

1: Sovereign state - Wikipedia

The Myth of State Sovereignty. Discussion in 'Civil War History - Secession and Politics' started by CMWinkler, Jul 16,

Reformation[edit] Sovereignty reemerged as a concept in the late 16th century, a time when civil wars had created a craving for stronger central authority, when monarchs had begun to gather power onto their own hands at the expense of the nobility, and the modern nation state was emerging. Jean Bodin , partly in reaction to the chaos of the French wars of religion , presented theories of sovereignty calling for strong central authority in the form of absolute monarchy. Not temporarily delegated as to a strong leader in an emergency or to a state employee such as a magistrate. He held that sovereignty must be perpetual because anyone with the power to enforce a time limit on the governing power must be above the governing power, which would be impossible if the governing power is absolute. Bodin rejected the notion of transference of sovereignty from people to the ruler also known as the sovereign ; natural law and divine law confer upon the sovereign the right to rule. And the sovereign is not above divine law or natural law. He is above ie. He emphasized that a sovereign is bound to observe certain basic rules derived from the divine law, the law of nature or reason, and the law that is common to all nations *jus gentium* , as well as the fundamental laws of the state that determine who is the sovereign, who succeeds to sovereignty, and what limits the sovereign power. Bodin also held that the *lois royales*, the fundamental laws of the French monarchy which regulated matters such as succession, are natural laws and are binding on the French sovereign. Despite his commitment to absolutism, Bodin held some moderate opinions on how government should in practice be carried out. He held that although the sovereign is not obliged to, it is advisable for him, as a practical expedient, to convene a senate from whom he can obtain advice, to delegate some power to magistrates for the practical administration of the law, and to use the Estates as a means of communicating with the people. In particular, the " Social contract " as a mechanism for establishing sovereignty was suggested and, by , widely accepted, especially in the new United States and France , though also in Great Britain to a lesser extent. He created the first modern version of the social contract or contractarian theory, arguing that to overcome the "nasty, brutish and short" quality of life without the cooperation of other human beings, people must join in a "commonwealth" and submit to a "Sovereigne [sic] Power" that is able to compel them to act in the common good. This expediency argument attracted many of the early proponents of sovereignty. The sovereign is the only final authority in his territory; he does not share final authority with any other entity. Hobbes held this to be true because otherwise there would be no way of resolving a disagreement between the multiple authorities. Rousseau considered sovereignty to be inalienable; he condemned the distinction between the origin and the exercise of sovereignty, a distinction upon which constitutional monarchy or representative democracy is founded. John Locke , and Montesquieu are also key figures in the unfolding of the concept of sovereignty; their views differ with Rousseau and with Hobbes on this issue of alienability. Sovereignty, or the general will, is inalienable, for the will cannot be transmitted; it is indivisible, since it is essentially general; it is infallible and always right, determined and limited in its power by the common interest; it acts through laws. Law is the decision of the general will in regard to some object of common interest, but though the general will is always right and desires only good, its judgment is not always enlightened, and consequently does not always see wherein the common good lies; hence the necessity of the legislator. But the legislator has, of himself, no authority; he is only a guide who drafts and proposes laws, but the people alone that is, the sovereign or general will has authority to make and impose them. Thus the legal maxim, "there is no law without a sovereign. It is an indisputable fact that this conception, from the moment when it was introduced into political science until the present day, has never had a meaning which was universally agreed upon. Lassa Oppenheim " , an authority on international law [14] Absoluteness[edit] An important factor of sovereignty is its degree of absoluteness. International law ; policies and actions of neighboring states; cooperation and respect of the populace; means of enforcement; and resources to enact policy are factors that might limit sovereignty. For example, parents are not guaranteed the right to decide some matters in the upbringing of their children independent of societal regulation, and municipalities do not have unlimited jurisdiction in local matters, thus neither parents nor municipalities have

