

## **SOCIAL DYNAMICS, LEADERSHIP AND CRIME: VIEWING THE PURGE OF THE JUDICIARY FROM THE KALEIDOSCOPE OF PATRIOTISM AND WITCH-HUNT**

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### **Abstract**

The age long judicial independence and reverence appears to be on trial in contemporary Nigerian polity. Indeed, there are massive purges going on in the judiciary in order to sanitize and bring errant judicial officers to justice. However, the exercise has been turned into a political affair which seems now to bother on leadership ego and witch hunt. This paper puts forward the view that the Executive arm of the Federal government of Nigeria is right to assume leadership and use the instrument of the law in fighting against the crime of corruption in the judiciary as long as the said government are themselves conducting the exercise within the due process of the laws that govern Nigeria's affairs; otherwise the country will be inadvertently laying down a social dynamics that will certainly erode any modicum of protection which democracy offers the society.

### **Introduction**

Social dynamics refers to the behavior of groups that result from the interactions of individual group members as well to the study of the relationship between individual interactions and group level behaviors (Durluf et al,2001).According to the Merriam Webster's Dictionary, social dynamics is a branch of social physics that deals with the laws, forces, and phenomena of change in society. The fundamental assumption of the concept is that individuals are influenced by one another's behavior. It is concerned with changes over time and emphasizes the role of feedbacks. However, in social dynamics individual choices and interactions are typically viewed as the source of aggregate level behavior (Sterman, 2000).Research in the field typically takes a behavioral approach, assuming that individuals are "boundedly" rational and act on local information. Mathematical and computational modeling is important tools for studying social dynamics. Because social dynamics focuses on individual level behavior, and recognizes the

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importance of heterogeneity, strict analytic results are often impossible. Instead, approximation techniques, such as mean field approximations from statistical physics, or computer simulations are used to understand the behaviors of the system. In contrast to more traditional approaches in economics, scholars of social dynamics are often interested in non-equilibrium, or dynamic, behavior. That is, behavior that changes over time.

### **Connotations of the Concept of Social Dynamics**

The term "social dynamics" is used in a wide variety of contexts that vary in level (from the societal to the individual) and in approach from qualitative (verbal) to quantitative (mathematical) (Bales, 1950). For example, on the societal level, one can point to Sorokin's ([1937–1941] 1957) qualitative approach in *Social and Cultural Dynamics*. At the other extreme, though also at the global level, there are works such as Forrester's (1971) mathematical, computer-oriented approach in *World Dynamics* and the statistical, empirical approaches found in Ramirez et al.'s (1997) study of the adoption of women's suffrage throughout the world and Frank et al.'s (1997) research on the spread and development of a world environmental regime. On the individual level, examples of qualitative approaches include Hareven's (1982) *Family Time and Industrial Time* and the relevant chapters in Bertaux and Thompson's *Pathways to Social Class* (1997). Also on the individual level, there are mathematical approaches such as White's *Chains of Opportunity* (1970) and statistical, empirical approaches such as Zhou et al.'s (1996, 1997) studies of stratification dynamics in China. Studies that combine qualitative and quantitative approaches are rare. A classic example is Elder's *Children of the Great Depression* (1974). Because of the great diversity in substance and approach, one cannot identify a single line of cumulative research on social dynamics. Instead, there are distinct, loosely related developments that arise in several contexts.

There are many connotations to the concept of social dynamics. In one context, social scientists refer to the *dynamics of a phenomenon*, meaning that they focus on how it changes over time. In this traditional usage, the emphasis is primarily on a substantive social phenomenon, and research progress depends on acquiring a deeper theoretical understanding and expanding empirical knowledge about that phenomenon. Topics vary, for example, from "group dynamics" (social interactions among the members of a small group over time) to the "dynamics of development" (change from a traditional rural society to a modern urban industrial society and then to a postindustrial society that belongs to a global In a second context that is more typical in contemporary research, researchers refer to a *dynamic model of a phenomenon*, meaning that their goal is to formulate, test, or

