

JUDICIAL ACTIVISM AND ITS IMPACT ON CITIZENS' POLITICAL BEHAVIOUR IN NIGERIA

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ABSTRACT: *The study reviewed literatures on judicial activism and its impact on citizens' political behaviour in Nigeria. Several literatures were reviewed; from the literatures statement of the problem was derived. The study variables were conceptualised on the basis of definitions, components, and its impact on the citizens' political behaviour. Theoretically, rational choice model was adopted for the study, the theory is summarized as follows: Citizen can always make a decision when confronted with a range of alternatives; The citizen ranks all the alternatives facing him in order of his preferences in such a way that each is either preferred to, indifferent to, or inferior to each other; the citizen preference ranking is transitive; he always chooses from among the possible alternatives that which ranks highest in his preference ordering; and he always makes the same decision each time he is confronted with the same alternatives. By implication, the reviewed of the paper showed that there is nexus between judicial activism and citizens' political behaviour. This suggest that political psychologists, and other experts in related fields should as matter of urgency conduct seminars/workshops where the citizens will be educated on the need and important of judicial activism and political behaviour.*

KEYWORDS: *Judicial Activism, Citizens' Political Behaviour, Nigeria*

INTRODUCTION

Political behaviour in Nigeria seems to be characterized by rigging, the manipulation of religion, ethnicity, regionalism and nepotism as observed by many scholars (Adams & Agomor, 2015; Olayode, 2015). Citizens often are voting during elections based on their affinity with leaders that belong to the same religious groups, ethnic cleavages, region and other sentiments. Consequently, political behaviour of election is marred with the culture of rigging, malpractices, intimidation of both voters and opposition, use of violence and political thuggery most especially by the ruling party using the power of incumbency (Rufai, 2011).

Against this backdrop, citizen political behaviour is considered as an activity not necessarily part of a formal role in the society, but can affect the distribution of benefits and shortcomings in the society. In other words, political behavior includes activities in a society for the acquisition, development and use of power and other resources in order to achieve the priorities of a person in a situation in which there is uncertainty or disagreement about options. In

this regard, there are different interpretations of the policy of the organization, but many scholars believe that political behaviour is not only negative, but can also be useful to members of a society or the society itself. Therefore, political behaviour is a view that there is no polity without a belief system inherent in the people. The rising and the falling of a polity is a product of a kind of political beliefs, dispositions, and orientations that run in the psyche of the people and their leaders.

Hence, political behavior in the society is often hidden and affected by differences in the perception and attitude of its members. It is determined based on the nature of the action or people's perception of reality, not reality itself (Muhammad, 2007). Therefore, a behavior may be interpreted as political or non-political and it depends on a person's previous experiences or a frame of references. There are a lot of politics in the society, representing injustice and unequal distribution of resources among staff. Staffs who perceive improper distribution of resources, such as rewards and recognition, may have the feelings of jealousy and resentment (Andrews, Witt, &

Kacmar, 2003). Similarly, Sule, Mohammed-sani, and Ma (2017) political behaviour in Nigeria is full of incinerating and abusive language by both the contestants and the electorates because Nigerians are highly political entities. Indeed, much of the goal-related effort produced by government is directly attributable to political processes.

Therefore, the intensity of political behaviour varies, depending upon many factors. For example, from personal observation and experience, party members were asked to rank several government decisions on the basis of the extent to which politics were involved. Their response was that most political decisions (in rank order) were those involving coordination for next election, appointment on the basis of party affiliation, and ethnicity, and the delegation of authority. Such decisions are typically characterized by an absence of established rules and procedures and a reliance on ambiguous and subjective criteria (Mortenson, & Relin, 2006). On the other hand, the leaders in the parties ranked as least in political decisions such decisions as policies enactment, governance, and execution of policies. These decisions are typically characterized by clearly established policies, procedures, and objective criteria (Pfeffer, 2011). This shows that a man's political behaviour is only one aspect of his total behavior as a social being; hence, it cannot neglect the wider context in which political action occurs. It is bound, therefore, to consider the possible effects of social factors such as judicial activism on political behaviour.

