

ELEMENTS OF POLITICAL SCIENCE



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CHAPTER

8

SOVEREIGNTY, POWER, AUTHORITY AND LEGITIMACY

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INTRODUCTION

The above mentioned concepts, that is power, authority, legitimacy, public opinion and pressure groups are existing topics in political science and government that revolves round contemporary intellectual discourse. Dahl (1976) opined that they are "influence terms". It is in the light of this a critical and rational comprehensive understanding of these concepts would be examined beginning with power.

Power Power is a concept that mean different thing to many people. In order words there is no concrete agreement regarding the use of power among many scholars or political scientists. But, one thing is sure. It is all about compelling others to do what they may not like to do. It involves some degree of coercion and the use of sanction. Lasswell and Kaplan (1950) have this to say about power; it is the threat of sanctions which differentiate power from influence in general. Power is a special case of the exercise of influence. It is the process of affecting policies of others with the help of (actual or threatened) severe deprivation for non conformity with the policies intended.

In the same vein, Morgenthau (1978) epitomized that power may comprise anything that established and maintains the control of man over man. Thus, power covers all social relationships which serve that end, from political violence to the most subtle psychological ties by which one mind controls another. It is therefore logical to assert that because powers refers to the ability of one person to get another to do what he normally would not have done. force has to be applied where voluntary compliance is not forthcoming. So, the use of power in all ramifications involves some application of force where persuasion fails.

In politics power is very imperative. Everything about politics revolves

round power. Hobbes acknowledges that it is the means to obtain some future apparent goods. This is why according to Nwankwo (1990) politics has been defined as all activities directly or indirectly related to the seizure of state power, consolidation of state power and the use of state power.

However, power is of different types. They are political power, which requires the ability to carry out binding decisions affecting the generality of the public. Another type of power is personal power. This type of power requires the same one who parades himself based on the physical appearance or disposition. For instance, the girl friend and boy friend relationship requires certain degree of affection for each other. Thirdly, physical power. This power is based on the use of strength to secure obedience from your opponent. Other types of power include normative power, information power, economic power etc.

Sources of Power

The following are the existing sources of power,

Constitution: Here, the constitution of every existing country such as Nigeria decides who is qualified to contest for a particular position or not.

Personal resource: Ones personal attractiveness can bring some commendable respect and acknowledgement from members of the society. For example Ex governor Jim Nwobodo of Anambra State was able to secure obedience and loyalty as well as compliance among members of Anambra State especially among the females in his administration because of his personal attractiveness.

The People: In democracy sovereignty resides with the people and they form the electorate that will eventually choose the leaders. What this professes to us is that the people are the custodian of political power. In an ideal situation or democracy there is the principle of recall which presupposes the fact that the people in whom political power resides can decide to ask a representative who has performed below expectation to come back. This is because he was elected by the people.

Economic Power: Economic resource is another source of political power. This requires the use of money to buy support over the members of the society, particularly in Nigeria politics one can buy the conscience or influence the actions of the electorate to win elections and consequently make binding decisions because of economic power.

Normative resource: Here, Pope and Anglican Archbishop of

Canterbury are able to make certain pronouncement that are obeyed by the members of the public. This is because of the power and respect they enjoy as the spiritual head of members of the public. A good number of people obey and carry out directives of these "disciples" of God because of the overwhelming belief that they are the spiritual or moral representatives of members of the public.

Expert resource: Some people are able to wield political power because of the information and knowledge they possess over other existing members of the society. Late Zik and Awolowo enjoyed loyalty from the society based on the belief that they possess superior intelligence than others.

Reasons why people are interested in Political Power

The usefulness of power can not be over emphasized. Power plays the following roles in our society. It commands honour and respect; the essence of acquiring power by some people is to be highly regarded and to be seen as very important people in their community and society in general.

Power brings about wealth. In recent time, many people have seen that joining politics results to acquisition of wealth. It is almost a general belief in our country Nigeria that the best and quickest way to make money is to go into politics, compare to other fields of human endeavour.

Power equally brings about popularity and recognition. To be popular today in contemporary Nigeria politics is to be actively involve in politics. For instance, the President and Commander in Chief of the Armed forces, Dr. Ebele Goodluck Jonathan is known by everyone throughout the country and beyond.

The use of power enables one to serve the people. The primary objective of this group of people is to make provision for those they genuinely desire to serve once they find themselves in the corridor of power. Provision of electricity, pipe borne water, clinics and a lot more.

As good as the usefulness of power may seem, there are areas of deficiencies the use of power are known for;

Power if not well used can create some problems for the user. A selfish and very wicked ruler for instance could govern his people without fear or consideration. General Sani Abacha for instance, a one time military head of state of Nigeria was a very selfish and wicked ruler.

The use of power could make the ruler see himself far and above board. Thereby looking down on those who have elected him into office.