absolute sovereignty. Theorists have diverged over the desirability of increased absoluteness. Exclusivity[edit] A key element of sovereignty in a legalistic sense is that of exclusivity of jurisdiction. Specifically, the degree to which decisions made by a sovereign entity might be contradicted by another authority. Social institutions such as religious bodies, corporations, and competing political parties might represent de facto infringements on exclusivity. De jure and de facto[edit] De jure , or legal, sovereignty concerns the expressed and institutionally recognised right to exercise control over a territory. De facto , or actual, sovereignty is concerned with whether control in fact exists. Cooperation and respect of the populace; control of resources in, or moved into, an area; means of enforcement and security; and ability to carry out various functions of state all represent measures of de facto sovereignty. When control is practiced predominantly by military or police force it is considered coercive sovereignty. Sovereignty and independence[edit] This section needs additional citations for verification. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. July Learn how and when to remove this template message State sovereignty is sometimes viewed synonymously with independence , however, sovereignty can be transferred as a legal right whereas independence cannot. Alternatively, independence can be lost completely when sovereignty itself becomes the subject of dispute. The pre-World War II administrations of Latvia , Lithuania and Estonia maintained an exile existence and considerable international recognition whilst their territories were annexed by the Soviet Union and governed locally by their pro-Soviet functionaries. When in Latvia, Lithuania and Estonia re-enacted independence, it was done so on the basis of continuity directly from the pre-Soviet republics. The post Polish state claims direct continuity from the Second Polish Republic which ended in For other reasons however, Poland maintains its communist-era outline as opposed to its pre-World War II shape which included areas now in Belarus , Czech Republic , Lithuania , Slovakia and Ukraine but did not include some of its western regions that were then in Germany. At the opposite end of the scale, there is no dispute regarding the self-governance of certain self-proclaimed states such as Republic of Abkhazia , Republic of South Ossetia or the Republic of Kosovo see List of states with limited recognition since their governments neither answer to a bigger state, nor is their governance subjected to supervision. Internal[edit] Internal sovereignty is the relationship between a sovereign power and the political community. A central concern is legitimacy: Claims of legitimacy might refer to the divine right of kings or to a social contract i. Internal sovereignty examines the internal affairs of a state and how it operates. It is important to have strong internal sovereignty in relation to keeping order and peace. When you have weak internal sovereignty, organisations such as rebel groups will undermine the authority and disrupt the peace. The presence of a strong authority allows you to keep agreement and enforce sanctions for the violation of laws. The ability for leadership to prevent these violations is a key variable in determining internal sovereignty. The presence of strong internal sovereignty allows a state to deter opposition groups in exchange for bargaining. It has been said that a more decentralized authority would be more efficient in keeping peace because the deal must please not only the leadership but also the opposition group. While the operations and affairs within a state are relative to the level of sovereignty within that state, there is still an argument between who should hold the authority in a sovereign state. This argument between who should hold the authority within a sovereign state is called the traditional doctrine of public sovereignty. This discussion is between an internal sovereign or an authority of public sovereignty. An internal sovereign is a political body that possesses ultimate, final and independent authority; one whose decisions are binding upon all citizens, groups and institutions in society. Early thinkers believe sovereignty should be vested in the hands of a single person, a monarch. They believed the overriding merit of vesting sovereignty in a single individual was that sovereignty would therefore be indivisible; it would be expressed in a single voice that could claim final authority. Jean-Jacques Rousseau rejected monarchical rule in favor of the other type of authority within a sovereign state, public sovereignty. Public Sovereignty is the belief that ultimate authority is vested in the people themselves, expressed in the idea of the general will. This means that the power is elected and supported by its members, the authority has a central goal of the good of the people in mind. The idea of public sovereignty has often been the basis for modern democratic theory. A form of government that is a little different from both is the UK parliament system. From to it was argued that sovereignty in the UK was vested neither in the Crown nor in the people