Judicial activism is a term normally used to describe a certain tendency of judges to consider outcomes, attitudinal preferences and other extra-legal issues when interpreting the applicable law (Msakr, & Zimmermann, 2021). The phrase 'judicial activism' is used by its detractors to indicate the deliberate act of judges who subvert, ignore or otherwise flaunt the law. That being so, Galligan (2010) has described judicial activism' in terms of 'control or influence by the judiciary over political or administrative institutions. This shows that it is a philosophy of judicial decision-making whereby judges allow

their personal views about public policy, among other factors, to guide their decisions, with the suggestion that adherents of this philosophy tend to find constitutional violations and are willing to ignore precedent or their readiness to veto those policies on the branches of government such as executive on constitutional grounds.

Though, the facts remains that a powerful executive is inherent characteristic of the Nigerian modern democracy. Hence, the proper role of the judiciary activism in constraining the action of the legislature and the executive thus became imperative (Imam, 2015). Since, Nigeria is known as a society divided along the line of ethnicity, regionalism, and religious dichotomy most often do experience lot of controversies, and appeal of litigation has been particularly strong with citizens' increasingly viewing judicial intervention as principal opportunity to shape the public sphere (Meernik, & Joseph, 1997). Thus, the judiciary plays a vital role as social activist in the Nigerian progressive democratic reality. This growing role and level of judicial activism is dependent on the Nigerian legal system where it operates a written Constitution. Although, judiciary still exercise only a limited power just as the other institutions of the executive and the legislature. In as much as, the judiciary has since claimed the power to nullify on constitutional grounds inclusive of inconsistent acts of the legislature to the Constitution, or check excesses of the executives; in spite of that, courts do not doubt the privileges of the legislature or the executive especially in respect of their internal proceedings, yet such proceedings have been brought under the purview of judicial review (Imam, 2015).

However, the question may properly be asked in the context of judicial review of executive action, whether a judge or a court has entered upon the rather ill-defined territory of 'merits review' and sat in the seat of the executive to substitute its own view of the correct or preferable decision or activism rather than stay within the boundaries of review of process and lawfulness. The question may also be asked whether the judge or a court has applied to the task of constitutional or statutory interpretation

the principles generally regarded as accepted or legitimate and, if not, why they have been departed from. Each of these questions raises a different kind of legitimate concern. Their sharpness is lost and the seriousness of the debate about the judicial activism which they raise is compromised if they are swept up under the almost meaningless rubric of 'judicial function and its relative impact on citizens' political behaviour (French, 2009).

Statement of the Problem

From observation, the sudden death or assassination of some renowned politicians, judicially personnel, journalists, businessmen and women in the country may have affect citizens' political behaviour and also judicial activism. Sadly, the impeachment syndrome in the House of Senate and Assembly, falsification of election results, snatching and carrying away of electoral boxes and rigging of elections, and many more were the characteristic features general elections in Nigeria (Muse, & Narsiah, 2015). More so, challenge to citizens' political behaviour in Nigeria could be the evil of thuggery and political hooliganism that have led to the loss of life and property.

Many Nigerians have lost their lives and property through violence perpetrated through thuggery and hooliganism. There has been so much of such senseless exposure of the young to blood and arms that they are becoming narcotized. This may be why Falade (2015) stated that the Nigerian political system, electioneering and acts of governance as presently constituted does not encourage the citizens' political behaviour because it is discretely skewed to be continuously male dominated and elite driven. Consequently, there is a lack of confidence in political leaders by the citizens leading to mutual suspicion between the government and the citizens. This ugly scenario has implications for judicial activism. Against this backdrop, the study attempted to establish the impact of judicial activism on citizens' political behaviour in Nigeria.

LITERATURE REVIEW

Conceptual Review

Judicial Activism

The concept of judicial activism can also be understood from the function of the Court and its role in a democratic dispensation (Chigonu, Joe, & Membere, 2022). Judicial activism along this premise becomes a conception of the Courts' role as transcending the mere application of laws, rather it supports the notion that Courts cannot ignore the laws enacted by the legislature, however it can expound, develop and even change it within its function (Bhagwati, 1992 cited by Chigonu et al. 2022). Judicial activism as a concept is different from judicial passivism. Judicial activism unlike judicial passivism adopts operational flexibility in the construction of statutes with a view to moderating letters of the law in tune with the spirit of the times.

