

## Trust, Partisanship, And Our Judiciary

Our judiciary is at the center stage of public discourse sparked by remarks from former president John Mahama. Our current president Nana Akufo Addo, as well as his Attorney General Mr. Godfred Odamé have responded to the comments. As with a lot of our public conversations, one cannot overlook the partisan dimensions. A look at the comments on social media appears to suggest that partisans of the ruling government (NPP) are more supportive of the courts than partisans of the main opposition party (NDC). To contribute to the conversation, I turn attention to the Afrobarometer survey for insights.

### Trust In The Judiciary

In the Afrobarometer survey, when asked “*How much do you trust each of the following, or haven’t you heard enough about them to say? Courts of law*” here is how Ghanaians have answered the question over nine rounds.

Table 1: Trust in the judiciary

|                      | 1999 | 2002 | 2005 | 2008 | 2012 | 2014 | 2017 | 2019 | 2022 | Change over time |
|----------------------|------|------|------|------|------|------|------|------|------|------------------|
| <b>Not at all</b>    | 23%  | 15%  | 12%  | 15%  | 15%  | 30%  | 17%  | 26%  | 32%  | <b>+9</b>        |
| <b>Just a little</b> | 15%  | 34%  | 18%  | 23%  | 26%  | 24%  | 22%  | 22%  | 30%  | <b>+15</b>       |
| <b>Somewhat</b>      | 34%  | 34%  | 28%  | 28%  | 32%  | 20%  | 31%  | 31%  | 26%  | <b>-8</b>        |
| <b>A lot</b>         | 24%  | 10%  | 35%  | 30%  | 24%  | 22%  | 26%  | 16%  | 10%  | <b>-14</b>       |
| <b>Don't know</b>    | 4%   | 7%   | 8%   | 4%   | 2%   | 3%   | 3%   | 6%   | 1%   | <b>-3</b>        |

Two key observations on the trust spectrum. One, there has been a significant increase in the percentage of Ghanaians who say they do not trust the courts at all or just a little. Second, there has been a significant decrease in the percentage of Ghanaians who say they trust the courts somewhat or a lot. The trust issue facing the judiciary is well captured by the Afrobarometer survey.

### Partisanship And Trust In Our Courts

How do partisan attachments shape trust in the courts? I focus on the partisans of our two dominant political parties and what percentage of their supporters express the highest level of trust (*a lot*) in our courts. I do so because it signals an unwavering trust in an institution. There have been nine rounds of Afrobarometer so far in Ghana beginning in 1999. Five of those rounds coincided with the NPP in power (2002, 2005, 2008, 2017, 2019, and 2020), while the other three coincided with the NDC in power (1999, 2012, 2014). The full data for 2022 is not publicly available and therefore not included in this part of the analysis.

Table 2: Trust in the judiciary by party affiliation

| % who say they trust a lot | 1999 | 2002 | 2005 | 2008 | 2012 | 2014 | 2017 | 2019 | 2022 |
|----------------------------|------|------|------|------|------|------|------|------|------|
| Feels close to the NDC     | 30%  | 31%  | 35%  | 28%  | 33%  | 33%  | 24%  | 17%  | n/a  |
| Feels close to the NPP     | 17%  | 38%  | 41%  | 39%  | 24%  | 24%  | 30%  | 20%  | n/a  |

Two key observations. One, partisan attachments do shape trust in the judiciary. Depending on whether the political party one feels close to is in power or not, there is always a gap in the level of trust among partisans. Trust levels are higher when the party one feels close to is in power, and lower when their preferred party is in opposition. Second, the year 2019 is an exception to the trend. In that round, both partisans experienced a sharp drop in their level of trust from the previous round. Also, it is the round in which the partisan gap in trust level is small and insignificant.

### Where Do We Go From Here?

A polarizing conversation about our judiciary, and some of the rhetoric deployed does us no good. We must find a way to have constructive public conversations about our institutions without appearing to call their legitimacy into question. After all, these are the institutions upon which our democracy is built. In a partisan environment, it takes a lot of discipline in the rhetoric we use to do that.

There is, however, no denying that our institutions, including the judiciary, face a real challenge and how they respond will make all the difference going forward for citizens. For our institutions, such as the judiciary, information from credible surveys such as Afrobarometer do serve as important signals from the citizens. My preferred posture is to use the signal as a point of reflection by asking – “what is it about our actions and inactions that is causing an erosion of trust among the citizens we so tirelessly strive to serve on a daily basis?” How the judiciary answers this question will make all the difference in the steps they take to regain some of that eroded trust. And this is not a question for our judiciary alone because as Afrobarometer keeps showing, citizens do have a trust problem with our institutions.



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