
UNIT 12 SOVEREIGNTY

Structure

- 12.0 Objectives
- 12.1 Introduction
- 12.2 Nature of Sovereignty
- 12.3 What is Sovereignty?
- 12.4 Characteristics of Sovereignty
- 12.5 Development of the Idea of Sovereignty
- 12.6 Legal and Political Sovereignty
- 12.7 Location of Sovereignty
 - 12.7.1 Sovereignty of the Monarch
 - 12.7.2 Sovereignty of the People
 - 12.7.3 Sovereignty as Constitution Making Power
 - 12.7.4 Sovereignty of Law Making Power
- 12.8 De Jure and De Facto Sovereignty
- 12.9 Limitations on Sovereignty
 - 12.9.1 Moral Limitations
 - 12.9.2 Constitutional Limitations
 - 12.9.3 International Limitations
- 12.10 Attacks on the Theory of Sovereignty
- 12.11 Let Us Sum Up
- 12.12 Some Useful References
- 12.13 Answers to Checks Your Progress Exercises

12.0 OBJECTIVES

This unit deals with one of the most important concept used in Political Science, namely, Sovereignty. After studying this unit, you should able to:

- Understand the concept of sovereignty and know its nature and characteristics;
- Trace the genesis of the doctrine and explain its location and varieties;
- Critically evaluate the attacks leveled against the concept of sovereignty; and
- To know the relevance of the concept in today’s world.

12.1 INTRODUCTION

Before we begin to analyse the concept of sovereignty, we should have an insight about the meaning of politics, relation of politics with other social sciences and the meaning of the state. The Liberal view regards politics as a social process to resolve conflict, maintain unity: an activity to serve the common good of society and to prepare the way for peaceful social change. The Marxist view regards politics as a study of class relations and class struggles in society. Similarly, the state has been understood as an institution, which performs all these functions in society. One fundamental question crops up here-how does the state perform all these functions? In reply to this question, it may be said that it performs all these functions with the help of some authority or coercive power, which is known as sovereignty. If there

are conflicts in society and these conflicts are resolved by a coercive power, then many questions arise-what is this coercive power? What is its nature? What are its bases? How can it maintain unity in a crisis-ridden, class-divided society? Should the state have all this power or is it to be shared with other associations of society? All these questions are associated with the issue of sovereignty in one way or the other, which shall be dealt with in this unit.

12.2 NATURE OF SOVEREIGNTY

The relation of state to state, of a state to its citizens, and of one citizen to another can be understood only after a further discussion of that characteristic which distinguishes the state from all other organizations, its sovereignty. Another consideration is the nature of law, since in that form the sovereignty of the state manifests itself.

The concept of sovereignty is the basis of modern political science. It underlies the validity of all laws and determines all international relations. It may be briefly outlined as follows: The state comes into being when an independent group of people are organized by means of a government which creates and enforces laws. Within this group, there must be supremacy of will and power. It must contain some person or body of persons whose commands receive obedience and who can, if necessary, execute those commands by means of force. Such a person or body of persons exercises sovereignty, and such commands are called laws. Evidently, there can be no legal limit to sovereignty, since that would imply a higher lawmaking body, and that in turn would be sovereign. The state, therefore, is legally sovereign.

While possessing unlimited legal power, the state grants certain rights and privileges to individuals and sets limits to its own activities. A state may grant a large measure of autonomy to its colonies or may give extensive powers to its local divisions, and still retain sovereignty, if it can legally withdraw these delegated powers at any time.

A distinction is usually made between internal and external sovereignty. Writers, especially on international law, speak sometimes of internal sovereignty as the power to make and enforce laws over all persons in the territory of a state, and of external sovereignty as the power to establish and carry on relations with other states, including the power to declare war and make peace. This conception of external sovereignty is objectionable, because it implies that a state possesses sovereign power vis-à-vis other states, which is not true. Other writers view external sovereignty as the freedom of the state from subjection or control by another state. Treaties or the rules of international law by which states agree to certain limitations on their complete freedom of action does not destroy their sovereignty, since there is no superior legal compelling authority to enforce them. If a state is internally sovereign, it must of necessity be legally independent externally. Sovereignty, properly speaking, deals with the internal relations of a state with its inhabitants ; it is a term of constitutional law rather than of international law. It is a legal concept and deals with positive law only.