but in the "Monarch in Parliament". This is the origin of the doctrine of parliamentary sovereignty and is usually seen as the fundamental principle of the British constitution. With these principles of parliamentary sovereignty majority control can gain access to unlimited constitutional authority, creating what has been called "elective dictatorship" or "modern autocracy". Public sovereignty in modern governments is a lot more common with examples like the USA, Canada, Australia and India where government is divided into different levels. For example, the United Kingdom uses the following criterion when deciding under what conditions other states recognise a political entity as having sovereignty over some territory; "Sovereignty. The Arantzazu Mendi, [] A. This resulted as a natural extension of the older principle of cuius regio, eius religio Whose realm, his religion , leaving the Roman Catholic Church with little ability to interfere with the internal affairs of many European states. It is a myth, however, that the Treaties of Westphalia created a new European order of equal sovereign states. Determining whether a specific entity is sovereign is not an exact science, but often a matter of diplomatic dispute. There is usually an expectation that both de jure and de facto sovereignty rest in the same organisation at the place and time of concern. Foreign governments use varied criteria and political considerations when deciding whether or not to recognise the sovereignty of a state over a territory. The Holy See was in this position between the annexation in of the Papal States by Italy and the signing of the Lateran Treaties in , a year period during which it was recognised as sovereign by many mostly Roman Catholic states despite possessing no territory " a situation resolved when the Lateran Treaties granted the Holy See sovereignty over the Vatican City. Another case, sui generis , though often contested,[citation needed] is the Sovereign Military Order of Malta , the third sovereign entity inside Italian territory after San Marino and the Vatican City State and the second inside the Italian capital since in the Palazzo di Malta and the Villa Malta receive extraterritorial rights, in this way becoming the only "sovereign" territorial possessions of the modern Order , which is the last existing heir to one of several once militarily significant, crusader states of sovereign military orders. These sovereign rights were never deposed, only the territories were lost. The International Committee of the Red Cross is commonly mistaken to be sovereign. It has been granted various degrees of special privileges and legal immunities in many countries,[which? In the case of the European Union members states this is called "pooled sovereignty". Nation-states[edit] A community of people who claim the right of self-determination based on a common ethnicity, history and culture might seek to establish sovereignty over a region, thus creating a nation-state. Such nations are sometimes recognised as autonomous areas rather than as fully sovereign, independent states. Federations[edit] In a federal system of government , sovereignty also refers to powers which a constituent state or republic possesses independently of the national government. In a confederation constituent entities retain the right to withdraw from the national body, but in a federation[citation needed] member states or republics do not hold that right. Depending on the particular issue, sometimes both northern and southern states justified their political positions by appealing to state sovereignty. Fearing that slavery would be threatened by results of the presidential election , eleven slave states declared their independence from the federal Union and formed a new confederation. Acquisition of sovereignty A number of modes of acquisition of sovereignty are presently or have historically been recognised by international law as lawful methods by which a state may acquire sovereignty over territory. The classification of these modes originally derived from Roman property law and from the 15th and 16th century with the development of international law.

2: Slavery and the Civil War: Not What You Think | HuffPost

State Sovereignty The predominantly Southern idea that individual states were sovereign from the federal government enabled the Civil War. As a result of this mindset, Southern politicians believed that they had the right to secede from the union if they disagreed with its policies.

If Illinois fails financially, it will not do so in unison with the rest of the country. Will voters from Texas, Florida and the rest of the states send their tax dollars to help? Perhaps the success of "The Mount Vernon Statement" suggests not. Those words appear on the state flag and seal. Some coincidence, since the growing debate over the future role of the federal government will determine the financial future of government here in Illinois. During the nineteenth century, as federal action to abolish slavery appeared more and more likely, the debate over federalism eventually culminated in the outbreak of civil war. Illinois proved influential in that debate. Douglas was a political giant, a U. Senator from Illinois, whose statue stands guard closest to the statehouse in Springfield, a staunch Democrat who believed the nation must remain united but could only do so half-slave, half-free. His chief political nemesis, who would go on to be president, disagreed. Senate seat "and the presidential campaign that followed in " proved to be the most engaging debate of federal power and policy in the history of democratic government. The debate did not die with Lincoln, Douglas or the millions of soldiers who fought in the Civil War. The question of National Union hardly seems open any more. There are federal departments on education, law enforcement and the environment " and these are hardly controversial facts. But an emphasis on state sovereignty is on the comeback. When the Obama administration issued layered bailouts of state governments, Washington bureaucrats also mounted control over huge portions of state budgets. The passage of ObamaCare multiplied the federal influence, and made it permanent in healthcare. This overreach ignited a latent passion for constitutional principles that has transformed the political landscapes of many parts of the country. Tea Parties and Attorneys General alike are battling federal influence in newfound ways. As state-led efforts to repeal ObamaCare are waged in the courts, it is rightfully seen as a movement to roll back federal power. But a real federal takeover of state governments may yet loom ahead. So are dozens of other state, city and local governments. Policy options are available for those who want to become solvent again, but those options include trimming spending and handouts to big-government interests like public employee unions. Many lawmakers are looking for another way out " and the federal bailouts of states, school districts, automakers and banks suggest a precedent. Perhaps, through bankruptcy legislation or a trillion dollar cash-transfer to states, the federal government could put things back in order. But two problems emerge: Illinois is first in line to go belly up " such are its continuing budget deficits and the unfunded liabilities of its government employee pension funds. And in fact many big spending politicians are hoping the Land of Lincoln is too big to fail and that a bailout will come " this is their only hope of maintaining programs and pork. Those politicians should think twice. It will be the first to fail, perhaps accompanied closely by Connecticut, and California. And so we have to ask ourselves: Click here to read the statement, and if you so choose, to sign it. Get stories like this delivered straight to your inbox.

