions.

It is now trite that since the Constitution is the *Grundnorm* of the country Nigeria, every other law that was made and will be made in Nigeria must derive its source and authenticity from the Constitution.³³ The Nigerian Criminal Justice System and the laws made thereto were fashioned as to achieve the aims and objectives of the Constitution. For instance the Administration of Criminal Justice Act (ACJA) 2015 which is more of a procedural law for criminal justice stated that: 'The purpose of this Act is to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of society from crime and protection of the rights and interests of the suspect, the defendant and the victim.'³⁴ These intended aspirations of the (ACJA) as shown above is in furtherance of the relevant sections of the said Constitution³⁵

The point being made above is that the Constitution and the other laws made thereto are to ensure and promote good neighbourliness and peaceful co-existence by all comers in the state. The laws therein must be obeyed in so far as they guarantee this peaceful co-existence. And to buttress the fact that the state is interested in regulating the affairs, activities and the excesses of her citizens, they have also made limitation laws to regulate even the time within which a person can ventilate or litigate his cause of action in court. The courts have held that the overriding purpose of limitation is the 'desirability of preventing plaintiff from prosecuting stale demands on one hand and protecting Defendants from disturbance after a long lapse of time when they have grown accustomed to the position or lost the evidence to defend it on the other hand.'³⁶

It must be reiterated that the principal basis for criminal liability in the Nigerian legal system is that a man intends the natural consequences of his action or inaction,³⁷ while determinism holds the view that every man's action or inaction had been predetermined, hence man has no control over them. This to our mind is inconsistent with the principle of good neighbourliness and peaceful co-existence which the criminal law seeks to protect. If we accept the fact that every action or inaction of a person is predetermined, then we will pass every such actions or inactions which will thereafter hamper our peaceful co-existence because several persons are perpetually deviant in their behaviours or naturally inclined to do evil. Criminalizing certain actions or inactions of citizens of the state therefore became paramount because of these deviant behaviours and evil intentions of man in other to put them in check. Determinism therefore will not be able to control these deviant behaviours, evil inclinations, wicked affairs and devilish activities of man in the society, hence the need for criminal law to put them under check. What is being said here is that, granted that every person is born with certain innate abilities both to will and to do of His good pleasure,³⁸ which is the principal basis for Determinism which presupposes that every action of an individual had been pre-determined, hence the actor has no control over it, cannot hold sway in the criminal justice system, otherwise, the state will gradually slide into a state of anarchy. Roscoe Pound's jural postulations on the fact that laws are made for social engineering were to the purport that laws are made for controlling individual relationships with one another in the society, which presupposes how people are expected to behave in certain circumstances in order to accord with standards of civilized society, exemplified by acting in good faith, abiding by agreements or undertakings, avoidance of deliberate damage to others and their property,³⁹ not coveting your neighbour's property, etcetera.

This study maintains that determinism which presupposes that free will is an illusion, as our behaviours are governed by internal or external forces over which we have no control, exists and can actually affect criminal liability/responsibility, but because every person is born with one mind, and two sides of good and evil, plus the right to choose what to do and what not to do, societies will not be at peace if we insist on allowing determinism to affect criminal liability, because some persons will never give up until the society becomes uninhabitable for others. Without mincing words, it is on record that some persons by their nature are always 'willing' to commit crimes, which supports the determinists' point of view, but for the interest of the society, the law stipulates that since man willed the action and could have acted otherwise by choice, such criminal would be fully and exclusively responsible for his choice of

³² Preamble to the Constitution of the Federal Republic of Nigeria (CFRN) (1999) as amended.

³³ *Governor, Ekiti State & Others v Prince Sanmi Olubunmo* ELC (2019) 3265 SC page 1, per C. C. Nweze

³⁴ Section 1, Administration of Criminal Justice Act (ACJA) 2015.

³⁵ See generally Sections 34, 35, 36, 37, 38, 39, 40, 41 and 42 of the Constitution of the Federal Republic of Nigeria (CFRN), 1999 as amended.

³⁶ Per K. M. O. Kekere-Ekun (JSC) in *Mr. Michael Idachaba & Ors v The University Of Agriculture, Makurdi & Ors* ELC (2021) 3481 SC.

³⁷ Per M. U. Peter-Odili in *Asiya Bala Orubo v The State* ELC (2021) 3484 SC.

³⁸ The Holy Bible (Philippians 2:13) KJV.

