

Why monastic or absolute concept of Sovereignty has been abandoned? Analyze legal concept of Sovereignty.

The concept of Sovereignty has been a cornerstone of political theory, defining the supreme and independent authority of a state within its territorial boundaries. Over time different interpretations of sovereignty have emerged, including monastic or absolute sovereignty.

~~Abs~~

Absolute sovereignty means that the power or authority of a state is absolutely supreme and unlimited over all persons and associations within its territory and against all powers and authorities outside its frontiers. The state is both internally and externally supreme. It is subject to no legal limitations, internal or external.

Many thinkers such as Bodin, Hobbes, Rousseau have asserted that sovereignty is absolute, unlimited, original and supreme power of the state. But the concept of monastic or absolute sovereignty is contested and rejected by others on various grounds, highlighting its limitations and emergence of

alternative perspectives.

Lack of accountability:-

The absolute sovereignty model allowed rulers to exercise power without any checks and balances, leading to potential abuse and lack of accountability. The absence of mechanisms to hold rulers accountable for their actions undermined the well being & rights of people.

Incompatibility with human rights:

The monistic or absolute concept of sovereignty did not adequately account for the ~~evolution~~ evolving understanding of human rights. It often resulted in the suppression of individuals, as rulers prioritized their own power and interest ~~over~~ over their subjects.

Emergence of constitutionalism and Rule of law:

The abandonment of the monistic or absolute concept of sovereignty can be attributed to the rise of constitutionalism and rule of law. Constitutionalism introduced the idea of ~~absolute power~~ that

Power of state should be limited and subject to legal framework. The rule of law ensured that the exercise of power by the state is governed by a set of principles and constraints. Another individual's rights and promoting accountability.

Recognition of Shared Sovereignty:

Another factor that contributed to the abandonment of absolute sovereignty is the recognition of shared and supranational sovereignty. In an interconnected world, state increasingly face challenges that transcend national boundaries such as economic interdependence. Addressing these challenges requires cooperation, leading to emergence of supranational bodies like UN, European Union.

Shift towards democratic Governance:

The advancement of democratic governance has also played a role in moving away from absolute sovereignty. Democracies emphasize the power vested in the people and promote participation, representation and accountability. The

absolute sovereign model is inconsistent with democratic principles as it concentrates power in the hands of single ruler or ruling elite.

In conclusion, the monastic or absolute concept of sovereignty has been abandoned due to its inherent limitations and the changing political landscape. Additionally, the shift towards democratic governance has led to alternative conceptions of sovereignty that better accommodate the needs of societies.

Legal concept of sovereignty

Legal sovereignty is the supreme and final law making power, recognized by law, and exercised by a determinate person or organ of the state. In every state there is some authority legally entitled to make laws which the citizens have to obey. Such an authority is the legal sovereign. The legal sovereign is unrestrained by the law in the exercise of law making power. Whatever he decrees must be obeyed by the citizens, enforced if need be by his supreme power. Whatever he orders is binding, whether it is

good or bad, moral or not, just or unjust. As Hobbes puts it bluntly within the sphere of law, there is no such thing as unjust command.

The law or the constitution of the state describes whose hands legal sovereignty lies. In England, it rests with the Queen/king-in-parliament. There is no legal limit to the power exercised by parliament.

The legal concept of sovereignty encompasses several aspects. It includes a state's territorial integrity and exclusive jurisdiction it exercises within its boundaries. This grants state the authority to make and enforce laws without external interference.

Additionally, sovereignty involves external recognition, where states are recognized as independent entities by other states, allowing them to engage in international relations. However, sovereignty is not absolute and is subject to limitations and responsibilities. States must comply with international laws, respect human rights, and fulfil their obligations under treaties and agreements. This reflects the recognition that sovereignty should be exercised responsibly and in consideration of rights and well being of

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individuals and the international community.

The legal concept of sovereignty is a fundamental pillar of political theory and plays a crucial role in defining the authority and autonomy of states. It refers to the supreme power and control that a state possess within its territorial boundaries. Although state possess legal sovereignty, it is not absolute and can be subject to limitations and responsibilities. States must adhere to international law, respect human rights, and fulfill their obligations under international agreements. As political landscape evolves, the concept of legal sovereignty continues to shape the framework.