Analysis on the Role of the Concept of Sovereignty in Political Studies

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Abstract: The purpose of this paper is to explain the significance of the concept of sovereignty in politics. Before make discussion on the relations among sovereignty, political power, authority, and legitimacy, the framework will first consider the widely accepted definitions of sovereignty, sovereign, and states. It will then analyze the role of sovereignty in political theory by referring to the research circumstances of modern states and international relations nowadays. Finally, the following conclusions will be made that: (1) Conceptually, sovereignty is intimately associated with several fundamental political ideas such as power, authority, legitimacy and states. It even can be, to some extent, an extreme form of the complexity of them; (2) From a practical view, modern political society partly derives its security and stability from sovereignty, whether from the inside or outside.

1. Introduction

Passing through the ages, the concept of sovereignty has been proved as both a foundation for contemporary political studies and a perennial source of theoretical confusion in political theory.[1] Nonetheless, the significance of the term "sovereignty" and its definition is undisputed in political study. This paper aims to demonstrate the role of sovereignty in political theory by referring to other basic political terms which are closely related to sovereignty.

2. The definitions of sovereignty, sovereign and states

2.1 The definitions of sovereignty and sovereign

The common or traditional claims that follow give an outline of how sovereignty is generally defined. According to Robert (2013, p. 1828), sovereignty refers to the power bestowed on a state's highest officials and institutions. The supremacy of sovereignty over all other powers inside a nation is guaranteed by constitutional law from a domestic standpoint. Meanwhile, international law recognizes its political and legal independence from other sovereignty from a global perspective. Regarding the original source and placement of supreme authority in a state, John Stuart Mill (1861) stated in his definition of representative government, "That form of government in which the supreme the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community."[2] "Those who give to a man the right of governing in sovereignty are understood

to give him the right of levying money to maintain soldiers, and of appointing magistrates for the administration of justice." wrote Hobbes (1651, XIV, p.85). Bentham understood "legal sovereignty" as the power and its matching right to legitimate. On the other hand, political or popular sovereignty can be interpreted as people's ability to restrict or regulate the power of the government or public officials.[3] Arguably, Schmitt (1922, p. 5) insisted that from a theoretical standpoint, it is not the issue that whether sovereignty is a supreme power or a derived power. The inherent uncertainties of the idea of "sovereignty," according to Jens [4], cannot be figured out by the means of conceptual analysis. Instead, the philosophical methods for investigation should be token into consideration.

In contrast, the interpretation of "sovereign" is based on that of "sovereignty". A sovereign is someone who "has supremacy or rank above, or authority over, others," according to the explanation from the Oxford English Dictionary. In this sense, sovereign is not dependent on anyone else. In other words, a sovereign, who holds the sovereignty, is superior to all authorities that subject to its domination. This kind of supreme authority is characterized and personified as an artificial person by Hobbes (1651, XVIII, pp. 107–108). The act of signing a social contract or covenant means the establishment of an official institute which can be deemed as a "sovereign" (James, 1979). However, Bentham preferred "the notions of the legal limitation and division of sovereign power" to the Hobbesian view on sovereignty that is based on straightforward command and obedience, in which the sovereign inevitably takes form of a single, unified supreme authority (Rosen, 1983). All positive law, according to Bentham and Austin, can be qualified as a sovereign's command, whether it is explicit or implicit. Austin further implied that any sovereign of a political society, either one single person or a group of people, is superior to legal restraints [5]. According to Schmitt (1922, pp. 5–6), a sovereign is someone who determines the exception. For Aristotle, the sovereign is the most powerful body within a state and serves as a criterion for classifying constitutions [6], which shows a similarity to the traits of sovereign of modern theory.

2.2 The definition of state

Therefore, when it comes to the discussion on sovereignty, the term "state" is a key idea. By the sixteenth century, sovereignty had been recognized to be state supremacy and independence (Philpott & Daniel, 2020). It is also associated with the state's or nation's special and exclusive authority. As a result, sovereignty became a qualifier when defining what is a state. In a broad sense, a "state" is typically equated with "government", that is, the governmental agencies of rule. According to Weber[7], a human society can be qualified as a state when its bureaucratic staff claims and maintains a monopoly of the legitimate use of violence to enforce its order within a given territory. However, Plato[8] understood a state as a "political" community in Republic. Under this circumstance, a state is governed by a particular, powerful body that is capable of managing and containing the constant threat of domestic chaos and international crisis. According to Strayer (1970), a state is a society with long-standing political units, the development of impersonal institutions, agreement on the demands of for an authority which is capable of giving final judgments, and acceptance of the consensus that the authority derives the fundamental loyalty from its subjects. The state is thus a legally enforceable system which has a "sovereign" entity with political power above all other entities. In this way, states can be transformed into political organizations that embody sovereignty. In short, for a country to exist, it must be sovereign.[9]

3. The relations between sovereignty, authority and legitimacy

When analyzing the relations among the basic concepts above (sovereignty, power, and authority), Robert (2013) considered sovereignty as a special form of authority, but it can also be interpreted as irresistible or compelling power, and sovereignty is manifested by the use of power. [10] A variety

of asymmetric social relations can be described by the term social or political power. From a sociological perspective, authority can be a subset of social power, as well as a form of domination—a capacity of controlling others in human relationships. Power and authority are closely related concepts for that power carries forth what authority commands. According to Hobbes, absolute authority that made human relations secure can be a sort of sovereignty. [11] And for Aristotle, sovereignty is a center of power—it is both above and beyond all other kind of powers, including the law, and is discharged by men (either single or plural) who use coercive means. [12] According to this view, Robert (2013) summarized that sovereignty is "the supreme controlling power in communities" and "absolute and independent authority, which means exercising sovereignty is to have the final word."