In the last analysis, sovereignty rests upon either force or consent or a combination of force and consent. Men obey because they agree that it is desirable to do so. In despotic states, men obey through fear, while in democratic states the majority of men obey through consent. Force is only required for the few who refuse to obey. It is this possession of force to support its commands and to compel obedience that distinguishes the state from all other associations and that makes it sovereign.

12.3 WHAT IS SOVEREIGNTY?

Like the notion of the state, sovereignty has also undergone changes in historical circumstances. During the 18th and the 19th centuries, the legal notion of sovereignty

would have been sufficient, but in our times it is not so. The state cannot run its affairs on the basis of law or command alone. Today, the naked power of the ruler of earlier times is replaced by the power to control public opinion to enforce sovereignty. Its legitimacy is based more on its ability to resolve social conflict, establish order and serve the general interest of the community. This gives a proper understanding of the authority of the state. Its authority rests more on the will of the people to render obedience than on its coercive power. This is the liberal meaning of sovereignty. However, the liberals do not reject the coercive power of the state altogether, and opine that in order to save the socio-economic and political order, its use may be legitimate, when necessary.

There is yet another view of sovereignty, which regards sovereignty to be the power of one particular class of society over another class. This view is based on a scientific analysis of society and is the Marxian view. According to this view, state and sovereignty are the power of an economically dominant class, which uses this to further its own interest. Marxism suggests that sovereignty in a capitalist state should be destroyed by a socialist revolution and it should be replaced by the sovereignty of the working class— the Dictatorship of the Proletariat. The state will wither away in a classless society. In a classless society, sovereignty, which is a class power, will have no place.

In the present century, some pluralists and behaviouralists have given a new interpretation of sovereignty. According to the pluralist conception, power in a society is not centralized in the state, but divided among different associations and groups. Behaviouralists maintain that in a democratic society, power is shared by a competing plural elite. Thus, power is assumed as diffused, rather than centralized, in a democratic society.

Check Your Progress 1

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

- 1) What is Sovereignty?
.....
.....
.....
.....
.....
.....
- 2) Explain the nature of sovereignty in your own words.
.....
.....
.....
.....
.....
.....
.....

12.4 CHARACTERISTICS OF SOVEREIGNTY

In this section of the unit, we shall discuss several key characteristics of sovereignty, which makes it imperative for the citizens to obey the state. The characteristics of sovereignty may be summarized as follows:

- 1) **Absoluteness:** This means that there can be no legal power within the state superior to it, and there can be no legal limit to the supreme law making power of the state. It is absolute in the sense of not being subject to any restraint, legal or otherwise. In a civil society, although the laws passed by the sovereign are binding on all associations and citizens, still this does not mean that there are no practical limitations on the sovereignty of the state. Although certain self-imposed limitations, internal or external, cannot be legally treated as limitations. These limitations are overcome by the “absolute” nature of the state.
- 2) **Universality:** The sovereignty of the state extends over every person and every association of persons in the state. The apparent exception in the case of diplomatic representatives is an international courtesy, which the state may remove any time.
- 3) **Permanence:** The sovereignty of the state continues as long as the state itself exists. Those who exercise it may change, and the whole state may be reorganized; but sovereignty, wherever located, persists. Only by the destruction of the state itself can sovereignty be destroyed.
- 4) **Indivisibility:** This implies that there can be but one sovereignty in a state. To divide sovereignty is to destroy it. The exercise of its powers may be distributed among various governmental organs, but sovereignty is a unit, just as the state is a unit. There must be as many states as there are sovereignties. A divided sovereignty is a contradiction in terms.

The theory of indivisibility of sovereignty has been attacked from various points of view. Writers on international law speak of part sovereign states, such as protectorates. The theory of divided sovereignty was held by most American thinkers, who viewed the United States as sovereign with regard to the powers conferred upon the national government, and the states as sovereign with regard to those powers reserved for them. German writers revived this theory at the time of formation of the German Empire, but it has now been abandoned. What is divided in a federal system is not sovereignty, which resides in the state, but the exercise of its various powers, which are distributed in accordance with a constitutional system among various governmental organs. More recently the theory of divided sovereignty has been revived by the pluralists, who deny that the state alone is sovereign and who hold that other associations in the state, such as churches or economic groups, are sovereign over their particular interests.