Normally, studies on judicial activism can be divided into two categories. The first comprises works that presuppose the concept of judicial activism and focus on judicial activism's impact and justification, disregarding any theoretical consideration. For some scholars, this impact is positive for it promotes social rights and strives towards morally acceptable results (Lozada, 2018; Saffon & García-Villegas, 2011; Smith, 2015; Terpan & Saurugger, 2018). Some others, on their part, think that this impact is negative for it affects institutions and, more generally, the rule of law (Escobar Torres et al., 2013; Pulido-Ortiz, 2019; Stone, 2011; Waltman, 2015).

A second category includes works that list certain activities that are paradigmatic examples of the activism of courts, that is, manifestations of judicial activism (Kmiec, 2004; Maraniello, 2012; Zarbiyev, 2012). For example, for Kmiec (2004) the following manifestations are expressions of judicial activism: (1) striking down constitutional actions of other branches, (2) ignoring precedent, (3) crafting judicial legislation, (4) departing from the accepted interpretive methodology, and (5) injecting moral result-oriented contents to judicial outcomes (Kmiec, 2004, p. 1444). According to Harwood (1992), typical manifestations of judicial activism occur when the judge (1) refuses to take an attitude of judicial deference for legislative or

executive, (2) relaxes requirements for justiciability, (3) breaks precedent; and (4) loosely or controversially construes the law, contained in either constitutions, statutes or precedent (Harwood, 1992, pp. 2, cited in Zarbiyev, 2012, pp. 249–250).

Lastly, it is important to talk about Canon's theory which is not widely read today, but that inspired contemporary accounts that understand judicial activism through the lens of its manifestations (Kmiec, 2004; Marshall, 2002; Young, 2010). For Canon, judicial activism has six dimensions or degrees. The more salient these dimensions are in a court's judgements, the more activist it is.

The dimensions are (1) the degree in which judgements strike down or make void public policy adopted by democratic bodies, normally via judicial review; (2) the degree in which judgements modify precedent, legal doctrine or interpretations of the law; (3) the degree in which judgements interpret dispositions against their ordinary meaning; (4) the degree in which judgements introduce public policy that distort democracy; (5) the degree in which judgements establish how to implement public policy, usurping the role of state agencies; and (6) the degree in which judgements replace arguably constitutional decisions and actions by other branches (Canon, 1983).

Nevertheless, Canon's most interesting contribution is that he proposes that there are two practices that, if followed, lead to judicial activism. These are the creation, modification or elimination of public policy, and the improper use of judicial powers (Canon, 1983, pp. 238–239).

Judicial Activism Methods

There are various methods of judicial activism that are followed in Nigeria. They are:

1. Judicial review (power of the judiciary to interpret the constitution and to declare any such law or order of the legislature and executive void, if it finds them in conflict with the Constitution)
2. PIL (The person filing the petition must not have any personal interest in the litigation, this petition is accepted by the court only if there is an interest of large

public involved; the aggrieved party does not file the petition).

3. Constitutional interpretation
4. Access of international statute for ensuring constitutional rights
5. Supervisory power of the higher courts on the lower courts

Significance of Judicial Activism

1. It is an effective tool for upholding citizens' rights and implementing constitutional principles when the executive and legislature fails to do so.
2. Citizens have the judiciary as the last hope for protecting their rights when all other doors are closed. The Nigeria judiciary has been considered as the guardian and protector of the Indian Constitution.
3. There are provisions in the constitution itself for the judiciary to adopt a proactive role. The Constitution provides the power of judicial review to the higher judiciary to declare any executive, legislative or administrative action void if it is in contravention with the Constitution.
4. According to experts, the shift from locus standi to public interest litigation made the judicial process more participatory and democratic.
5. Judicial activism counters the opinion that the judiciary is a mere spectator

Positive Impact associated with Judicial Activism

1. Judicial Activism sets out a system of balances and controls to the other branches of the government. It accentuates required innovation by way of a solution.
2. In cases where the law fails to establish a balance, Judicial Activism allows judges to use their personal judgment.
3. It places trust in judges and provides insights into the issues. The oath of bringing justice to the country by the judges does not change with judicial activism. It only allows judges to do what

they see fit within rationalized limits. Thus, showing the instilled trust placed in the justice system and its judgments.

4. Judicial Activism helps the judiciary to keep a check on the misuse of power by the state government when it interferes and harms the residents.
5. In the issue of majority, it helps address problems hastily where the legislature gets stuck in taking decisions.

