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# DEVELOPMENT OF IDEAS OF SOVEREIGNTY

## SEARCHING FOR THEOLOGICAL FOUNDATIONS

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### **Abstract**

The article presents research into the political and legal nature of sovereignty based on the interdisciplinary approach. Considering theological ideas related to power, the author shows their influence on the development of the doctrine of sovereignty. The following methods were used in the research: generalization, abstraction, pattern recognition. It is concluded that the variety of theoretical approaches that associate the development of the idea of sovereignty with transformations of its holder can be integrated into a single conceptual model - the vector theory of sovereignty. The concept of sovereignty understood only as supremacy and independence of the state authority in domestic politics, as well as in the international arena, has become outdated. Aggravation of social problems, increasing significance of some social spheres and aspiration of state authorities to expand their influence on these spheres call for even closer attention to these factors in the course of developing new theoretical approaches to the interpretation of the idea under consideration. In a broad sense, sovereignty is a monopoly on governing the social field supported by the hegemony of possessing the mechanisms of reproduction of capital: cultural, social, symbolic and economic.

*Keywords:* sovereignty, authority, theology, power

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### **1. Introduction**

The era of new technologies is believed to become the beginning of a new cultural renaissance, which will allow one to feel like a part of an integral whole - a global civilization [1]. Establishment and further development of sovereignty as a political and legal category are inextricably connected with evolutionary processes taking place in the society, the state and the law. Gradually transforming, at the present time, complex characteristics of its content get reflected in a wide range of relationships existing in structured social spaces (fields) [2]: religion, politics and law. Historically, the mutual influence of these fields has created conditions for the development of the idea of sovereignty, modifying the existing ideas and providing them with new elements.

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In the modern legal science, it is believed that such transformations started in the late Middle Ages, the origins of the concept of sovereignty being connected with the struggle between the monarchical state, the Church, the Roman Empire and large owners [3]. The nonlinearity of this struggle predetermined the potential multidimensionality of semantic transformation of the idea of sovereignty. In this connection, the search for its origins, identification of conditions and directions of further changes will allow expanding the scientific approach to the patterns governing the development of the political system of the society.

## 2. Literature review

The conducted literature review is presented in the form of a table, listening researchers and features of their understanding of the concept of sovereignty (Table 1).

**Table 1.** Literature review.

<b>Researchers</b>	<b>Features of the concept</b>
F. Chiang [4]	Sovereignty is a relative concept. Each state has its own sovereignty based on the separation of powers, which is interpreted as a peculiar form of separation of state sovereignty.
E. Berg and E. Kuusk [5]	Neither the federation nor its sovereignty have full state sovereignty. The separation of sovereignty is carried out by the distribution of competence between the federation and its subjects, because own competence expresses 'own statehood'.
J. Grygiel [6]	Sovereignty as a property of state power lies in its supremacy and independence. In other words, sovereignty is the independence and insubordination of the state to anyone.
K.E. Nell [7]	The doctrine of conditional sovereignty. The sovereignty of the state is not unlimited. Inside the country it is limited by the sovereignty of the people and outside the country - by the accepted norms of relations between states.
J.F. Osborne [8]	State sovereignty includes such fundamental principles as unity and indivisibility of the territory, inviolability of territorial borders and non-interference in internal affairs.
M. Coleman [9]	Modern interstate rivalry is limited by the structure of sovereign rights recognized by international standards. In this sense, it is based on the supremacy of international law. Sovereignty seems to be a supporting structure in modern politics, which performs the important function of minimizing interstate violence.

## 3. Methods

The research considers the political and legal nature of sovereignty. The following methods were used in the course of this research: generalization, abstraction, pattern recognition. We aimed to achieve methodological objectivity, describing the role and significance of evolutionary processes in the society that

encourage the development of the concept of sovereignty. The principle of objectivity helped to determine the essence of the concept 'vector sovereignty'.

The method of specificity gave us an opportunity to consider the establishment and further development of sovereignty as a political and legal category connected with evolutionary processes taking place in the society, the state and the law.

The method of pluralism allowed us to view the subject of our research from different perspectives and identify various specific features characterizing the doctrine of the sovereign power of the state.

At the stage of gathering and studying individual facts, law interpretation methods were used to identify the principles of functioning of supreme power in the Middle Ages in different countries.

The forecasting method allowed us to make scientifically grounded forecasts about the patterns of development of the political system in the society. A logical-semantic analysis was conducted as well in order to consider the semantic features of the concept of sovereignty.