explore the consequences of a set of mathematical assumptions or a computer algorithm that is intended to mimic the behavior of the phenomenon of interest. For example, researchers may use a model of population growth and decline in a society; a model of founding, reorganizations, divestments, mergers, and failures in businesses or other organizations; or a model of the diffusion of an innovation through a population (e.g., the adoption of a new social policy by governments or a new contraceptive by women). Despite the substantive diversity, the formal properties of dynamic models of different phenomena are often similar. This similarity has fostered cumulative progress in studies of social dynamics because a model developed for one topic may be transferable to another topic after only minor modifications of its formal properties. For example, the notion that growth rates are "density-dependent" (depend on population size) arose first in dynamic models of population growth, with the main rationale being that a growing population increases competition among members of the system and depletes environmental resources, eventually leading to a lower rate of population growth. Later this notion was applied to explorations of dynamic models of the formation and survival of unions, businesses, and other kinds of organizations and how those processes depend on the structure of competition (Hannan system). In a third context, authors use a *dynamic analysis* of empirical data on a phenomenon, meaning some form of temporal (longitudinal) analysis of data pertaining to different points in time. Since dynamic analyses are based on dynamic models, work done in the second and third contexts has close parallels. Typically, however, a focus on dynamic models implies a greater emphasis on the model itself, whereas a focus on dynamic analyses indicates a greater stress on the problems of estimating and testing the model as well as the resulting substantive empirical findings. Advance made in methods for the dynamic analysis of one social phenomenon often can be used in dynamic analyses of other phenomena. This also has facilitated cumulative progress in research on social dynamics.

### **Differentiating Social Dynamics from Social Change**

Although the terms "social dynamics" and "social change" both indicate a focus on change over time, they are used in different circumstances. Social dynamics has a more precise meaning. First, social dynamics usually presumes change within a social *system*. That system may consist of similar entities (e.g., members of a family, families in a neighborhood and nations in the world) or disparate entities (e.g., different types of actors in a political or economic system) or various attributes of a single social entity (e.g., an individual's education, occupational prestige, and income or a business firm's age, size, and structure). The system usually is regarded as bounded, allowing the rest of the world to be ignored for purposes of explanation.

Whether the system consists of actors or variables, the term "system" presumes interdependence and typically involves feedback. Thus, action by one entity in the system leads to counteraction by another entity. For example, managers of a firm may counter a strike by workers by acquiescing to the workers' demands, outwaiting them, or hiring nonunion laborers. Alternatively, change in one variable in the system leads to an opposing or reinforcing change in one or more other variables. For example, an increase in educational level is followed by an increase in prestige and then an increase in income. Changes resulting from interdependent forces and feedback effects within the system are called *endogenous* changes.

There also may be *exogenous* changes, that is, unexplained (perhaps random) changes that influence change within the system under study but whose causes originate outside that system. For example, in analyses of interaction between a husband and wife, changes in the economy and society in which the couple lives usually are treated as exogenous changes that affect the couple's behavior, but the societal-level changes themselves are not explained. As a result of inter-dependent forces and feedback effects as well as possible exogenous changes, social dynamics typically implies a concern with *complex changes*. Simple linear changes or straightforward extrapolations of previous trends are rarely of primary interest.

Second, social dynamics connotes social changes that have a *regular pattern*. That pattern may be one of growth (e.g., economic expansion, growth of a population), decline (e.g., rural depopulation, the extinction of a cultural trait), cyclical change (e.g., boom and bust in the business cycle), a distinctive but nonetheless recurring transition (e.g., ethnic succession in neighborhoods, societal modernization, the demographic transition from high mortality and fertility to low mortality and fertility), or simply a drift in a particular direction (e.g., the slow but accelerating spread of a social belief or practice through a population).

Third, social dynamics usually implies a degree of *predictability*: Social change not only can be comprehended in terms of post hoc reasons but also can be explicitly modeled. The model, whether it consists of verbal statements or mathematical equations or computer instructions, involves a set of assumptions or propositions that permit fundamental patterns of change to be deduced. In contrast, although a unique historical event may foster social change, its uniqueness makes successful prediction impossible. One challenge in studies of social dynamics is therefore to convert phenomena that are unique on one level to ones that are representative and therefore predictable on another level. Thus, what some regard as a unique historical event, others see as an example of a regular pattern of change. For example, to a historian, the Russian Revolution of 1917 is a unique event, whereas a sociologist may regard it as exemplifying a response to changes in

underlying social conditions. Thus, while recognizing many distinctive factors, Skocpol (1979) argues that similar patterns of causes underlie the dramatic political and social transformations that historians call the French, Russian, and Chinese revolutions.