Negative Impact associated with Judicial Activism

1. Firstly, when it surpasses its power to stop and misuse or abuse of power by the government. In a way, it limits the functioning of the government.
2. It clearly violates the limit of power set to be exercised by the constitution when it overrides any existing law.
3. The judicial opinions of the judges once taken for any case become the standard for ruling other cases.
4. Judicial activism can harm the public at large as the judgment may be influenced by personal or selfish motives.
5. Repeated interventions of courts can diminish the faith of the people in the integrity, quality, and efficiency of the government.

Citizen Political Behaviour

Igwe (2002, p. 330) defines political behavior as political attitudes and responses, their nature and character including forms, causes and consequences in the context of subject personality and the society which harbors and socializes him into its political culture. In the same vein, Unanka (2004, p. 1) defines political behavior as any political action or reaction by individuals or groups, which may or may not promote national development. Similarly for Okolie (2004, p. 19) political behavior describes specific type of behavior, namely, that patterns of behavior in society which relates to power, in order to increase power, to protect power, to modify power or use power in advancing the individual or collectivity from any already given power position. Thus, Aniche (2009) writes that

political behavior can be simply defined as the study of attitudinal responses or reactions of particular group of people or political society when expose to certain political stimuli.

Components of Citizen Political Behaviour

Drawing upon political psychology the mechanisms that activate citizens' political decisions and behaviour could be cognitive, affective and motivational processes that interact at the individual level and shape the outcomes of political behaviour (McGraw, 2003). Understanding these processes is fundamental insofar it enables the assessment of the way through which environmentally generated stimuli are perceived and processed at the individual level resulting in the heterogeneous outcomes of political behaviour.

The Cognitive Component: The cognitive processes that drive political behaviour refer to the cognitive structures (also named as 'heuristics', 'schemas' or 'judgmental shortcuts') and also deliberative cognitions that enable citizens to perceive, organize and store incoming information and which in turn drive the formation of political judgments and beliefs (McGraw, 2003). As Markus and Zajonc (1985, p. 143) note cognitive structures 'are built up in the course of information processing and they function as interpretative frameworks. On this basis, the understanding of cognitive-based processes that drive the activation of a schema once a stimulus from the political environment is generated is essential in order to assess the underpinnings of political behaviour. Due to their nature, schemas are a significant component that drives all mechanisms of political behaviour ranging from information processing to decision-making and motivated reasoning.

The Affective Component: This refers to the emotional arousal that follows the stimuli perceived from the political environment. Affective states play a significant role in the perceptions that citizens hold. The affective arousal that results from a particular piece of information, or the emotional state one is in when thinking of a political issue along with the emotion that an issue-based preference elicits are

all part of the affective element of political behaviour. Emotions are intense and periodic reactions to environmental stimuli with distinct mental and psychological characteristics that reflect the individual aims and goals (Fiske & Taylor, 1984). They range beyond positive and negative and include anger, fear, anxiety, sadness, enthusiasm, hope, pride and the like. They also touch upon the affective evaluations individuals shape towards specific targets such as when asked to express their likes and dislikes towards political actors and objects (such as political parties or specific policies). To sum up, affect is an important component that drives the mechanisms of political behaviour. Understanding emotionality at the individual level adds explanatory value in the complexity that characterizes citizens' beliefs and attitudes towards politics

The Motivational Component: The final component viewed as fundamental in political behaviour studies refers to the motivation that underlies political judgments. The motivational aspect of political behaviour encompasses the dynamic function of reasoning that lies behind all political decision individuals make in the course of their lives. It is composed by the incentives, goals and attitudes citizens possess and which shape the reasoning behind their political decisions and judgements (Kunda, 1990; Lane, 1969; Lodge & Taber, 2000; Sniderman et al., 1991; Sniderman, 2000; Taber et al., 2001). As such, motivation is a complex mechanism that is being driven by the cognitive and affective processes that individuals engage with when they shape their opinions about political affairs (Lupia et al., 2000; Taber et al., 2001, Sniderman, 2000; Lodge & Taber, 2000; Marcus & MacKuen, 2001; McGraw, 2003; Miller, 2011).

Drivers of Political Behaviour

Political behaviour is the outcome of internal processes that activate from externally generated factors (Lupia et al., 2000; Lane, 1969). Therefore, understanding the interaction between individual processes and externally constructed factors is essential in order to obtain a complete account of the nature and origins of citizens' political judgements.

