



# Sovereignty in Theory and Practice: Evolution, Challenges, and Contemporary Significance

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ARTICLE DETAILS	ABSTRACT
<b>Research Paper</b>	
<b>Keywords :</b>	
<b><i>Sovereignty, State, Globalization, Constitutionalism, Popular Sovereignty, International Law, Digital Governance.</i></b>	<i>Sovereignty denotes the supreme and independent authority of a state over its territory, population, and governance. It represents the ultimate source of political power and legitimacy in both domestic and international law. Historically, the concept emerged as an assertion of monarchical supremacy in Europe during the decline of feudalism and the rise of the modern nation-state. Thinkers such as Jean Bodin and Thomas Hobbes emphasized the necessity of an absolute and indivisible sovereign to maintain order and prevent anarchy. Over time, however, sovereignty underwent a profound transformation—from royal absolutism to the democratic and constitutional principle of popular consent, where the people became the ultimate holders of political authority. In contemporary political thought, sovereignty no longer implies unrestricted power but rather lawful and accountable governance within constitutional and international frameworks. The evolution of human rights, the establishment of supranational organizations, and the increasing role of international law have redefined sovereignty as a responsibility rather than mere authority. States today operate in an environment where internal legitimacy must align with global norms, and where adherence to principles such as rule of law, justice, and equality strengthens rather than diminishes sovereign status.</i>



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*In the twenty-first century, globalization, digital technology, and transnational interdependence continue to challenge the classical boundaries of sovereignty. Economic integration, environmental cooperation, and cyber governance have blurred the distinction between domestic and international domains. Yet sovereignty remains indispensable as the foundation of political order, state identity, and legal personality. It has evolved into a flexible and multidimensional concept—balancing autonomy with cooperation, national interests with global responsibilities, and traditional authority with the demands of a connected world.*

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## **1. Introduction**

The concept of sovereignty has always been central to the theory of the state. It defines the state's ultimate power to govern without interference, both internally and externally. Derived from the Latin term *superanus*, meaning "supreme," sovereignty represents the final authority in all political and legal matters. While early thinkers viewed sovereignty as absolute and indivisible, modern interpretations see it as a flexible and limited concept shaped by constitutionalism, democracy, and international cooperation. In the global era, the power of states is often constrained by international organizations, trade regimes, human rights obligations, and technological networks. Despite these constraints, sovereignty remains the defining characteristic of statehood, providing legitimacy, stability, and legal personality in international relations.

## **2. Historical Evolution of Sovereignty**

### **2.1. Feudal and Medieval Foundations**

In medieval Europe, political power was fragmented. Authority was divided among monarchs, nobles, and the Church. There was no clear concept of a sovereign state. Feudal lords exercised substantial autonomy, and the Pope claimed spiritual supremacy over temporal rulers. The multiplicity of loyalties weakened centralized power. The decline of feudalism and the emergence of strong monarchies in the fifteenth and sixteenth centuries paved the way for the idea of sovereignty as undivided authority.

### **2.2. Jean Bodin and the Birth of Modern Sovereignty**

Jean Bodin, in *Six Books of the Commonwealth* (1576), was the first to define sovereignty systematically. He described it as the "absolute and perpetual power of a commonwealth." For Bodin, sovereignty was



indivisible, permanent, and unlimited within the state. The sovereign, usually the monarch, was bound only by divine and natural law. Bodin's theory justified the consolidation of state power in Europe and laid the foundation for modern political thought.

### **2.3. Thomas Hobbes and Absolute Sovereignty**

Thomas Hobbes, in his seminal work *Leviathan* (1651), expanded Bodin's theory. Hobbes argued that in the state of nature, life was "solitary, poor, nasty, brutish, and short." To escape this anarchy, individuals entered into a social contract, surrendering all rights to a sovereign who maintained peace and order. The sovereign's authority, though derived from the consent of the governed, was absolute and indivisible. This idea emphasized security and obedience as prerequisites for social stability.