12.5 DEVELOPMENT OF THE IDEA OF SOVEREIGNTY

The idea of sovereignty can be traced back to Aristotle, who wrote of the ‘supreme power’ of the state. Roman lawyers and medieval writers, however, had a somewhat vague and confused idea of the nature of sovereignty. In the Middle Ages, the state in the modern sense did not exist. Feudalism was a governmental system based on personal allegiance. However, the feudal nobles were weakened by the crusades and their own quarrels. Taking advantage of their weakness, the king increased his power and importance until he became supreme in the state. Later, as men began to realize that government was an agent rather than a master, sovereignty was applied to the state itself, instead of to the king.

It was the struggle between the rising national state and its various internal and external rivals-the feudal lords, the Papacy and the Holy Roman Empire-that gave rise to the modern doctrine of sovereignty. Jean Bodin in the 16th century was the first writer to discuss at length the nature and characteristics of sovereignty. The state was recognized as supreme over all its citizens and free from any external compulsions. The idea was further developed by Hobbes who justified its absolute powers. Rousseau too agreed that sovereignty was absolute and unlimited, although he located it in the general will of the people. Finally, in the writings of John Austin, the legal theory of sovereignty received its most elaborate analysis. He held that in every state, there must be a determinate body, which possesses sovereign power, that its authority is indivisible and legally unlimited and that its commands alone create law. This theory serves as the basis for modern jurisprudence, although it has been criticized by many writers.

Check Your Progress 2

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

1) Enumerate the salient features of sovereignty.

.....

.....

.....

.....

.....

.....

2) Trace the development of the concept of sovereignty.

.....

.....

.....

.....

.....

.....

12.6 LEGAL AND POLITICAL SOVEREIGNTY

It is important for the students of political science to understand the line of distinction between legal and political sovereignty.

Legal sovereignty represents sovereignty as the supreme law making power; that is, to issue the highest orders. It is bound neither by moral nor by natural laws. Laws made by the sovereign are to be obeyed by all compulsorily. But then the question arises, where does this legal sovereignty lie in the modern state? In a federal state, the legislature cannot make laws on matters assigned to the states, since powers are decentralized between the center and the states according to the constitution. Thus, legal sovereignty does not reside with the legislature. Even the British parliament, where the king makes any law that it derives, unrestrained by the courts, is also bound by public opinion and by moral and other laws. To elaborate further, even

dictators like Napoleon, Hitler and Mussolini did not have unlimited powers of law making. Thus, in real political life, legal sovereignty, as undisputed supreme power to make any law, is not generally seen.

Thus, to enumerate again, legal sovereignty is determinate and definite, has supreme and unlimited powers to make laws, its laws are obeyed by all and involve punishment or disobedience, and finally it being the fountain head of all legal rights, it alone has the power to make laws. The most explicit statement of legal sovereignty is found in the Austinian theory of sovereignty.

Now, we have seen that legal sovereignty presents merely a legal viewpoint of sovereignty. In every society, there is an unseen power behind legal sovereignty. This unseen power is known as political sovereignty, which is expressed in many forms like public meetings, processions and demonstrations. If the laws of the legal sovereign are immoral, this unorganized power of political sovereignty can compel the legal sovereign to bow down. Thus, political sovereignty is unseen and a bigger command. It is the revolutionary power of the alert and conscious people.

History has shown several instances of this revolutionary political sovereignty destroying the legal sovereign; e.g. Czar Nicholas of Russia was overthrown by Lenin's political sovereignty in 1917, Chiang Kai-Shek of China was destroyed by the leadership of Mao-Zedong, and similar events happened in Iran, South Africa and Rhodesia against despotic regimes. It is the fear of this sovereignty, which keeps the legal sovereign tight and alert. If legal sovereignty has to survive, then it must work in close cooperation with political sovereignty.

In a representative democracy, the difference between legal and political sovereignty can be seen clearly, since the representatives of people (government) are the legal sovereign and the electorate are the political sovereign. But in a direct democracy, this difference is not seen since the people (political sovereign) are also the legal sovereign as they make laws themselves. In socialist countries like China and Russia, participation through organized mass organizations is enough to end the difference between the legal and the political sovereign. However, in despotic states, this difference becomes very clear- the police, the army, the prisons, lathi, bullets etc. reflect legal sovereignty; and the people, their organizations, mass movements and struggles, strikes, demonstrations etc. reflect political sovereignty. In their struggle, political sovereignty predominates. But this is quite impossible in a class divided society because the class interests of both the classes – property owners and the property less – are diametrically opposed.