External mechanisms of political behaviour refer to those aspects that are being developed at the societal level such as political ideology and the subsequent values and principles that each ideology holds and promotes. The externally generated factors are dependent on the socio-political actors and structures that drive the development of the political sphere in any given context. Interestingly, the degree of each actor's influence at the individual level varies (Page et al., 1987). As such these externally generated elements are dependent on the environmental setting and condition the mechanisms that take place at the individual level.

The ideological dispositions one holds, the attachment to values, the emotions evoked when thinking about politics as well as the level of political sophistication are few of the most prominent factors whose impact on political behaviour have been examined extensively by a variety of scholars throughout time. Their shared effect is considered to produce differential accounts of the social and political reality at the individual level.

Political Ideology: Political ideology is an externally generated, socially shared system of competing beliefs about the way the society should function (Lane, 1962; Jost et al., 2009) that has a dual role in the social structure. First it acts as factor of unification, bringing together certain segments of the population creating a sense of community based on their shared principles, on how the present should be and how the future should develop. Second, it plays an important role for the individual per se driving all aspects of citizens' political behaviour (Apter, 1964).

Value Orientations: Values lie at the basis of all political orientations and preferences citizens hold. Values are the structured cognitive representations of what is desired and serve as mechanisms that direct the political orientations and ideological inclinations of the individual (Feldman, 1989; Rokeach, 1973; Schwartz & Bilsky, 1987; Sniderman et al., 1991). According to Schwartz (1992, 1994) there are four

superordinate basic values, which are organised into two distinct dimensions: openness to change versus conservation and self-enhancement versus self-transcendence (Schwartz & Bilsky, 1987, 1990). The former refers to the position of the individual in the society, whereas the latter refers to what the individual desires in their personal life (Schwartz, 1992). These superordinate dimensions of values consist of 10 subordinate basic values that are linked to the goals citizens have set for their life. These are: achievement, benevolence, conformity, hedonism, power, religiosity, self-direction, stimulation, security, tradition and universalism.

Emotions: Another important factor that has been viewed as fundamental in driving the processes and outcomes of political behaviour is emotions. Political psychology studies have extensively examined the role of emotions at the individual level highlighting their importance in driving the full spectrum of political behaviour such as attitudinal orientations, decision-making, information processing as well as motivated reasoning (Marcus, 2000, 2003; Marcus & MacKuen, 1993; 2001; Sears, 2001; Sniderman et al., 2001).

Political Sophistication: Political sophistication has been recognized as a significant determinant that affects the full spectrum of processes related to political behaviour (cognitive, affective and motivational) (Barton & Parsons, 1977; Fiske, Kinder & Larter, 1983; Hagner & Pierce, 1982; Rivers, 1998). It refers to the amount and the structure of citizens' political cognition on the process of political behaviour (Bartels, 1996; Delli-Carpini & Keeter 1996; Zaller, 1992). Political sophistication allows obtaining a large amount of information over a wide-range of political issues, to set links between them and categorize them into hierarchical structures in which higher abstracts function as the main classification categories of the subordinate ones (Converse, 1964; Conover & Feldman 1984; Luskin, 1987; Marcus et al., 1974; Zaller, 1992). As Luskin (1987) suggests sophistication acts as an integrative mechanism that evaluates and

stores the incoming information in a coherent and internally consistent fashion.

Impacts of Judicial Activism on Citizens' Political Behaviour

The judiciary plays an important role in upholding and promoting the rights of citizens in a country. The active role of the judiciary in upholding the rights of citizens and preserving the constitutional and legal system of the country is known as judicial activism. This entails, judiciary is the branch of government that deals with interpretation of a nation's laws, resolution of legal conflicts, and judgments for violations of the law and is composed of judges and courts.⁴ It thus not out place to concede that this adjudicatory stratum of government remain indispensable and deliberately kept independent of internal and external interference even from the legislative body, which has the constitutional power to create amend or abolish laws and the executive who implement the laws as part of democratic arrangement. This explains why judiciary has a role to play in political behaviour of Nigerian citizens. This is especially in connection with the freedom to participate in election, voting and protection against abuse and disagreement arising from any contractual relations (Sunstein, 1993). It is only when political freedoms for all men and women to participate equally in society are achieved that people can genuinely takes advantage of judicial activism (O'Conneide, 2008).

