

## **Quadrant II - Notes**

**Programme: Bachelor of Arts**

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**Unit: 4**

**Module Name: Meaning and Definitions of Sovereignty**

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### **Meaning and Definitions of Sovereignty**

#### **Meaning of Sovereignty-**

- The term Sovereignty has been derived from the Latin word "Superanus" which means supreme.
- Although the term Sovereignty is modern yet the idea "Sovereignty "goes back to Aristotle who spoke of the "supreme power of the state".
- Throughout the middle Ages the Roman jurists and the civilians kept this idea in their mind and frequently employed the terms "summa" to designate the supreme power of the state.
- The terms "Sovereign "and sovereignty" were first used by the French jurists in the 15<sup>th</sup> Century and later they found their way into English, Italian and German political literature.
- The use of the term "Sovereignty " in Political Science dates back to the publication of Bodins "The Republic "in 1576.

- The Word Sovereign says J.S Rouseau and others “entered the vocabulary of political theory from the feudal order, wherein it designated a relationship between persons. The term sovereign had been applicable to any feudal overlord with authority over subjects in his own dominions.”

## **Two aspects of sovereignty**

### **Internal Sovereignty:**

- Means some persons, assembly of group of persons in every independent state have the final authority to command and enforce obedience.
- The sovereignty exercises its absolute authority over all individuals or associations of the individuals within the state.

### **External Sovereignty**

- Means the state is subject to no other authority and is independent of any compulsion on the part of other states.
- Every independent state reserves the authority to renounce trade treaties and to enter into military agreements.
- Every independent state is at liberty to determine its foreign policy.
- It means that the state is completely free and independent of the will of any other external state.

## **Definitions of Sovereignty**

- **Jean Bodin** – the first writer ,who used the term ,defined Sovereignty as “the supreme power of the state over citizens and subjects ,unrestrained by law”
- **Burgess**-characterizes it as “Original, absolute, unlimited power over the individual subjects and over all associations of subjects”.

- **Jellineck**-That characteristic of the state by virtue of which it cannot be legally bound except by its own or limited by any power other than itself.
- According to **Laski**, the sovereign is legally supreme over any individual or group. It possesses supreme coercive power.
- **Willoughby** –” Sovereignty is the supreme will of the state”.
- **Openheimer** – Conceives of Sovereignty as the “Supreme authority ,which is independent of any other earthly authority”
- **Grotius**-Sovereignty is the sovereign political power vested in him whose acts are not subject to any other and whose will cannot be over-ridden.
- **Woodrow Wilson**- “Sovereignty is the daily operative power of framing and giving efficacy to the laws”.
- **Pollock**-” Sovereignty is not that power which is neither temporary nor delegated, nor subject to particular rules which it cannot alter, not answerable to any other power over earth.
- **Duguit**-Sovereignty is” the common power of the state, it is the will of the nation organized in the state, it is right to give unconditional orders to all individuals in the territory of state.”

### **Conclusion**

Sovereignty therefore, is the supreme element of Statehood. It is that constituent element of the State, which distinguishes the State from all other human associations. It is the Supremacy of will and power of the state to control, regulate, coerce and punish anybody within its territorial limits. It is regarded as the life and soul of the state.

- It is the power which differentiates the state from all other social organizations.

- State is the only human institution that has all the essential elements including Sovereignty.
- Sovereignty means supremacy of the State
- The State rules supreme in the internal and external matters.
- The sovereignty of the state is expressed through the government which rules supreme in internal and external matters.