1. Introduction

The word “sovereignty” is one of those powerful words which has its own existence as an active force within social consciousness. Through the cognitive process of the human mind, such linguistic signs not only represent and describe reality, but they can also play a leading part in the creation and the transformation of reality. Indeed, they are activities in themselves; they are dynamic mental-social phenomena; they actually exist and act within the shared consciousness of humanity.¹

In the first quarter of the 20th century, during the accalmie of the Great War, Harold Laski wrote: “Nothing is today more greatly needed than clarity upon ancient notions. Sovereignty, liberty, authority, personality – these are the words of which we want alike the history and the definition; or rather, we want the history because its substance is in fact the definition.”² In the last quarter of that century, following the dismemberment of the Soviet Empire, Boutros Boutros-Ghali expressed similar concerns: “A major intellectual requirement of our time is to rethink the question of sovereignty – not to weaken its essence, which is crucial to international security and cooperation,

¹ This idea of “shared consciousness of humanity” is borrowed from the moral philosophy of Georg Wilhelm Friedrich Hegel, in particular from G.W.F. Hegel, Phänomenologie des Geistes (Hamburg: Meiner, 1952), first published in 1807, paras 632-671; see also the translation by A.V. Miller, G.W.F. Hegel, Phenomenology of Spirit (Oxford: Clarendon, 1977), at pp. 383-409.

but to recognize that it may take more than one form and perform more than one function.”

At the heart of these statements lie two fundamental convictions, namely, (i) that the problem of defining sovereignty can be solved, and (ii) that there exist identifiable meanings which can be attributed to sovereignty. Whether or not consciously, several commentators in international law, as well as in other disciplines, have indeed based their opinions on these two assumptions. For instance, Lassa Oppenheim once noted that, “there exists perhaps no conception the meaning of which is more controversial

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Interestingly, the German language has no equivalent to the word “sovereignty” in English, souveraineté in French, or “Сударство” in Russian. The word Ober gewalt relates to the authority within a polity; Statshoheit pertains to state dignity (or majesta in Latin), as opposed to state power; and, Statsgewalt refers to the power rather than the dignity of a polity. Therefore, in order to convey the same thing as “sovereignty”, the expression Statshoheit und Stats gewalt must be used in German. See J.K. Bluntschli, The Theory of the State, 2nd ed. (Oxford: Clarendon Press, 1892), at p. 494 ff.

5 In political sciences and international relations, for instance, it was once said that, “the concept of sovereignty has been used not only in different senses by different people, or in different senses at different times by the same people, but in different senses by the same person in rapid succession”; see M.R. Fowler and J.M. Bunck, Law, Power, and the Sovereign State – The Evolution and Application of the Concept of Sovereignty (Pennsylvania: Pennsylvania State University Press, 1995), at p. 4. See also V.A. O’Rourke, The Juristic Status of Egypt and the Sudan (Baltimore, US: John Hopkins University Press, 1935), at p. 10, who wrote: “The word sovereignty holds various conflicting connotations and by no means arouses identical patterns in the minds of different students;” and, E.H. Carr, The Twenty Years Crisis, 1919-1939 – An Introduction to the Study of International Relations, 2nd ed. (London: Papermac, 1995), at p. 212, who