Check Your Progress 3

Note: i) Use the space given below for your answer.

ii) See the end of the unit for tips for your answer.

1) Distinguish between legal and political sovereignty.

.....

.....

.....

.....

.....

.....

.....

12.7 LOCATION OF SOVEREIGNTY

One of the most difficult questions in political theory is that of the location of sovereignty in the state. Now, that we know that sovereignty is the essence of the state, implies external and internal independence from other states and involves legal supremacy over persons, the question of its exact location still remains. To this, various solutions have been offered, which we would now be looking into.

12.7.1 Sovereignty of the Monarch

Sovereignty of the state was identified with the power of the Monarch in the sixteenth century. This was so because, in order to establish personal independence and supremacy, the kings underwent struggles, that gave rise to the conception of sovereignty. When success was achieved over rivals, sovereignty was accorded to the kings. The king was the sovereign and even said, "I am the state". This theory made the king the source of all law and authority; he could do no wrong; subjects were to render passive obedience. However, modern democracy came to the forefront via revolutions and thus, destroyed this theory and the kings became unimportant parts of the government.

12.7.2 Sovereignty of the People

This theory was also known as the theory of popular sovereignty, which meant that the people have the supreme power and they are the source of all powers. It means that sovereignty of the states is not based either on God or on naked power, but only on the people's will. The demand for popular sovereignty was raised by the supporters of the Conciliar Movement during the 15th century against the authority of the Church. But in modern times, it is associated with the name of Rousseau, who supported it in his theory of general will during the 18th century. The theory of popular sovereignty overthrew the French monarchy, caused the American Revolution and has been the burning idea behind all the revolutions against despotism. This theory was also responsible for making Europe the graveyard of monarchies. Thus, popular sovereignty has emerged as a powerful revolutionary idea in Europe. This principle, infact, is the basis of all modern democracies.

But the main difficulty with the principle of popular sovereignty is the assumption that the whole of the people have one will. This theory does not assume that society is class-divided and that the interests of different classes are opposed to each other. In a class-divided society, there are always two wills-one of the exploiting rich class and the other of the exploited poor class. These wills can never meet and as such, the whole of the people cannot have a single will. In view of this, the principle of popular sovereignty becomes vague and indeterminate. From the legal viewpoint, the principle of popular sovereignty is merely a fiction, as it does not fit into the realities of modern-day political life. The elitist theory of democracy has proved that popular sovereignty is a bogus principle even in modern democracies. According to some writers, popular sovereignty can be located in the electorate or the majority of the electorate and according to others, it can be located in unorganized masses. But this view is not really true. People's sovereignty is not expressed in elections, but it finds an expression in the people's revolutionary struggles and mass movements. In a class-divided society, popular sovereignty is manipulated by the ruling class or it tries to crush it.

In conclusion, it may be said that popular sovereignty regards power of the people as the basis of state sovereignty. This principle has shaken monarchies, but in European democracies and class-divided societies, this principle does not hold much water now. The 18th century principle of popular sovereignty in the European world has converted itself into the principle of sovereignty of the bourgeoisie in the present century.

12.7.3 Sovereignty as Constitution Making Power

After the theory of popular sovereignty had successfully accomplished its work of overthrowing royal sovereignty and establishing democratic governments, it was re-examined in an effort to find a more definite and legal location of sovereign power. This was the work of a number of jurists in the nineteenth century, who reached the conclusion that sovereignty is located in that body of person/persons who make the constitution of the state or who, once the constitution is made, possess the legal power to amend it. This theory, which is essentially juristic in nature, reasoned as follows: The supreme law in a state is its constitution. This body of principles creates the framework of government, outlines its powers, and adjusts the relation of the state to its citizens. Hence, the government is limited in its power by the constitution, and is inferior in authority to the body that may create or change this fundamental law. Whoever creates the constitution makes the supreme law of the state and expresses its direct will; therefore, they may be sovereign. In some states, the national legislature exercises this power; in others, a special organ or a special method of procedure is required for constitution making.

But a more serious objection strikes at the root of the apparent legality of this theory. The constitution-amending organ does not possess the legally unlimited power that is the essence of sovereignty. It can legally do one thing only and that is to amend the constitution. Any attempt to go beyond this power and to make any other law would be an illegal usurpation of power. We, thus, have the contradiction of the sovereign body being legally limited to the exercise of a single and specific function. The constitution making body, therefore, is not sovereign. It is merely a part of the government, possessing the legal power to exercise the limited, though important, function of redistributing the total exercise of sovereign power among the various other organs of government.