Nonetheless, the sovereign is more than an individual or group who exerts coercive power which means one's ability to make others do things they otherwise would not do. What's more, those who hold sovereignty own authority. Wolff (1990, p.20) defined the term authority as: "the right to command and the corresponding right to be obeyed". In this context, the word "right" signifies legitimacy. In a political context, legitimacy is defined as the recognition by the governed to the governor's leadership, and their entitlement to the prerogatives of power whereby political power and obedience are justified. When concerning the source or location of the unparalleled authority in a state, sovereignty holders derive this authority from those mutually recognized sources of legitimacy, such as divine mandates, constitutions, and even international law. When looking back, in the context of traditional Western religions, God's will was regarded as sovereignty which included legality and morality. Therefore, sovereignty was a binding law with which no appeal would be token into consideration. In this sense, it differs from mere force. According to Weber, force is not the normal or only means for a state, but rather an instruction unique to a sovereign state. Rousseau also insisted that there exists no community profoundly reigning depend on the rule of force: a master-slave relationship may exist between a despot and his subjects, but there is no commonwealth nor body politic. [13] The recognition to authority thus calls for legitimacy which shapes an authority's rights and determines it is qualified to be obeyed.[14] The establishment of a legitimate authority ensure a sovereign state to function effectively. [15] In short, a legitimate authority is always required in order to establish and maintain sovereignty.

4. The role of sovereignty as a powerful political idea

4.1 The main characteristics of sovereignty

When constructing the concept of sovereignty, two characteristics of it should be considered: supremacy and independence. According to Robert's definition (2013, p1828), supremacy refers to the highest and final authority from which no further appeal is feasible, and it is endemic to modernity. Political or legal independence, on the other hand, means being constitutionally separate and self-governing. Overall, rather than being separate, they are two aspects of a single characteristic. Facing inward, there can only be one sovereign within a country since the sovereign is the highest authority in a given territory. According to Hobbes (1651), the clear placement of sovereignty makes relations between human in civil society secure. Facing outward, external sovereignty establishes the fundamental condition for constructing international relations—anarchy, characterized by the absence of a higher authority that commands lower authorities. [16] Significantly, after the Peace of Westphalia in 1648, interfering with other states' governing prerogatives have become illegitimate. Over time, this prohibition has gradually transformed into a fundamental standard for the global order.

4.2 The role of sovereignty

For Schmitt (1922), the primary function of sovereignty is establishing a juristic order under circumstances where anarchy could be threatened. That is to say, establishing sovereignty not only strengthens the validity of a social contract, but also consequently provides stability to a society. According to Bodin, even issues of order that are crucial during wartime can only be resolved through the use of sovereignty—the supreme authority in a given territory could strengthen a shattered community. [17] For Robert (2013), a international system based on the principle of state sovereignty is a world that acknowledges mutually exclusive territorial jurisdictions of different countries. That leads to a key component of sovereignty: the principle of territoriality. It is mostly indispensable for the establishment of sovereignty as it defines membership in ways that might not correlate with identity, such as family kinship, religion, or tribe. For example, Genocide (2013) emphasized the major role of territoriality in the cases of regional conflict. Besides, territorial loss can be an indication of state weakness during times of war.

In the context of an international system that constitutes of a complexity of divergent states with both internal and external sovereignty, where sovereign entities form alliances, trade, wage war, and make peace, the test of state sovereignty can be an assessment of its ability to enforce laws and policies in domestic area. According to the "liberal" model, which was influenced by Locke, the success of a state is highly dependent on the effectiveness of laws and institutions in fairly adjudicating the disputes of individual citizens. The test could also be examining its ability to deal with foreign rivals and competitors, such as military conflict and economic competition. These entitled governments have the "strength and means" to maintain domestic peace, as well as to provide common defense. According to Hinsley's analysis of sovereignty, Dunham (1967) proposed that when facing the repeated occurrences of emergencies in governing, the authority always rationalize their acts into a theory of sovereignty.[18] For governors, sovereignty serves two purposes: (1) to justify the highest political authority "within the community" and (2) to justify the "independence" of each states when coping with relations between states. Although sovereignty may no longer be "the only international concept" in an international context, Hinsley (1966) still regards it as a "central concept".

5. Conclusion

In conclusion, the concept of sovereignty is a crucial political idea as it is intertwined with other basic political ideas: power, authority, legitimacy and state. It can be understood as both a kind of overwhelming or compelling power and the highest form of absolute authority. A state must exist with the establishment of sovereignty. On the other hand, sovereignty is practically demonstrated when a state acts as a political institution. The effective function of a sovereign state relies on the existence of a legitimate authority. When examining the performance of government, it has been discovered that the security and stability of modern political societies are derived from sovereignty which is featured by supremacy, independence and territoriality.

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