Fourth, the term "social dynamics" is used more commonly than is the term "social change" when regularity in patterns of change is associated with some kind of *equilibrium* (steady state or homeostasis), that is, when feedback effects are such that small deviations from equilibrium lead to compensating effects that cause equilibrium to be restored. For example, in the United States, the distribution of family income (the share of total income received by different families) was remarkably stable throughout the twentieth century despite tremendous growth in population and economic output and social upheavals such as the civil rights and women's liberation movements. This stability suggests that the process governing the allocation of family income was nearly in equilibrium. The term "social change," especially change seen as part of a unique historical process, usually is associated with change from one distinctive situation to another, very different situation. It implies the antithesis of social equilibrium. The way in which the social status of women and minorities has changed during the twentieth century exemplifies social disequilibrium.

### **Patriotism**

First, Auguste Comte propounded the theories of Social static and social dynamics as the bedrock of stability and social change in the society. Social statics focuses on how order is maintained in the society and social dynamic focuses on how society changes over time.

Comte separated social statics from social dynamics. Social statics are concerned with the ways in which the parts of a social system (social structures) interact with one another, as well as the functional relationships between the parts and to the social system as a whole. Comte therefore focused his social statics on the individual, as well as such collective phenomena as the family, religion, language, and the division of labor. It will be germane to note that leadership drives the maintenance of law and order in the society. A fearless leader will always set in motion the right policies and agenda that would impact positive on the social statics of the society.

Comte placed greater emphasis on the study of social dynamics, or social change. His theory of social dynamics is founded on the law of the three stages; i.e., the evolution of society is based on the evolution of mind through the theological, metaphysical, and positivist stages. He saw social dynamics as a process of progressive evolution in which people become cumulatively more intelligent and in which altruism eventually triumphs over egoism. This process is one that people can modify or accelerate, but in the end the

laws of progressive development dictate the development of society([www.oscareducation.blogspot.com/2013](http://www.oscareducation.blogspot.com/2013)).

Relating the above to the state of judiciary in Nigeria is interesting. Judiciary in Nigeria is one of the items that constitute the social statics and is the last hope of common man. Furthermore, in the contemporary Nigeria where democracy and all its tenets are taking deep root, we need a purified judiciary in order to drive the whole paraphernalia of governance in Nigeria. Speaking on the trial and punishment of some judicial officers, Itse Sagay is of the opinion that the punishment given to Justice Walter Onnoghen (Former Chief Justice of the Federation) would send a strong signal to other corrupt judges and other public officials that it was no longer business as usual under the Muhammadu Buhari administration(Dailypostng.com, 2019).

In addition, it is a total misconception that the Chief Justice of Nigeria cannot be tried. Nevertheless, by virtue of Section 1(1) of the 1999 Constitution the "Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria [CFRN 1999, s1(1)]." This needs be stated clearly in view of the opinion of some sections that the CJN enjoys immunity. Section 308 of the 1999 Constitution which provides for immunity clause does not cover the CJN. Hence, he is not above the law. Since everybody is subject to the law, the CJN, as "big" as he is can be charged and tried in both civil and criminal matters (Festus Ogun, Punchng.com).

The social dynamics perspective to the whole scenario is that judicial officers now learn from the downfall of others that there is no sacred cow in the battle against corruption in Nigeria. It will be instructive to observe that the executive intervention in the decay in judiciary is commendable, this is because unchecked attitude and life style of judicial officers can distort the social statics of the society and impale the mindset of the judicial officers into disrespecting their office by engaging in crime and corruption.

It has been canvassed that the action of the executive arm of government in setting into motion the suspension and prosecution of judicial officers may constitute a witch-hunt, however, this may not be true in all cases. Recently, the removal and subsequent conviction of Justice Onnoghen has been justified from the legal and constitutional point of view. Also, it is Important to know that by the provisions of Section 11 of the Interpretation Act, 2004, the President who appointed the CJN has been empowered and conferred the power to suspend the CJN and such suspension is also constitutional under Section 318 (4) of the Constitution. More so, the Constitution in sections 292 and 157 only provide for the removal of the CJN and not suspension, whose power is pursuant to Section 318(4) of the Constitution and Section 11 of the Interpretation Act, 2004, conferred on the President, even without the need for any Order of any Court to utilize his discretion (Hamid

AjiboJimoh,2019). It can be argued that the action of the executive in as much as it was awkward and novel was borne out of good faith and patriotism, and there is always that first time for social dynamics to start. Lord Denning held in the case of Parker v Parker that:

What is the argument on the other side? Only this that no case has been found in which it had been done before. The argument does not appeal to me in the least, if we never do anything which has not been done before we shall never get anywhere. The law will stand still whilst the rest of the whole world goes on. That will be bad for both.