## **4. Results**

### ***4.1. The divine origin of sovereignty***

The set of theological ideas that developed in the Middle Ages and became the foundation for the modern concept of sovereignty can be described as the doctrine of divine sovereignty. This doctrine was based on the idea contained in the Holy Scriptures: "Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, whoever rebels against the authority is rebelling against what God has instituted" (Holy Bible, New International Version, Romans 13.1-2). It follows from the Holy Scriptures that any authority, secular or religious, originates from God. The political environment that is formed on the basis of such mind-set encourages the development of the system of social interaction between members of society relying on the divine law. Understanding God as the summit of any power lies at the core of approaches that determine both the form and substance of power.

The substance of divine sovereignty can be presented in a broader way - as different manifestations of God's sovereignty: in the exercise of His power, in the delegation of His power to others, in the exercise of His mercy and in the exercise of His love [10]. Many of these ideas have been developed in the modern doctrine of constitutional law: the institute of pardon traces its origins to God's mercy, the sets of legal regulations that establish exclusively positive legal statuses can be traced back to God's grace and the modern state; on the whole, aspires to divine almightiness by developing the image of an omnipotent state in the public consciousness.

In the Middle Ages, power was divided and limited; it was not sovereign in the modern understanding of this word. The medieval interpretation of sovereignty is connected with the concept of supremacy. It is the quality possessed by the power that is above all others, not controlled by any superior power. However, the presence of a sovereign's right, which is the highest right of all, does not testify to a change of the nature of such power; sovereignty does not specify the character of power and is not the source of it [11].

A range of terms were used in the medieval political theology to denote different manifestations of power: *auctoritas*, *potestas*, *dominium* and *imperium*. Roman by nature, these concepts sometimes referred to complex ideas. The fall of the Roman Empire and formation of early medieval states in its territory predetermined the necessity for a cardinal transformation of the classical institutes of Roman law, but at the same time provided preservation of the conceptual framework and nomenclature used by Roman political thought. In this period, special emphasis is placed on *auctoritas* and *potestas*, where *auctoritas* represents the sacred authority of the Pope, while *potestas* refers to the power of the crown. The genesis of such division of power did not just accompany the medieval political theology as a basis for proclaiming superiority of one power over the other, but also contained the grounds for making a distinction between such categories as 'possession of power' and 'exercise of power', i.e. formal sovereignty and its actual exercise. This foundation continues its development in modern law.

In the Middle Ages, when the idea of sovereignty evolved, the very question about division of power was first raised in the sphere of Theology and then translated into the political and legal spheres [12].

#### **4.2. *Plenitudo potestatis and the division of sovereign power***

Developing the idea of division of power, the Catholic Church consistently promoted the idea of the primacy of religious power and gradually expanded the legal platform for its claims to the so-called *plenitudo potestatis* - full religious and secular power [13, 14]. On the whole, the expression *plenitudo potestatis*, which had been in use starting from the 5<sup>th</sup> century AD, entered common usage at the beginning of the 13<sup>th</sup> century referring to papal power, which testified to a gradual increase in the influence exercised by the Church.

The code of canon law compiled in the 1140s by Gratian called *Concordia discordantium canonum* (also known as the *Decretum Gratiani*) played a special role in this process. Making a distinction between divine law and human law, Gratian gives an answer to the question about the correlation between secular and religious regulations. At the same time, he establishes the relationship between religious and secular law: according to the code, instructions given by secular authorities are not superior to the religious ones, but subordinate to them.

The bull *Unam sanctam* issued in 1302 substantiates the supremacy of papal power and proclaims the divine nature of religious power and its priority over the secular order. This approach stipulates derivativeness of secular power

and its subordination to the Holy See, which integrates the metaphysical and political aspects. Occupying the supreme position in the religious system of Western European society, the Pope becomes the embodiment of the divine spirit on earth and, at the same time, enters the political space.

Secular power receives its authority from religious power. As a result, the only criterion for its assessment is its compliance with the norms prescribed by the Holy Scriptures. The medieval political theology developed the ideas about the representation of God's power on Earth and formed a theoretical foundation for such representation in public legal relationships. Implicit understanding of any power as a representative power leads to the impossibility of domination of any of them in the existing social space. Since all these powers are representative ("standing or acting for another especially through delegated authority" [<https://www.merriam-webster.com/dictionary/representative>]) by nature, none of them can be characterized as absolute.

Therefore, due to their representative nature, all powers are incomplete and require mutual coexistence; their formalization is inextricably connected with recognition. Implementation of the representation principle lying at the core of sovereign power preconditions presence of at least two subjects - the represented party and its representative. In the political discourse, this correlation substantiates the conclusion that only the power of the former party is absolute. However, the end subject from the perspective of the above-mentioned theological chain of representation, which possesses absolute power, exists only in the other world. Surely, supreme power as it is does not tell one anything about the essence of sovereignty, but this state of things creates conditions for understanding power as a hierarchically structured system existing in the real world, where the connection with the subject of absolute power is its key criterion. It appears that this very system predetermines the centuries-long development of institutes of sacralisation of political power in a modern state.