12.7.4 Sovereignty of Law Making Power

This theory locates sovereignty in the sum total of all the lawmaking bodies in the government in accordance with law. All the bodies in the state, legally sharing themselves in the expression of the state's will, were sovereign too. These included courts (as they created law), administrative officials (since they had discretionary powers), the electorate (as they decided issues through elections or referendum) and such other special bodies. This theory considers state and government as a unit each and sovereignty resides in both of them, but is exercised by the government. Thus as a whole, the state is a unit but its exercise of power is to be distributed among numerous organs of government. Thus, this theory avoids the vagueness and loose thinking of the theory of popular sovereignty. Sovereignty ultimately resides in the state, but only through the laws made and administered by its government can sovereignty be manifested.

12.8 DE JURE AND DE FACTO SOVEREIGNTY

This aspect of sovereignty has been established by international law. Whenever there is a political upheaval or a civil war in a country or a similar situation, we have two types of government- the legal government, which has been uprooted and the new government which though not legal, holds actual power. In such a situation, the question of recognition of (which) power arises. De jure sovereignty is one, which is legally competent to issue the highest command of the state. It has the legal right to exercise sovereign power and has the obedience of the masses. A de facto (factual) sovereign is the one who has got actual power and who has real command to go with it. His authority rests on his physical force and control. He may be a usurping king, a dictator, a priest, a prophet, or a charismatic leader. In any of these instances, his power rests not on law, but on physical force and actual control.

History is full of examples of de facto exercise of sovereignty. In 1649, Cromwell in England became the de facto sovereign after he dismissed the long standing Parliament. Napoleon became the de facto sovereign of France after overthrowing the Directory. Czar Nicolas was overthrown by the Russian people in 1917 and de-facto sovereign power came into the hands of the Bolshevik Party under the leadership of Lenin. Similarly, de jure sovereign Chiang kai-shek was over-thrown by the Communist Party of China, under the leadership of Mao-Zedong in 1949, and the socialist state under his leadership became the de facto sovereign in China. Similar situations arose because of military coups in Bangladesh in 1975, Argentina and Lebanon in 1976, Pakistan in 1977 and again in 2001, Afghanistan in 1978, Iran in 1979 and Uganda in 1980. Similar situations may arise when a civil war takes place in a country.

A de facto sovereign in the long run becomes a de jure sovereign also, because he has the actual power. It is always the endeavor of the de facto sovereign to turn himself into a de jure sovereign. As the actual power lies with the de facto sovereign, he is in a better position to stake his claim, and be recognized as a legal sovereign in the long run.

However, some jurists maintain that sovereignty is a mere legal concept and the distinction between de facto and de jure sovereignty is a political fiction, because the authority of a de facto sovereign is unlawful. But here one thing must be understood, viz., that the distinction between de facto and de jure sovereignty is with regard to the exercise of sovereign power. It is mainly important from the viewpoint of international law and diplomacy. This question becomes important only in the case of a revolution, a coup, a civil war, etc., in a state because in such cases there exist too many political claims to sovereignty.

Check Your Progress 4

- Note:** i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

- 1) List the various sources of sovereignty.
-
-
-
-
-
-
-
- 2) Describe any two sources of sovereignty.
-
-
-
-
-
-
-

12.9 LIMITATIONS ON SOVEREIGNTY

We have already discussed at length that sovereignty is the supreme power of the state with no legal limitations. But in actual practice, there are some limitations, which may or should limit the exercise of its powers.

12.9.1 Moral Limitations

Many early writers argued that sovereignty was limited by divine law, by natural law, or by moral law. They generally accepted the principles of religion, morality and justice which undoubtedly influence the exercise of sovereignty. But the law of gods and of nature must be interpreted by human agencies; they exercise no sovereignty by themselves. They are not legal limits, but a part of the intellectual atmosphere in which laws are made. They limit sovereignty only in the sense that a wise state will not enact laws contrary to generally accepted ideas of morality and justice, because of the opposition such laws would arouse, leading to difficulties in enforcement or even leading to a revolution. Only such laws are supported by a general consensus of opinion that can be successfully administered. In modern states, many aspects of life are exempt from governmental interference, and any state which attempts to exercise its legal power to interfere in certain relations of human life would face a lot of resistance and may even be overthrown by a revolution.