It follows from the above dictum that the combination of the doctrine of necessity and patriotism may have been the underlying motivation for the sanitation exercise in the judiciary.

### **Judicial Witch Hunt**

Collins Dictionary defines witch hunt as “an attempt to find and punish a particular group of people who are being blamed for something, often simply because of their opinions and not because they have actually done anything wrong”. Witch hunt also entails the searching out and deliberate harassment of person(s) or group with views unpopular with the authority. It is in light of this that recent judicial onslaught by the federal government should be evaluated. There is no doubt that the Nigerian institutional environment is generally corrupt inclusive of the judiciary. Hence, the purge of judiciary of corruption is overdue in the country in order to ensure its continued discharge of the sacred role of dispensing impartial justice. But Nigeria is a constitutional democracy built on the supremacy of rule of law. Hence, the purge of judiciary should follow laid down procedures and guidelines provided by the law. While the government should be commended for the mindset of eradicating the bad eggs in the judiciary, the manner is controversial. The current judicial witch hunt is a combination of facts and fiction. Hence, it underpinned by the following –

- i Extreme media sensationalism – the victims usually are sensationally tried and oftentimes convicted by the media, the court of public opinion and the populace before actual court appearances. This is made possible by controversial facts and figures usually bandied about by the authority as justification for dethroning the judicial officers. These facts and figures are deliberately skewed and twisted by the authority to elicit the highest emotion and reactions against the victims.
- ii Inflated facts and figures – the allegations against the judicial officers are usually inflated and disproportionate. This indicates that the victims may have some questions to answer but the gravity of the offence actually committed is not proportionate to the allegation bandied about by the accusers. The intention appears to be to discredit the

judicial officer(s) before actual court hearing in order to justify the replacement of the position with another person.

iii Political underpinnings – it is hard to remove political underpinnings from the witch hunt against the judiciary. Hence, judges deemed to constitute obstacles to achievement of government objectives are targeted more. Similarly, judges from certain affiliations and tribe are naturally deemed to think in certain ways which affect the way the authority views them and contour of their rulings.

iv Institutional weakness – the prevalent institutional weakness renders institutional safeguards such as the National Assembly, National Judicial Council and others ineffective in the face of government flagrant circumvention of rules and procedures. Though the National Assembly often riles and complains, the national judicial council was rendered sterile in face of witch hunt on the judiciary. Members are either convinced or coerced into acceptance of government position. Hence, despite flagrant flouting of the clear guidelines in the removal of the CJN, the NJC could not raise a finger or flicker. This is not unexpected in a country where job losses could be experienced merely for holding a contrary opinion from the ruling authority.

v Inconclusive trial of dethroned judges – the trial most judicial officers accused of infraction of their office is usually conclusive. Oftentimes the allegations put across as reasons for removing these officers are unable to be proved in the court of law. Even where proof is shown, it is not unexpected to suspect subtle pressure to uphold the government position. Overall, the intention of the authority appears to be not necessary punishing the affected officers in terms of imprisonment but removal from office and replacement with more ‘trusted’ judge or justice.

vi. Authenticity of corruption in the judiciary – corruption pervades every segment of the Nigerian institutions and society. Consequently, the judiciary is not spared in this anomalous situation. It is not a secret that some judges can be ‘sorted’ with payment in cash or kind. Some judges deliver ‘bought’ rulings and judgments. Hence, it is high time the judiciary was purged of the ‘heresy’. However, the purging should be within the framework of rule of law.

## **Conclusion**

Social dynamics can be a good thing and a bad thing depending on the disposition of the managers of the social change. The society must be in a constant motion of change, therefore the objective of any social change should be to upgrade the system positively in order to serve the common good of all the peoples. In the Nigeria situation, the recent sanitization of the judiciary is a form of social dynamics in a situation like Nigeria where



certain institutions are beyond reproach. However, it is possible that the executive arm of government chose to instigate the sanitization as a way of consolidating power in order to stamp out checks and balances. If this is the case, then the social dynamics perspectives to the recent purge in the judiciary should be discouraged in order not to castrate the last hope of the common man in any society.

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