### **2.4. Rousseau and Popular Sovereignty**

Jean-Jacques Rousseau, in *The Social Contract* (1762), shifted the locus of sovereignty from the ruler to the people. He asserted that sovereignty belongs to the "general will," which represents the collective interest of the citizens. Sovereignty, according to Rousseau, is inalienable and cannot be delegated. His ideas laid the philosophical foundation for democracy, constitutionalism, and the rights of citizens.

### **2.5. John Austin and Legal Sovereignty**

John Austin, an English jurist, interpreted sovereignty from a legal perspective. In *The Province of Jurisprudence Determined* (1832), he defined sovereignty as the power of a determinate human superior whose commands are habitually obeyed. Austin's approach was positivist—focusing on legal authority rather than moral legitimacy. For him, sovereignty resided in the law-making authority of the state, not in the people.

## **3. Types of Sovereignty**

### **3.1. Legal Sovereignty**

Legal sovereignty refers to the authority legally vested in a particular body to enact and enforce laws. For instance, in the United Kingdom, Parliament is legally sovereign; it can legislate on any matter, and no court or authority can override its laws.

### **3.2. Political Sovereignty**

Political sovereignty rests with the people, who ultimately control the government through elections, public opinion, and democratic participation. It reflects the practical aspect of power in a democracy.



### **3.3. Popular Sovereignty**

Popular sovereignty asserts that all power originates from the people. It is a fundamental tenet of democracy, reflected in constitutions worldwide. The Indian Constitution begins with the phrase “We, the People of India,” symbolizing the idea that sovereignty resides with the citizens.

### **3.4. Internal and External Sovereignty**

Internal sovereignty signifies the state’s authority over all persons and institutions within its territory. External sovereignty denotes independence from foreign domination and recognition by other states in the international community.

### **3.5. De Jure and De Facto Sovereignty**

De jure sovereignty refers to legitimate authority recognized by law, whereas de facto sovereignty implies actual control regardless of legal recognition. Revolutionary regimes or military rulers may hold de facto sovereignty without legal legitimacy.

## **4. Sovereignty and the State**

Sovereignty is the defining feature of the modern state. According to the Montevideo Convention (1933), a state must have a defined territory, permanent population, government, and capacity to engage in international relations. All these elements presuppose sovereignty. However, in constitutional democracies, sovereignty is constrained by law, human rights, and separation of powers. The rule of law limits arbitrary power and ensures accountability within sovereign authority.

## **5. Sovereignty and International Law**

The relationship between sovereignty and international law has evolved from conflict to cooperation. In classical international law, sovereignty implied complete independence and non-interference in domestic affairs. However, modern developments—such as the United Nations Charter, human rights treaties, and global governance—have redefined sovereignty as responsibility rather than privilege. Article 2(7) of the UN Charter still upholds non-intervention, but doctrines like the “Responsibility to Protect” (R2P) show that sovereignty entails moral obligations to protect citizens from genocide, war crimes, and crimes against humanity.



## **6. Challenges to Sovereignty in the Contemporary World**

### **6.1. Globalization**

Globalization has diminished the autonomy of nation-states. Economic interdependence, multinational corporations, and international trade organizations influence domestic policies. Decisions by global institutions such as the IMF or WTO often shape national economic strategies, limiting traditional sovereignty.

### **6.2. Supranational Institutions**

Regional and global organizations like the European Union and the United Nations represent a pooling of sovereignty. Member states voluntarily delegate certain powers for collective security and cooperation. This marks a shift from absolute independence to shared governance.

### **6.3. Human Rights and Humanitarian Intervention**

The rise of international human rights law challenges the notion of unrestricted sovereignty. States can no longer use sovereignty as a shield against scrutiny for human rights violations. The global community now recognizes that sovereignty must coexist with universal human dignity.

### **6.4. Digital and Technological Sovereignty**

In the digital age, control over data, cyber infrastructure, and artificial intelligence has become integral to sovereignty. Cyberattacks, online misinformation, and foreign digital influence pose serious threats to national security. Nations now emphasize “digital sovereignty” to maintain control over data flows and protect citizens’ privacy.

### **6.5. Environmental Sovereignty**

Environmental challenges such as climate change, deforestation, and pollution transcend national boundaries. Sovereignty today must adapt to collective environmental responsibilities. Agreements like the Paris Climate Accord reflect a cooperative model where states exercise sovereignty in harmony with global ecological obligations.