The use of power makes those in office to appropriate what does not belong to them. It is appropriation that makes some of them feel very arrogant and govern with absolute authority. Thus, reminding one of a popular slogan which says "power corrupts and absolute power corrupts absolutely".

Authority

Authority unlike power implies the constitutional recognition of power. Authority is legitimately exercised. The office holder can exercise his/her authority over his/her subjects legitimately irrespective of his size. Scholars of different intellectual pundits have conceptualized authority in different ways. For Ebomah (1997), authority implies the right to give orders that must be obeyed, the right to command others, the willingness of the ruled to accept the command of the ruler without direct force. Corroborating the position of Ebomah, Okwuidegbe (2000) has this to say; authority is power which has been legitimized rationalized and routinized and stressed that it is defined in terms of rules which defines who exercise authority, the extent of the authority and its domain.

Authority commands some semblance of respect and some form of legitimacy. The power wielder need not apply force or coercion to achieve his objective. That is why Enemu (1999) shared the view that there is considerable disadvantages for a government which depends mainly upon the use of force to maintain control. It therefore behoves us to recognize that authority is power based on consent, voluntary obedience i.e. compliance and persuasion. Crick (1962) recognized that probably, all government require some capacity for or potentiality of force or violence, but probably no government can maintain itself through time as distinct from defense and attack at specific moments, without legitimating itself in some ways, getting itself loved, respected, even just accepted as inevitable, otherwise it would need constant recourse to open violence which is rarely the case.

It is logical to say that legitimate power is popularly called authority. Weber identified three types of authority. They are; charismatic authority, traditional authority and legal rational authority. To him, according to Ikelegbe (1995) authority is charismatic when the subjects accept a superior's orders as justified because of the influence of his personality, with which they identify. Authority is regarded as traditional when the subjects accept the orders of superiors as justified on the ground that this is the way things are always done. Legal rational authority refers to when the subjects accept a ruling as justified because it agrees with a set of more abstract rules which they

consider legitimate and from which the ruler is "derived" and ipso facto rational. According to Oyibo (2000), Weber identified a number of characteristics in his legal-rational bureaucracy:

- i. Officials are personally free and subject to authority by only official obligations.
- ii. Offices are organized in clearly hierarchical form
- iii. Each office has a defined sphere of competence
- iv. The office is filled through a contractual relationship
- v. Candidates are appointed. They are selected on basis of technical expertise.
- vi. Remuneration is by fixed salary system
- vii. The office is the primary preoccupation of the officer
- viii. It constitutes a career in which a system of seniors and promotion
- ix. The officer can not appropriate his position or the organisation
- x. The officer is subject to known disciplinary system and the office to known general rule/laws
- xi. Management of the office is through written documents that are preserved.

The relevance of this concept is premised on the fact that exerciser of the power often time is respected irrespective of his size. This is because of the office he/she is occupying.

Like power, the first and very obvious limitation of authority is usually the abuse of officer by the individual. Often time, he/she wants to override his subordinates without any human consideration. Some categories of this power wielder are regarded as despot. Abacha and Babangida were seen as despotic leaders in their time.

Legitimacy

Legitimacy is a popular concept in government that requires the tacit approval and support of the people behind a government that is in power. Thus, the election of a candidate into power by the generality of the public is a legitimate one. A legitimate government has the right to expect respect and compliance from most of its citizens most of the time. On the contrary, a military government for instance is an illegitimate government. This is because it came into power through coup and without the consent of the people. This is because the stability of any government depends on the

degree of legitimacy it enjoys from the people.

In his own perception, Okonkwo (2004) conceptualized legitimacy as the recognition by the people of a particular government to rule over them. It is against this background it becomes logical to argue that if a political decision is made by representatives of a political community, it will be considered as legitimate and binding on the citizens.

Legitimacy is a vital tool needed by the leadership if there is to be political stability and the acceptance of any government (Isitoah, 2009). Corroborating this position, Lipset (1960) said legitimacy involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society.

It is important to recognise the usefulness of legitimacy in every existing society. Legitimacy enhances the stability of government. It gives a government a democratic look.

It promotes a responsible government. However, an illegitimate government legitimizes its government by buying over some influential personalities to its government.

Again, a military government that is considered an illegitimate government is less brutal and dictatorial in their administration.

To give an illegitimate government some semblance of acceptability, such government often times co-opts traditional rulers into its administration.

Nonetheless, the lesson to learn from the emphasis on legitimacy is that legitimacy in its short form is right of a ruler to rule so long as he has the overwhelming support of the people. Legitimacy implies the government structures, characteristics and mode of operations are considered correct and proper by the majority of citizens, thus normally the majority will voluntarily comply with a government that is legitimate.