³⁹ Ditto (14, at p. 203)

violating the law, regardless of the conduct of his victim and irrespective of his social and physical environment (social and environmental determinism). This is the assumption of all penal systems which seems to be indeterministic in nature⁴⁰ in order to forestall peace in the society. Furthermore, the philosophy of officially punishing a criminal is based on the fact that criminal law operates not only on the presumption that humans have a free will to decide their actions, but, at the same time, with the implication that they are intelligent and reasoning creatures who can recognize values and who can distinguish between right and wrong, hence criminal responsibility would extend to those who willed to commit a crime or neglected to do otherwise.⁴¹ Thus, granted that we may have no control over our actions or inactions as opined by the determinists, the overall society's interest is superior to any person's innate pre-determined posture or ability, hence determinism is subservient to our peaceful co-existent which is guaranteed by the laws made by the state and which must be obeyed by all for peace to reign.

5. Determinism in Ghana

The Ghanaian criminal justice system is akin to the Nigerian system having been colonized by the same colonial masters, thus the concept of criminal liability is applicable *mutatis mutandis*. And since determinism is yet to make inroad into the Nigerian Legal System, it is the same in Ghana. This is why determinism and the idea that the individuals' choice is not the cause of behaviour is not consistent with the way the legal system in Ghana and in the UK operates.⁴² For instance, when a person is arraigned for any offence in a court of law in Ghana as it is in Nigeria, he is held morally accountable for his actions without any considerations of any extraneous/external or internal forces or influence. Although only a very few of such persons would represent themselves in a court of law by trying to appeal to a judge that their offence was biologically, environmentally, or psychically motivated i.e. pre-determined. This fact of holding the offender criminally liable in Ghana as it is in Nigeria, goes against a deterministic approach because it suggests that we are in control of our own behaviours, actions, or inactions and that free will can and actually does override any 'biological determined' ideal. In fact recent researches in the area of psychology suggests that people who have 'internal locus of control' (i.e. when an individual feels that they are completely responsible for their behaviours and actions), tend to be more mentally healthy as against persons who believed in fatalism (i.e. believe that their lives were decided by events outside of their control) who are at significantly greater risk of developing depression.⁴³ This discovery suggests in effects that believing in free will has a very positive impact on human behaviour and mental health for both Nigerians and Ghanaians.

6. Conclusion and Recommendations

The summary of all that have been said above is that granted that determinism exists and is now making inroads into our criminal jurisprudence, the debate about free will and determinism has shown that determinism is subservient to the peaceful co-existence of a state which is guaranteed by obedience to the laws made for the effective governance of that state. Therefore the only consideration at present given to determinism in relation to criminal liability in Nigeria and Ghana can at best be likened to the plea of mental disorders like; schizophrenia, whose sufferers experience a total loss of control over their thoughts and behaviour which suggests mental illness (Insanity) that can suspend criminal liability when successfully pleaded as a defence for the offence charged. It is no longer news that the degree of crime in this country has sky-rocketed, the things we used to take for granted are now of very serious concerns for all, the Nigerian populace is becoming more violent daily and cost of living is going higher which precipitates an attendant increase in the struggle for survival and in turn boasts crime rate, hence it is therefore recommended for Nigerian and Ghana as follows:

1. That every attempt to juxtapose determinism on criminal liability be jettisoned.
2. That people should be made to pay for their evil deeds (Crimes) as provided for in our extant laws till further notice, notwithstanding any preconceived condition of their health or mental state, except for a case of an obvious insanity provable in court.
3. That Government should fashion out a better criminal justice system that can gradually accommodate the views of determinism with time as it is being done now for Plea Bargain and Restorative Justice.
4. That Government should ensure speedy administration of justice as an antidote for less crime society.
5. That the judiciary should live up to expectation by dispensing free, fair, unbiased, unfettered and sound judgments.
6. That Nigerians should undertake a voyage of discovery into how best to curb criminality.
7. That all hands should be on deck as to how to move the nations forward by creating more job opportunities, improved living standards, favourable dollar exchange rate, improved health care, electricity, education, etcetera, which are the banes of these nations.
8. And that let all ye that read this article know that except Nigeria gets better than what it is presently, people will commit crimes for purposes of survival without considerations as to whether determinism or indeterminism will affect their criminal liability.

⁴⁰ Ditto (27)

⁴¹ Ibid

⁴² Ditto (27)

⁴³ Ibid