The Middle Ages with their specific political and legal conditions saw the development of a new foundation for recognition of the legitimacy of state power. According to this framework, only such a state and law can exist that implement Christian ideas and are supported by the Holy See. The Pope exerts his power by recognizing the existence of a particular state. A case in point is recognition of Portugal as an independent state by Pope Alexander III in his bull 'Manifestatis probatum' [15]. The emergence of the idea of sovereignty and its transformations occurred in the course of erratic development of the medieval political and legal system. They illustrate the reasonableness of the division of sovereignty into factual and legal components at the first stage of its evolution. Moreover, they show the essential interconnection between these components [16]. For example, the development of the military potential of European states in the Middle Ages and, as a result, their increasing political influence, inevitably led to the formation of factual sovereignty and development of the corresponding political and legal idea. The struggle between religious and secular power in the political space encouraged the development of political and legal thought related to sovereignty. One of the results of this struggle was the theoretical formalization of sovereignty

as an integral feature of power, based on medieval metaphysical ideas. Religious consciousness, which provided necessary conditions for political claims of the Catholic Church, served as the end object, towards the integration with which the development of the political sphere was oriented in this period. This fact also explains the existence of trans-European scientific world, where all works were written in Latin, and underlies the vision of the world where bilingual intellectuals performed the function of an intermediary between the spoken language and Latin by serving as an intermediary between Heaven and Earth [17]. Acquiring theological content, sovereignty grew closer with ideas common among the educated part of society. In this connection, objectivation of sovereignty and its political manifestation are inextricably connected with its subjective perception [4]. Reflected in the content of the examined phenomenon, the so-called divine spirit preserved its influence virtually throughout all stages of the development of this idea [8]. Perception of God as the absolute initially transformed in the teachings about the divine power of a monarch as the embodiment of the state. It was later reflected in the doctrine of state sovereignty and, subsequently, in the doctrine of national sovereignty. The fundamental result of the impact religious ideas had on lifestyle was stereotyping. Any changes in customs protected by sacred forces infringe the interests of gods. Thereby, religion supports the innate human uncertainty and resistance to any novelties with an additional powerful argument: the sacred is characterized by a unique unchanging quality [18]. Sovereignty gradually becomes such a sacred concept in the political and legal paradigm.

## **5. Discussion - state sovereignty - the secularization of the divine**

In view of the increasing influence of monarchical states, development of the idea of sovereignty shifted its vector towards substantiation of the doctrine of sovereign power exercised by the state. Its initial emergence was aimed at substantiation of monarch's sovereignty as the only holder of state power. It was achieved through the establishment of a logical connection between the monarch's secular power and God's power. Whereas in the early Middle Ages it manifested in the interaction between the Pope as *Vicarius Filii Dei* - the Vicar of Christ on Earth - and a secular monarch, from the time of the Avignon Papacy, the Pope's place in this relationship was taken by God himself. Consequently, monarch's power was proclaimed divine and monarchs were endowed with exceptional qualities typical of divine forces. Taking into account the high stability of characteristics of the medieval society, the significance of the metaphysical aspect was an unchanging feature of each new holder of sovereignty, becoming their integral quality that translated into the history of the development of national legal systems. In the medieval period, when the ideas of state sovereignty were established, it can be traced in the development of ideas proclaiming the divine nature of monarch's power. Some examples of manifestation thereof are the coronation, anointing and deposition institutes and

further formalization of their cult as saint martyr-kings [19], as well as beliefs about monarchs' miraculous healing abilities.

In a hierarchical society, along with conventional and legal guarantees, ritual guarantees of social stratification tend to emerge, up to introducing bans on touching representatives of the highest social class [18]. Monarch's divinity is expressed not in their ability to heal a disease, but in their readiness to infringe the existing norms of medieval class society, i.e. to create a social wonder. The duality of manifestation of this wonder emerges as a result of transferring the divine nature to a social foundation. The very nature of medieval monarchs' power and its secular character predetermine such social connotations of the divine. Having existed in France until the 13<sup>th</sup> century, the physical miracle disappears at the moment of royal execution, but the social wonder remains even when political power is desacralized. At first, it is reflected in the transfer of inviolability and sanctity of a royal person enshrined in the constitution of 1791 to a new sovereign body - the people [20] - and later is manifested in political institutions of national legal systems.

A special place in the series of examples of manifestations of the divine nature of royal power in the Middle Ages belongs to effigies, the so-called 'breathing statues'. Having originated in England, this ceremony appeared in France at the beginning of the 15<sup>th</sup> century. Essentially, this phenomenon involved a ritualized integral way of the figurative and physical overcoming of the pause between the official ceremony of the funeral of a deceased monarch and the coronation of their heir. Due to this ritual, any common person had an opportunity to visualize the immortality of royal power.

