

Concept of Sovereignty

Surya Bhan Prasad

Associate Professor, Department of Political Science, M. G. K. Vidyapith, Varanasi, Uttar Pradesh, India

ABSTRACT

Sovereignty, is the ultimate overseer or authority in the decision-making process of the state and in the maintenance of order. The concept of sovereignty, one of the most controversial ideas in political science and international law and is closely related to the difficult concepts of state and government and of independence and democracy. Derived from the Latin *superanus* through the French *souveraineté*, the term was originally understood to mean the equivalent of supreme power. However, its application in practice often has departed from this traditional meaning.

Keywords : Definition of Sovereignty, Meaning of Sovereignty.

I. INTRODUCTION

The history of sovereignty is not very old. In 16th century, France Jean Bodin (1530– 96) used the new concept of sovereignty, to bolster the power of the French king over the rebellious feudal lords, facilitating the transition from feudalism to nationalism.

The English philosopher Thomas Hobbes (1588 to 1679) defined sovereignty as saying that in every real situation a person or body of persons should have the final and absolute right to declare laws and this right should not be divided.

English philosopher John Locke (1632–1704) and the French philosopher Jean Jacques Rousseau (1712–78) says that the state is based upon a formal or informal compact of its citizens, a social contract through which they entrust such powers to a government as may be necessary for common protection, led to the development of the doctrine of popular sovereignty

that found expression in the American Declaration of Independence in 1776.

In French constitution of 1791 says that “Sovereignty is one, indivisible, unalienable and imprescriptible; it belongs to the Nation; no group can attribute sovereignty to itself nor can an individual arrogate it to himself.”

In the 19th century the English jurist John Austin (1790–1859) developed the concept of Sovereignty by investigating who exercises sovereignty in the name of the people or of the state, he concluded that sovereignty is vested in a nation’s parliament. A parliament, he argued, is a supreme organ that enacts laws binding upon everybody else, but that is not itself bound by the laws and could change these laws at will. This description, however, fitted only a particular system of government, such as the one that prevailed in Great Britain during the 19th century. Austin’s notion of legislative sovereignty did not entirely fit the American situation. The Constitution of the United States, the fundamental law of the

federal union, did not endow the national legislature with supreme power but imposed important restrictions upon it.

So we can say that Sovereignty is a term that is used to refer to the independence and autonomy of modern nation states, unlike earlier eras where countries were ruled by Kings in historic times and by colonial powers in the 18th and 19th centuries, sovereignty refers to the fact of absolute independence and autonomy that nation, states have with respect to the decisions taken by them in matters concerning their citizenry.

The concept of sovereignty, once relatively uncontested, has recently become a major bone of contention within international law and international relations theory. Sovereignty is a distinctive feature of modern politics. The supreme authority in any democratic state or country can be called sovereignty. All kinds of laws are made in any democratic country or state, and after the law is made, if that country or state is not able to apply that law to the people of its country or state, then sovereignty will not be found there. The same definition applies to international law as well. Although international courts can be considered sovereign, but it has the power to make those laws but it does not have the power to enforce any country, so because of this the international court cannot be considered sovereign. "Similarly, if in a state the Chief Minister, High Court can be called sovereignty, but it has been seen many times that the law is made by the state but it is not applicable to the people, such a state cannot be called sovereignty.

Due to some controversies regarding the meaning of sovereignty, it has been dividing it into two parts: legal sovereignty and political sovereignty. This concept is also accepted practically as internal sovereignty and external sovereignty. The internal sovereignty refers to the distribution of power within the state, that is, the position of supreme power within the political system. The external sovereignty

means a demonstration of the ability of the state to function as an independent and autonomous entity under the international order.

The question of the intrinsic nature of sovereignty has been debated within the realms of political theory. After all, what should be the end of the supreme and unlimited power? Would it be preferable to put it in the hands of a single ruler or would it be better to have its center vested in a representative body? In the seventeenth century, Emperor Louis XIV of France told Darp that I am the state. The rationale behind giving sovereignty to one person is that in that case sovereignty would be guaranteed to be indivisible. Rousseau suggests that he should exchange that freedom with civil liberties. For this man will have to form associations with each other, social existence will be created under which all people will give up their rights and in return will get rights as citizens, live as members of a sovereign. That is, a constitution will have to be made under which every person will be subject as well as a participatory citizen. Only in this way can freedom be guaranteed. It was a concept of democracy, but Rousseau did not agree with democracy or law-making by the representatives of the people. Like the direct democracy of ancient Greece, Rousseau wanted all citizens to gather in one public place and make laws. To save the minority from being subjected to the decision taken by the majority, Rousseau favored consensus, to make it effective, he formulated his most famous theory 'People's Will' (Journal Will). The observance of a law made on the basis of 'people's will' meant obeying one's own will. "The principle of 'people's will' promoted by Rousseau later became the basis of modern democratic theory. The principle of sovereignty has also been criticized by the advocates of liberal-democratic thought. He says that the notion of sovereignty is unnecessary in the context of pluralistic and democratic governance.

These people view the idea of sovereignty as suffering and therefore undesirable from its authoritarian past. They say that democratic governments are not run by the supposed rule of law imposed by oppressive machinery. They govern through an equation of checks and balances and a network based on it. Indeed, it is very difficult to determine the center of internal sovereignty in modern states with a federal character. In federal states such as the United States, Canada, Australia and India, the government is divided into two levels and each level has its own autonomous powers. Sovereignty in such states emerges as a partnership between the center and the periphery. In such a situation, if there is an undivided sovereign, then it is the constitution which makes the center sovereign as well as the states. External sovereignty refers to the status of a state in the international system. There are also such situations that disputes over internal sovereignty in a state continue, but in the international arena its external sovereignty is respected. Anyway, in the age of democracies, the issue of internal sovereignty is no longer considered so important, but the question of external sovereignty has become more important than ever. There are many international disputes in which the claim of one country's sovereignty is seen by another country as a challenge to its sovereignty.

II. CONCLUSION

Therefore, it can be said that sovereignty is absolutely necessary for any country or state, without sovereignty that country or state remains incomplete. The state needs to have sovereignty for any law to be enforced. Similarly, for a country to do activity on any area, to build there or to do business activities there, it is necessary, that country has sovereignty over that area, without this it will not be able to do any activity in that area. Sovereignty is the supreme power of any

democratic state or country on the basis of which the state or country can be ruled.

III. REFERENCES

- [1]. A Contemporary Concept of Monetary Sovereignty (Oxford Monographs in International Law) by Claus D. Zimmermann, Oxford University Press, 2014.
- [2]. The Credibility of Sovereignty – The Political Fiction of a Concept by Elia R.G. Pusterla, Springer, 2016.
- [3]. The Concept of Divine Sovereignty in Micah: A Vision for the Fulfillment of the Abrahamic Promises by Colin Semwayo, Langham Monographs, 2019.
- [4]. Adhunik Bharat Ka Itihas (Hindi) by Bipan Chandra, Orient BlackSwan, 2009. 5. The Discovery of India Paperback by Jawaharlal Nehru, Penguin India, 2008. 6.