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SOVEREIGNTY

For B.A. Part-I, Paper-1 Political Science (subs.)

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What is Sovereignty?

- To be sovereign is to be the highest or the ultimate political authority in a given territory
- Sovereign state
- Sovereignty crucial in the government of states and in the politics b/w states
- Sovereignty is the basis of international law
- Sovereign state has power over the affairs of the nation and its citizens
- Link with democracy: a state is recognized as sovereign within its territory b/c it is deemed legitimate by its citizens
- State has a monopoly of the legitimate use of physical force (Max Weber)
- De jure sovereignty of states vs de facto sovereignty of states

Essential Features of the State: Sovereignty

- The key characteristic of a state is sovereignty.
 - Sovereignty means the state has supreme and absolute authority within its boundaries.
 - In theory - no state has the right to interfere with the affairs of another state.
 - In theory - every state is equal with respect to rights and duties.
 - In practice - states with great economic strength and military capabilities have more power than other states.
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Meaning

Bodin-"Sovereignty is the supreme power of state over citizens and subjects unrestrained by law."

Willoughby- Sovereignty is the supreme will of the state"

Grotious-" Sovereignty is the supreme political power vested in him whose acts are not subject to any other and whose will cannot be over ridden".

Burgess "By sovereignty I understand the original , absolute , unlimited universal power over the individual subject and all association of subject. It is un derived and independent power to command and compel obedience

Kind of Sovereignty

- **Internal Sovereignty** :means that the state has complete control over all the individuals, institutions, institutions and associations have to obey the laws of the state and, if any individual or association violates these laws. The state has the power to punish him.
- **External Sovereignty** means that the state is free from the control of any other state. There is no individual or authority outside the state which is in a position to issue orders and get obedience from that state. For example, before 1947, India was not a state. Although it had its population, fixed territory and government, but it lacked external sovereignty. As she was under the British government. The administration in India was run according to the laws passed by the British Parliament.




Sovereignty

- **Manifestation of Sovereignty :**

A. Legal Sovereignty – is the power of the state to make and implement laws within its jurisdiction.

B. Political Sovereignty – is the authority of the people to choose who will be the leaders or official of the state.



Sovereignty

Political Sovereignty

Parliament is not, and has never been politically sovereign. Parliament does not always have the political ability to do something due to consequences (e.g. mass protests, public rebellion).

Constraints on parliamentary sovereignty;

- pressure groups
- public opinion
- international opinions (e.g. USA, EU)
- policies of international bodies (e.g. WTO, UN)

Kinds of Sovereignty

Legal Sovereignty

Legal sovereignty is the conception of sovereignty in terms of law; that is, sovereignty as the supreme law-making authority. The legal sovereign, therefore, is that determinate authority which is able to express in legal form the highest commands of the state-that power which can override the prescriptions of the divine law, the principles of morality, the mandates of public opinion etc. For instance, the parliament is the legal authority to exercise legal sovereignty.



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2. Political sovereignty

- ❖ The supreme power is in politics. Political power exists when the people exercised their right to vote.
- ❖ eg. Political sovereignty is the electoral plus all other methods and influence that shape public opinion.

Difference between Legal & Political Sovereignty



Legal

- Legally, it is a supreme law making body.
- It is definite, determinate, precise & organized.
- It is vested in one person or body of persons.

Political

- It does not make laws but its will is expressed in law.
- It is indefinite , vague & unorganized.
- It is vested in the people who express their will through vote i.e. electorate.

Popular sovereignty

- **Popular sovereignty** meant that the sovereign people of a territory should determine the statues of slavery. It was popular with politicians because it was a comfortable compromise between the abolitionists and the slaver-holders.
- At the Democratic National Convention at Baltimore, the **Democrats** chose General Lewis Cass, a veteran of the war of 1812, as their candidate for presidency. Cass supported slavery.