Theoretical Framework

Rational Choice Model by Downs (1957) has played an important role in the analysis of political behaviour and activism ever since Downs's seminal work, *An Economic Theory of Democracy* (1957). There is a lively and sometimes rancorous debate between advocates of rational choice approaches (Aldrich 1993; Jackman 1993) and their opponents, who deny the relevance of rational choice accounts (Lowi 1992; Eckstein, 1992). The rational choice model is summarized succinctly by Downs in the following terms: A rational man is one who behaves as follows: He can always make a decision when confronted with a range of

alternatives; he ranks all the alternatives facing him in order of his preferences in such a way that each is either preferred to, indifferent to, or inferior to each other; his preference ranking is transitive; he always chooses from among the possible alternatives that which ranks highest in his preference ordering; and he always makes the same decision each time he is confronted with the same alternatives (Downs 1957).

It is well known that rational choice theory applied to the task of explaining political behaviour faces a key problem, the so-called paradox of participation and activism, first highlighted by Olson (1965). This is the proposition that rational actors will not participate in collective action to achieve common goals because the products of such collective action are public goods. Public goods have two properties: jointness of supply and the impossibility of exclusion (Samuelson 1954). Jointness of supply implies that one person's consumption does not reduce the amount available to anyone else, and the impossibility of exclusion means that an individual cannot be prevented from consuming the good once it is provided, even if he or she did not contribute to its provision in the first place.

The classic textbook example of a collective good is national defense—if one person “consumes” national defense this does not reduce the amount available to anyone else, and if that person refuses to pay their taxes to fund defense spending, they cannot be prevented from consuming it.

Olson's insight was to note that the policy goals and programs, which are the “products” of a political party, are public goods, and consequently rational actors have an incentive to free ride on the efforts of others and to let them do the work to provide such goods. Consequently, a voluntary organization like a party would get no assistance from the rational self-interested individual in the absence of other types of incentives to participate (Olson, 1965). In addition, Olson (1965) points out that this problem is much more acute in large groups than it is in small groups. In the case of a small group, it may well be rational for a single individual to

provide the collective good, since it is possible that the benefits to that individual exceed the costs of providing the good without any assistance from other people.

There have been four broad approaches to dealing with the paradox of political behaviour and activism within the rational choice framework (Whiteley 1995). The first approach is to appeal to threshold arguments; when the costs of collective action are very small, as they are in the case of voting, then an individual may well ignore them because they are below a threshold of significance (Barry 1970; Niemi 1976). The difficulty with this approach is that it solves the paradox by abandoning the rational choice framework: if costs and benefits are so trivial that actors do not bother to calculate them, then the theoretical explanation for political behaviour and activism is no longer a rational choice explanation.

The second approach has its origins in game theory and is based on the idea that if no one is expected to be involved in politics and activism, then an individual who actually does activism will have a decisive effect on the outcome of political behaviour. In this case it is clearly rational for the individual to political behaviour (Meehl, 1977). However, if everyone else participates, then it ceases to be rational, since the individual will no longer be decisive in determining the outcome. From this perspective, payoffs depend on the interrelationship between the strategies that the different actors pursue. More generally, the collective action problem is often modeled as a prisoner's dilemma game, and theorists have developed “folk” theorems that examine the conditions under which collective action is rational in this game.

The dilemma arises from the fact that if the game is played only once it is rational for the individual to free ride on others and not participate, regardless of the strategy the opponents pursue. Unfortunately, the result of this course of action is inferior to the outcome that can be achieved if everyone cooperated and worked together to provide the public good.

Unfortunately, these conditions only apply to two-person games and not to N-person

games of the type required to study participation in a large organization like a political party. This is largely because it is difficult, if not impossible, to identify and hence sanction free riding in the N-person game (Axelrod, 1997). Since the active members of a political party have no sanctions to induce the inactive members to get involved and share the burden of work, free riding cannot be punished.

The third approach to the collective action problem introduces altruistic concerns into the calculus of political behaviour and activism. Mueller (1989), for example, suggests that activism will take into account the utilities of other citizens when deciding whether they should participate in politics during an election. He describes this as a Jekyll-and-Hyde view of human nature, with part of the motivation for participation being altruistic and part being self-interested. Margolis (1982) develops a similar argument. Altruism is quite compatible with rational choice theory (Elster, 1983), but it fails to solve the paradox of political behaviour and activism. Altruism implies that an individual will accept costs without receiving corresponding benefits, but there is still the question of whether the individual's political behaviour will make any difference to these outcomes. It is simply irrational to incur costs if by doing so individuals make no difference to outcomes, regardless of whether they are motivated by altruism or self-interest.