The concept of legitimacy by results deals with what actually happens in politics and not just with the procedure by which political power is obtained. The representation through which it is exercised. The people feel that a government is legitimate or illegitimate depending on its way of emergence and method of operation. If the government actions or inaction violate the people's real value, they may conclude in the words of St. Augustine in his book entitled the "City of God" that a government without justice is a great robbery.

Sovereignty

The study of the concept of sovereignty becomes imperative in the field of social sciences especially in political science. It is too essential to be chewed to pieces because of its centrality in the existence and operation of a state. It is impossible to write or talk about the state without saying something about sovereignty, which is the aspect of the state that relates to its supreme and unchecked power.

From the aforesaid, sovereignty is a characteristic of a state. If sovereignty is a characteristic of state and state is formed by the people, then sovereignty also has its root from the people. Here, the concept of sovereignty, its characteristics, types, limitations and where it resides or belongs will be examined.

Sovereignty as a concept is derived from the Latin word "Superanus" meaning supremacy. Applying this meaning supremacy to state as submitted by Isitoah (1996:48), it refers to the supreme power of a state. Appadorai (1974:48). Sovereignty is a characteristic of the state in virtue of which it cannot be legally bound except by its own will or limited by any other power than itself.

Sovereignty is a governing body that has full right and power to give itself without any interference from outside sources or body (Wikipedia, Sovereignty, 2014: para.2). This is Alan (2006:29) argues among others that a sovereign state is a state that is legally in control of its own destiny.

The current notion of sovereignty from the Age of enlightenment or reason notes that sovereignty contains four aspects consisting of territory, population, authority and recognition (Wikipedia, current notion of Sovereignty, 2014:para.5). Age of enlightenment or reason that begins in late 17th century in Europe, implies reforming society by use of reasoning (scientific method) to challenge ideas that are grounded in tradition.

Also in attempt to understand sovereignty, Krasner (2001:1-12) articulate that sovereignty could be understood in four different ways:

- Domestic sovereignty - actual control over a state exercised by an authority organized within the state.
- Interdependence sovereignty actual control movement across state's borders, assuming that borders exist.
- International legal sovereignty is formal recognition by other sovereign states.

Sovereignty is the absolute or supreme power of a state given by its

citizens to exercise over them. This definition sees sovereignty from the social contract theory perspective. It is the unlimited and unchecked power of a state to make laws and enforce such laws with all forces it cares to employ to have compliance. This supreme power is unlimited and unchecked by any law or body except the state (Sovereign) consents to it.

Scholars have traced the introduction of sovereignty in political theory to French philosopher/writer Jean Bodin (1530-96) in his six books concerning the state in 1576 (Anifowose and Enemuo, 2005:89). Other writers who advanced the theory were Thomas Hobbes, John Locke, Jean Jacques Rousseau, Grotius, Austin and Bentham. The views of these writers on sovereignty are not different from the views expressed above, but the issue of where sovereignty resides or belongs was controversial among them and still on among writers. For example, while Hobbes believed that sovereignty is located in the ruler, Rousseau maintains that sovereignty belongs to the people (the electorate), this controversy led to the types of sovereignty as discuss below.

Types of Sovereignty

1. Legal sovereignty:- Decay articulates that legal sovereignty is the sovereign legislative power of the state to make laws. This sovereignty is conferred on the government of a state. It refers to the sovereign of law-making body.
2. Political sovereignty:- This is also known as popular sovereignty. It is the power of the electorate to elect any leader into an office and vote out of office, if he is no more wanted in office. Political sovereignty connotes that the elected officials are errant men of the electorates and the laws made by them should reflect the wishes and developmental aspirations of the people/electorates. Hence, it shows that sovereignty belongs to the people.
3. De facto sovereignty:- This occurs when legitimate sovereignty has been overthrown in coup d' etat or revolution, and the successor is able to enforce obedience. It is based on physical power and if it is exercised successfully over period of time, de facto sovereignty may be recognized as legitimate sovereignty.
4. De jure sovereignty:- This refers to the sovereignty which exercise is based on law.
5. Internal sovereignty:- It is the sovereignty power of a state over its

citizens and other things therein as regard to making and enforcement of laws without any limitations.

- 6 External sovereignty:- This sovereignty was developed by Grotius. It refers to the independence of a state from foreign control, except the sovereign (state) consents to such control. It also indicates the freedom of a state to interact with other states on an equal basis. That is why Bamgbose (2002:15) notes that, it means equality in status.

Characteristics of Sovereignty

Characteristics is a word that described distinctive qualities of a particular person or thing. It symbolize the nature of a particular thing. So, here, the characteristics of sovereignty will be briefly examined.