## **7. Sovereignty in the Indian Context**

The Indian Constitution declares India a “Sovereign, Socialist, Secular, Democratic Republic.” Internal sovereignty implies the supremacy of the Indian State in its domestic affairs, while external sovereignty ensures its independence in foreign relations. Indian jurisprudence has consistently upheld this dual nature. In *Maganbhai Ishwarbhai Patel v. Union of India* (1969), the Supreme Court affirmed that international



obligations must align with constitutional provisions. Sovereignty in India operates through constitutional mechanisms that balance autonomy with accountability.

## **8. Theoretical Perspectives on Sovereignty**

### **8.1. Realist Perspective**

Realism, one of the oldest and most influential schools of thought in international relations, regards sovereignty as the fundamental attribute of statehood and the cornerstone of international order. According to realist thinkers such as Hans Morgenthau and Kenneth Waltz, the international system is anarchic, meaning there is no central authority above states. In such an environment, each state acts as a rational and self-interested actor, striving for survival, power, and security.

For realists, sovereignty is the expression of a state's autonomy—the ability to pursue its national interest without external interference. It provides states with the right and the responsibility to protect their territorial integrity and political independence. The maintenance of sovereignty, therefore, depends on the balance of power and military capability rather than on legal or moral norms. Realists argue that international institutions and law have limited influence because they depend on the consent of sovereign states.

In this view, sovereignty remains absolute in principle, though constrained in practice by the relative power of other states. Realism explains why states often prioritize national interest over global cooperation, withdraw from treaties when necessary, and engage in power politics to safeguard their sovereignty.

### **8.2. Liberal Perspective**

Liberalism presents a contrasting view. Liberal theorists such as Immanuel Kant, John Locke, and later scholars like Robert Keohane and Joseph Nye, perceive sovereignty not as an end in itself but as a means to promote collective welfare, peace, and cooperation. Liberals believe that states are capable of cooperation even in an anarchic international system, provided there are shared norms, economic interdependence, and international institutions that facilitate trust and transparency.

According to the liberal perspective, sovereignty is still essential but it is increasingly exercised in a cooperative manner. States willingly limit certain aspects of their sovereignty through participation in organizations like the United Nations, World Trade Organization, or regional bodies such as the European Union. This “pooled sovereignty” allows for joint problem-solving in areas such as trade, environment, human rights, and security.



Liberals also highlight the importance of democracy and rule of law within states, arguing that democratic nations tend to respect one another's sovereignty and resolve conflicts peacefully—a notion known as the Democratic Peace Theory. Therefore, sovereignty is not undermined but strengthened through cooperation, as collective governance enhances legitimacy and stability.

### **8.3. Constructivist and Postmodern Perspectives**

Constructivism introduces a social and ideational dimension to sovereignty. Constructivist scholars like Alexander Wendt and Martha Finnemore argue that sovereignty is not a fixed or objective condition but a socially constructed concept shaped by shared ideas, norms, and collective beliefs of the international community. The meaning and limits of sovereignty evolve through historical and cultural contexts. For instance, the acceptance of humanitarian intervention or international human rights reflects changing global norms about what legitimate sovereignty entails.

Constructivists emphasize that sovereignty is sustained by mutual recognition among states. A state's sovereignty exists because other states acknowledge it as such. This intersubjective understanding can expand or contract depending on global norms. For example, colonialism once denied sovereignty to non-European peoples, while postcolonial norms affirmed equality and independence for all nations.

Postmodern thinkers, on the other hand, question the very notion of sovereignty as a coherent or stable concept. They argue that globalization, digital interconnectivity, and transnational flows of capital, information, and people have fragmented political authority. According to theorists like Michel Foucault and Jacques Derrida, power today is diffuse—spread across multiple centers such as multinational corporations, global media, international institutions, and even digital platforms.

From the postmodern standpoint, sovereignty has become deterritorialized—it no longer resides exclusively within the boundaries of the state but operates through overlapping networks of governance and influence. Issues such as climate change, cyber security, and migration transcend borders, requiring governance beyond the state. Thus, postmodern analysis portrays sovereignty as a fluid, negotiated, and constantly redefined concept rather than a fixed legal reality.