12.9.2 Constitutional Limitations

Some writers have argued that sovereignty is limited by the constitution of the state. They make a distinction between fundamental or constitutional law and the ordinary laws made by the government, holding the former to be the higher law, and the latter to be valid only if they accord with the former. To this point of view, two objections may be raised. The sovereignty of the state is not limited by the constitution, since the state may legally amend its constitution whenever it desires. A limitation self-imposed and removable at pleasure is not a real or a legal limitation. What is limited by the constitution is not the state or its sovereignty, but the government of the state. But this provision for a legal distribution of the exercise of its sovereign powers places no limitation on sovereignty itself.

In the second place, there is no such thing as a higher law and a lower law. Laws may differ in the importance of the question with which they deal. Both are exercising that share of the sovereign power of the state which its legal system of organization allots to them. The constitution differs from the other laws in nature and purpose, but not in legal validity. Like other laws, it is an expression of the sovereign will of the state and not a limitation upon it.

12.9.3 International Limitations

Many writers today hold that the sovereignty of a state is limited by the rules of international law and by the treaties and conventions into which it enters with other states. According to the strictly, juristic theory of sovereignty, these restrictions are not legally binding. They are voluntary limitations, self-imposed, which a state may legally repudiate, and no legal authority exists to enforce them. Sovereign states must be, in the last analysis, judges of their rights and obligations to the other states. They may repudiate their treaties, refuse to be bound by the accepted rules of international law, and declare war in defense of their interpretation of international rights. International law is not law in the sense that it is the will of a determinate sovereign, enforceable on subjects.

If, as some writers believe, the present tendency is towards the development of an international organization with unified control, the result would be a world sovereign

state, with the right to create and enforce law. In that case, what we now call international law would be law, but it would cease to be international, being the unified will of a world state. What is now called external sovereignty would cease to exist, being swallowed up by the internal sovereignty of the world system. Most writers, however, believe that it is more feasible, under present conditions, to develop internationalism on the basis of sovereign national states. If this is to be done, the traditional theory of external sovereignty and equality of states must be modified to permit a certain degree of international control.

12.10 ATTACKS ON THE THEORY OF SOVEREIGNTY

The concept of sovereignty as the essence of the state has been severely criticized. One group of writers contend that sovereignty is not necessary for state existence, while another group of writers denies that sovereignty is the source of law; still an other group denies that sovereignty is the exclusive possession of the state and argues for the plurality of sovereignties possessed by various associations.

Writers who maintain that sovereignty is not necessary, hold that states may be partly sovereign and the test of statehood is the right to govern. These writers were from Germany, Switzerland and USA and they agreed on claiming statehood but not full sovereignty. Even the political bodies of today, which possess their own constitution and government, are not fully sovereign. Some writers regard the doctrine as futile and dangerous as it leads to unlimited powers; while the others attack the idea of state sovereignty because of their desire to give full autonomy to associations other than the state; others because of their interest in individual freedom. The attack on state sovereignty is valuable in pointing out certain defects in the governmental organization of the modern state which impede the exercise of sovereign power.

In the recent past, criticism has been leveled by a group of jurists against state sovereignty as the supreme and only source of law. The theory that the sovereignty of the state is legally limited by natural laws, cannot be accepted, since the state judges and observes those principles. Such limitations are not legally binding, but only self-limiting. This does not mean a limitation on sovereignty.

Another attack on the theory holds that the state's claim to supreme authority is not in accord with actual factors in the complex world of today. They discredited the state, opposed the theory of a single and unified sovereignty and demanded for other agencies, a larger share of social control. The purpose of such an attack was to focus on the decentralization of authority and greater individual freedom.

At present, the growth of economic interests and the strength of economic associations have created conflicts of authority between them and the existing organs of government. The state does not immediately adapt its organization and law to correspond with the new condition. At such a time, the doctrine of absolute and unlimited authority of the state seems dangerous and undesirable. Hence, pluralism is the natural point of view. The pluralists emphasize the necessity of studying the actual facts of political life in a rapidly changing social system. In this connection, they point out the growing importance of non-political groups, the danger of over-interference by the state with regard to the working of such groups and the desirability of giving to such groups greater legal recognition in the political system.