Finally, the fourth approach to the collective action problem is the one used by Olson, an appeal to selective incentives as the explanation of collective action. These are private incentives unrelated to the collective goods produced by the group. This approach has been used to explain the paradox of participation applied to political behaviour and activism. For example, Riker and Ordeshook (1973) list a series of selective incentives that individuals have for voting, including "The satisfaction of complying with the ethic of political behaviour," "The satisfaction of affirming allegiance to the political system," and "The satisfaction of affirming a partisan preference." Since individuals who do

not vote do not receive these benefits, they are selective incentives.

Green and Shapiro (1994) in their critique of rational choice applications in political psychology are scathing about this particular approach. They write: Aside from being a post hoc explanation (and an empirically slippery conjecture in any event), the notion that civic duty shapes voter participation raises more empirical problems than it solves. For one, it is unclear why civic duty should fluctuate from one sort of election to another within the same region, producing sharply different turnouts for Presidential elections, national off year elections, statewide elections, and local elections.

In Olson's (1965) account, selective incentives for joining a trade union involve things such as subsidized insurance, free legal advice for members, and discounts on various purchases. These seem to provide plausible incentives for joining such organizations for some individuals, and therefore the selective incentives idea has validity. However, it is not clear that it can be applied to explaining away the paradox of political behaviour, particularly when applied to voting, where such incentives are largely absent.

On the other hand, scholars argued that this idea is quite important for understanding high-intensity participation. Overall, while rational choice accounts of political behaviour and activism have value, the various attempts to explain away the paradox of political behaviour and activism all face difficulties. One author has suggested that the problem of explaining turnout is the "paradox that ate rational choice" (Grofman 1995). Rational choice accounts of political behaviour and activism orientate research onto the demand side of the political participation equation. Individuals are motivated by considerations of self-interest when they get involved in politics. Moreover, the absence of any serious discussion of incentives is a major of the citizens and political behaviour. However, it is also clear that a purely rational choice account provides an incomplete explanation of activism and political behaviour.

Implications of the Study

1. The reviewed of the paper showed that there is link between judicial activism and citizens political behaviour. This observation will help those in political psychology in understanding the relationship between the study variables. Through the understanding they will provide programmes that will foster judicial activism that is geared towards inspiring citizens for positive political behaviour.
2. Citizens also will benefit from this study. It will open their eyes on the nexus between judicial activism and political behaviour. This understanding will make them how to be involved in politics with clear knowledge and workings of judicial activism.
3. Government, and judicially will understand how activism makes citizens cause citizens to engage in political behaviour in the society today.
4. Theoretically, this will enhance theories reviewed in the study, and it is related to the study variables (judicial activism and citizens' political behaviour).

Recommendations

The following recommendations are made:

1. Political psychologists should as matter of urgency conduct seminars/workshops where the citizens will be educated on the need and important of judicial activism and political behaviour.
2. Judicial should ensure transparency, fairness and predictability in decision, and interpretation, this if proper done will revamp the political behaviour trust in judicial system and government.
3. Judicial activism should be a means of creating an enabling environment where politics without violence are enforceable, thus promoting political behaviour among citizens.
4. At the time of activism, judicial should also advocate for creation of free and equal access to justice and political power without fear of favouritism or undue external influence; that means

strong means to invoke judicial solution that protect individual and regional rights.

5. Judicial activism should be able to eradicate flaws arising from hasty drafting of statutes or absurdities that usually manifest during election matters with that, the citizens spirit will be strong and hopeful during any election and political circle.

Conclusion

In summary, this position paper revealed that political behaviour of citizens can be foster by appropriate judicial activism that is geared towards making the citizens understand what politics portend and the best way to achieve politics that is citizens' driven. Since politics offers citizens opportunities to engage in governance and participate in political and decision-making processes for socioeconomic, and cultural development of any society.

Limitation of the Study

This research is reflexive research. This pattern of review limits the study because it does not allow the researcher to elicit empirical and practical information from the targeted populations.

Suggestions for Further Studies

Empirical examination of the topic should be the next research option of the future study

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