Thus, the legal foundation for domination of state in the political system of the medieval society was developed not by democratic institutions meant to form people's will, but by the grace of God [21]. In Christian society, the idea of the divine origin of power prevailed.

Legal formalization of the idea of state sovereignty is inextricably connected with attaching new political and legal meaning to the institution of royal power. Initially, secular power, embodied by medieval monarchs, tried to break free from the influence of the Roman Catholic Church. It gradually acquired other meanings, absorbing the typical features of imperial and papal power, which were receding into the background. It happens step by step against the backdrop of traditional medieval society in the course of the development of European national state structure and in the context of deep dissociative processes taking place in the Christian church [5].

The concept of sovereignty, which originated in medieval France, until the 16<sup>th</sup> century had been used to denote people in senior public positions, heads of government agencies and high-ranking officials as against their subordinates and to refer to institutions that are supreme bodies in relation to subordinate organizations. Apart from that, the word 'sovereign' was used to denote feudals that possessed territorial supremacy and exercised public and, as a rule, inherited authority [22]. This testifies that two types of sovereignty developed within a state: full (nationwide) and limited (territorial).

The modern idea of sovereignty represents the integration of the theological foundation and the accumulated experience of usage of this category [9]. The first European ambassadors of sovereignty could have been enchanted by the political theology of absolute national monarchies that emerged in their lifetime. By chance, they witnessed the abandonment of the idea of a pan-European empire and registration of political property within this space as sovereign's ownership. It was directly reflected in the process of the development of the idea of sovereignty.

The concept of absolute sovereignty of the state is expressed in the fact that sovereignty serves as a mandatory attribute of the state, concentrated in the sovereign's hands. In monarchies, a sovereign can be represented by a king or an autocrat, in aristocracies - by a minority, in democracies - by the people or the major part of people [23]. Although sovereignty is usually considered in the context of state and its power, the idea of popular sovereignty (sovereignty of the people) also exists. Speaking about the source of sovereignty, it should be mentioned that the fact of handing in the sovereignty of the people to a monarch constitutes the grounds for their recognition as a sovereign. Therefore, within this framework, people are represented as holders of sovereignty along with other subjects.

In 1556, five main functions of supreme power were formulated for the first time; they are deemed as characteristics of sovereignty by modern legal science [24]. They include the following: the power to create legislation for people as a whole and for each individual; possessing supreme military authority; the right to appoint officials - magistrates; supreme judicial power and, finally, the power to grant pardon to convicted offenders [25].

An indisputable advantage of this theoretical framework is that it was virtually the first theory to define the meaning of sovereignty, understood as absolute, inalienable, continuous, eternal and constant power within one territory. The holder of sovereignty possesses absolute power, but such power is restricted to certain limits: a sovereign must comply with divine laws, the laws of nature and universal human laws [6]. Universally accepted social values based on these laws, such as family, private property, civil duty and state responsibilities, indirectly restrict a sovereign's will. Infringement of these commonly shared values and, consequently, of the underlying laws affects the legitimacy of power.

To sum up, theoretical formalization of the concept of state sovereignty at the turn of the modern age was inextricably connected with borrowing and adaptation of theoretical ideas from theology and legal statements from canon law, which was reflected in the development of the essence of royal power and its divine nature. The secular power of monarchs gradually acquired features that were later reflected in the essence of state power and are still relevant. Such reciprocal exchange between the religious and political matters reveals both theologization of political space and politicization of theological space.

## **6. Conclusions**

The doctrine of sovereignty is constantly evolving. Its content acquires new elements and connections - from the divine to popular and further to democratic popular sovereignty. Moreover, being one of the characteristics of its holder, sovereignty can transform the political and legal content of the subject itself. It introduces new features that were previously not typical of the corresponding subject. It is particularly apparent from the perspective of analysis of the influence exercised by theological ideas on the development of the idea of monarch's sovereign power.

Transformation of the subject holding sovereignty and the doctrine of sovereignty are characterized by their mutual influence. The process of transformation of the holder of sovereignty, its dynamics and surrounding conditions affect the development of the doctrine of sovereignty. The variety of theoretical approaches that associate the development of the idea of sovereignty with the transformations of its holder can be integrated into a single conceptual model - the vector theory of sovereignty. According to this theory, in a federal state, sovereign power is equally exercised by the federation and its constituents and the sovereignty belongs both to the federation and its constituents, each in its own sphere.

In the course of evolution, state power absorbs the features of other subjects of power - the Church, people or personality, thus concealing its true nature. The operation of newly acquired qualities is not restricted to the political sphere but has a complex multifaceted effect. State power aspires to be a cultural, social, economic and symbolic ruler. The hidden nature of this phenomenon results in its extension to all social spheres. The sovereign changes its form, but its essence remains unchanged.

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