1. Subjectless to legal restraints:- Sovereignty is not under the control of any legal limitations, except it consents to it. Sovereignty is above law, infact, it is a source of laws.
2. Sovereignty is not apportionable:- The supreme power cannot be shared in a state. In federation, the state delegates powers of government to the constituting units.
3. Sovereignty is of the state and not of the government:- The state that has the supreme power, which the government of the state exercises on behalf of the state for its organization. The consented will that formed the state under social contract emanates from the people and not from the government.
4. Sovereignty is continuous in a state:- Sovereignty continues without interruption as long as the state exists. Its existence is not limited by any law. Omoregbe (2010:71) submits that sovereignty from Bodin's view, is not answerable to his subjects not accountable to them or anybody (except to God). Even the death of president or it removal cannot end the life of sovereignty. For example, the death of president Umaru Yar' Adua of Nigeria did not end Nigeria sovereignty rather necessitated the elevation of the vice president, the person of Goodluck Jonathan to the capacity of acting president in 2010.
5. Sovereignty is absolute:- It covers territory, citizens, resources, everything within the jurisdiction of the state. Scholars are of opinion that the immunity which the diplomats and other officials enjoy from other states is merely an international courtesy, which can be withdrawn at the discretion of the sovereign (state).

6. Sovereignty symbolizes independent state:- It indicates freedom of state from outside interference in its governance, except it entertains such intrusion. For example, Nigeria government did all she could to stop the declared state of Biafra by the Eastern region government that led to 1966 to 70 Nigeria civil war.

Limitations of sovereignty

Several writers on the concept of sovereignty accepted that sovereignty is limited. Here are some of the limitation:

1. Public opinion and pressure groups:- These limit the legal sovereignty of legislative power of a state to make and enforce law in a state. Through demonstrations, strikes, views of the people among others, proposed or policy of the government can be changed. This is because the people elected the members of the law-making body, hence the people hold the ultimate power to remove unwanted and irresponsible government.
2. Law of Nature:- There are divine laws that sovereignty cannot annulled rather they place limitations on it, because these laws are under the immortal God. For example, right to life and man not to marry his own daughter among other is divine laws.
3. Interdependence of states:- Most under-developed states in the world depend on developed states like United States of America, Britain, Japan, to mention a few, for economic, technological and defence. Most times the dependants are compelled by the developed states to modify their policies before granting their requests.
4. Coup d'etat:- Taking over of government by the military serves as a limitation to sovereignty of a state. The popular/political sovereignty that empowers the people to elect and vote out their leader is removed.
5. International Organization: International Organization such as AU, ECOWAS, UNO etc have their own rules and regulations that guide them, which every member states must adhere to. The observance of the rules and regulations by member states limits their external sovereignty.
6. International law:- International law regulates the behaviour of states in the international community in relations with one another. Therefore, it limits the sovereignty power of a state through

established customs and treaties. This enable state to claim its territorial water, e.g. Cameroun claimed Bakassi Peninsula from Nigeria by the verdict of the international court of justice.

Location of sovereignty in a state

Where sovereignty, which is ultimate power lies in a state is difficult to identify and this has been a subject of endless controversy among scholars and non writers. In states that operate a simple government structure as the unity system of government where governmental power is highly centralized, it is easy to establish the body or person that exercises the supreme/ultimate power. For example, Britain unitary system of government locates sovereignty in the Queen in Parliament.

However, in federation, it is not easy to establish where sovereign power is located. USA operates presidentialism in line with federal system of government consists of fifty states, (legal) sovereignty which is the person or body of persons with power to make law is difficult to locate, and is not in congress. For example, in USA law made by the congress is yet to become law until assented to by the executive president. Appadorai (1975:53-54) analysis shows that legal sovereignty in United States of America is made up of combination of authorities that have power to amend the constitution, such as conventions or two-thirds of each house of congress which may propose amendments and the state legislatures or state conventions, which may ratify such amendments. This Appadorai analysis is in line with the submission expressed under characteristics that sovereignty is not apportionable, that state delegates power of government to the constituting units in a federal state.

The controversy over where sovereignty belongs has been a recurrent issue. This controversy also "greeted" the 2014 National Conference set up by Nigeria President, the person of Goodluck Jonathan, in regards to who to ratify the outcome of the conference. Nigeria National Assembly members argued that legal sovereignty belongs to them, therefore, they are to ratify the outcome, while the people argue that they are to ratify the outcome through Referendum because sovereignty belongs to them, claiming that National Assembly members are their errant men.

Summary and conclusion

This chapter has examined the meaning and definition of sovereignty as the supreme power of a state or governing body to make law in control of

its jurisdiction. The types, characteristics and limitations of sovereignty are also examined. Where sovereignty is located in a state is also looked into. Though where it is located in a state is controversial among writers and non writers. For example, Hobbes believes that sovereignty is located in a ruler while Rousseau maintains that sovereignty is located in electorates/people. The chapter also established that the aforesaid controversy led to the conceptualization of the types of sovereignty by the philosophers and writers.

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