In essence, the realist approach views sovereignty as absolute and power-centered, essential for survival in an anarchic world; the liberal approach sees it as cooperative and interdependent, adapting to institutions and shared norms; while constructivist and postmodern theories interpret sovereignty as a dynamic social construct, influenced by ideas, identity, and global interconnectivity. Together, these perspectives





illustrate that sovereignty, though enduring, is far from static—it continues to evolve with shifting global realities.

## 9. Contemporary Relevance of Sovereignty

Despite globalization and interdependence, sovereignty remains indispensable. It legitimizes government authority, protects national identity, and maintains international order. However, sovereignty in the twenty-first century is more conditional, participatory, and accountable than ever before. It must coexist with global governance, environmental stewardship, and digital transformation. Modern sovereignty no longer means isolation but responsible cooperation within a global framework.

## 10. Conclusion

Sovereignty has undergone a profound transformation from being a doctrine of absolute authority to a dynamic and constitutional principle grounded in legitimacy, accountability, and popular consent. The classical notion of sovereignty, as articulated by Jean Bodin and Thomas Hobbes, emphasized the monarch's unrestricted power within a defined territory. It represented the indivisible, perpetual, and supreme authority of the ruler. However, the gradual evolution of democratic governance and the rise of constitutionalism redefined sovereignty as belonging to the people—the ultimate source of political legitimacy. In this modern understanding, sovereignty is no longer a manifestation of personal rule but an institutionalized authority exercised through law, representative government, and the separation of powers. Globalization has further reshaped the boundaries of sovereignty. Economic liberalization, technological interconnectedness, and transnational cooperation have made absolute independence both impractical and undesirable. No state today can exist in complete isolation—trade, communication, migration, and environmental interdependence bind nations together. Sovereignty in this context does not mean withdrawal from global systems, but participation in them on equitable terms. The ability to negotiate, cooperate, and assert national interests within global frameworks has become the new expression of sovereignty.

Technological advancements, particularly in the domains of cyber governance and artificial intelligence, have given rise to the concept of digital sovereignty—the right of states to control and secure their data infrastructure, communication networks, and information flow. Unlike traditional territorial sovereignty, digital sovereignty extends into virtual spaces, requiring states to defend not just borders but also bytes. This evolution underscores how sovereignty continually adapts to emerging realities, preserving its essence while adjusting its scope.





International institutions such as the United Nations, World Trade Organization, and International Criminal Court illustrate that sovereignty today operates within a system of shared authority. States voluntarily transfer limited aspects of their sovereign powers to these bodies to achieve greater collective objectives—such as peacekeeping, trade regulation, and protection of human rights. Far from eroding sovereignty, this cooperation enhances it by reinforcing the legitimacy of state action through international norms. The concept of “responsible sovereignty,” championed in the early 21st century, signifies this shift—recognizing that sovereign authority entails duties toward citizens and the global community alike. Modern sovereignty is therefore multi-dimensional. It encompasses not only political and territorial authority but also economic resilience, technological autonomy, environmental responsibility, and adherence to international law. It is no longer defined by rigid isolation but by the capacity to engage effectively with an interdependent world. In the context of democratic governance, sovereignty derives its moral and constitutional strength from popular consent, rule of law, and respect for human rights.

In the future, the survival and relevance of sovereignty will depend on adaptability. States must balance their national interests with global obligations—ensuring that sovereignty serves as a bridge rather than a barrier. The idea of absolute independence is giving way to cooperative sovereignty, where nations share responsibility for addressing common challenges such as climate change, cyber threats, pandemics, and migration. Thus, sovereignty in the 21st century must be interpreted as both autonomy and accountability—the freedom to govern oneself and the responsibility to contribute to a just and sustainable international order. Ultimately, the evolution of sovereignty reflects the journey of human civilization itself—from domination to democracy, from isolation to interdependence, and from rigid power to shared responsibility. Its enduring strength lies in its flexibility: the ability to evolve with time, adapt to changing global conditions, and continue to serve as the foundation of legitimate political authority in an increasingly connected world.

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