Nevertheless, this is a problem of the proper internal organization of the state and of the proper scope of its activities, and does not imply the abandonment of the theory of state sovereignty. Somewhere, there must be an organization of supreme legal control and however, much the state may limit its activities or reorganize its internal structure, a sovereign state still remains. Even in the current era of globalisation, when state sovereignty is seemingly under threat from various supra-national actors.

Check Your Progress 5

Note: i) Use the space given below for your answer.
ii) See the end of the unit for tips for your answer.

- 1) How is sovereignty limited by morality?
.....
.....
.....
.....
.....
.....
- 2) Discuss either the constitutional or the international limitations on sovereignty.
.....
.....
.....
.....
.....
.....
- 3) Examine the grounds on which sovereignty has been attacked.
.....
.....
.....
.....
.....
.....

12.11 LET US SUM UP

In this unit, we have taken a thorough look into the concept of sovereignty which essentially means that the state performs all its functions with the help of some authority or power. Its basic features comprise of absoluteness which means no internal or external limitations; universality meaning its power over every person in the state, permanence meaning its continuity as long as the state exists and indivisibility implying that there is only one sovereignty.

Sovereignty rose largely owing to the conflict between the rising national states. When the state was recognized as supreme over all its citizens, the concept of sovereignty was established as absolute and unlimited. However, the notion of sovereignty was interpreted in a different frame-work. Legal sovereignty was understood as a supreme law making power, not bound by any laws. Its laws were to be obeyed by all and involved punishments on disobedience. Austin was the chief exponent of this notion. On the other hand, political sovereignty was revolutionary

power of the people which could destroy any legal sovereign. So, in a representative democracy, legal sovereignty had to work in close proximity with political sovereignty. Otherwise, there was a fear of destruction of the legal sovereign by revolutionary political sovereignty.

Sovereignty is also understood to mean that the people have supreme power and that they are the source of all powers. Rousseau supported this in his theory of general will during the eighteenth century. This principle is the basis of modern democracies. The popular sovereignty theory recognizes that in modern democratic states, sovereign powers are widely distributed and exercised by a large number of citizens.

Every state exercises its sovereign power with the help of certain material and ideological apparatuses. Material apparatuses are those which make the sovereignty of the state effective in a material way or in a real visible way. Ideological apparatuses are those which make or generate a habit of obedience in the general public and create an atmosphere in which the consent of the people towards sovereignty may be achieved. Material apparatus of the state uses physical force to obtain obedience and thus, makes the command of the sovereign effective. Ideological apparatuses make sovereignty effective by generating a mood of obedience in the general public and provide legitimacy to the existing socio-economic and political order.

The present century has been a century of reaction against all authoritarian thoughts. The pluralist view of sovereignty was a reaction against the legal, traditional, monistic, absolutist, Austinian theory of sovereignty and against the theory of fascist, unlimited, absolute state supported by idealist philosophers like Hegel and other supporters of the power view of state and politics like Nietzsche, Treitschke and Bernhardt. It may be termed as a strong voice for decentralization of authority against the absolute centralized sovereignty of the state. It was an attack launched in the last decades of the nineteenth and the beginning of the 20th century, against those who regarded the state as the highest and supreme power in society. Thus, pluralism was a reaction against unlimited state and sovereignty ; it was an attack on the absolutism of state and its absolute sovereignty; it was a voice to control, limit and divide the sovereignty of state; it was a movement of labour, economic, religious and professional associations and unions for the fulfillment of demands of rights and power against the state.

12.12 SOME USEFUL REFERENCES

Ray, Amal and Bhattacharya, Mohit, *Political Theory: Ideas and Institutions*, The World Press, 1985. (See new edition).

Raphael, D. D., *Problems of Political Philosophy*, Macmillan, London, 1985

Appaodrai, A., *The Substance of Politics*, OUP, Delhi, 1985

Asirvathan, Eddy, *Political Theory*, The Upper India Political Home, 1984.

12.13 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) See Section 12.1 to 12.3
- 2) See Section 12.1 to 12.3

Check Your Progress 2

**State, Civil Society and
Community**

- 1) See Section 12.4
- 2) See Section 12.5

Check Your Progress 3

- 1) See Section 12.6

Check Your Progress 4

- 1) See Section 12.7 and sub-sections 12.7.1 to 12.7.4
- 2) See Sections 12.7.1 to 12.7.3

Check Your Progress 5

- 1) See sub-section 12.9.1
- 2) See sub-section 12.9.2 and 12.9.3
- 3) See Section 12.10