3: State Sovereignty | www.enganchecubano.com

Sovereignty is the power of a state to do everything necessary to govern itself, such as making, executing, and applying laws; imposing and collecting taxes; making war and peace; and forming treaties or engaging in commerce with foreign nations.

D in neurophysiology Slavery and the Civil War: In that conflict more than , soldiers were killed or wounded in four years of hellish war. Equivalent rates of casualties today would result in five million dead or wounded, dwarfing our losses in World War II, or any other war. Why did two percent of our population suffer death or maiming? Over the issue of state sovereignty and the interpretation of the Tenth Amendment ratified in The text is simple enough: That "terrible cause" of the South is usually thought of as the defense of slavery. This is what we are all taught in school; and the idea is strongly entrenched today. He concludes that the "Civil War was about slavery, nothing more. Yes, slavery was of course the central point of contention, but as an example of state sovereignty versus federal authority. The perceived threat to state autonomy became an existential one through the specific dispute over slavery. The issue was not slavery per se, but who decided whether slavery was acceptable, local institutions or a distant central government power. That distinction is not one of semantics: Specifically, eleven southern states seceded from the Union in protest against federal legislation that limited the expansion of slavery claiming that such legislation violated the tenth amendment, which they argued trumped the Supremacy Clause. Southern states sought to secede because they believed that the federal government had no authority to tell them how to run their affairs. So yes, the South clearly fought to defend slavery as a means of protecting their sordid economic system and way of life, but they did so with slavery serving as the most glaring example of federal usurpation of state powers of self-determination. The war would be fought to prevent those states from seceding, not to destroy the institution of slavery. The war would be fought over different interpretations of our founding document. The inherent tension between Article VI and the Tenth Amendment of the Constitution has kept lawyers busy and wealthy from the day the words were penned, and the argument goes on today. But the South went a significant step further than arguing a case. In seceding from the Union those states declared the U. The president of the United States, sworn to uphold the Constitution, had no choice but to take whatever measures were necessary to fulfill his commitment. Clearly if any state could withdraw from the Union whenever that state disagreed with others, the Union over which Lincoln presided would not last long. But freedom for slaves did not. President Lincoln did not issue the Emancipation Proclamation until January 1, , more than one and a half years after the war started. His goal was initially to preserve the Union, and he only issued that proclamation when he felt doing so would promote that objective. To support the idea that the war was only about slavery, Mr. Pitts cites newspaper quotes from that note the grave threat to the economic value of slaves if the North prevailed politically; and Mr. Pitt provides quotes from a few articles of separation from states that specifically reference slavery as a cause for seceding. But that just proves what we already know: We understandably focus on this specific while ignoring the broader issue in contest. But a subset of a set is not the set. An example of an issue is not the issue. Claiming the Civil War was about slavery alone is like saying that the recent revolution in Egypt was about unseating Mubarak and nothing else. That conclusion misses the more important point that the real issue was self-determination and the right to a representative government. Mubarak was not the issue, only a specific example of the larger problem of a non-representative government. Ousting Mubarak was a subset of a larger set. Mercifully the war finally ended. On April 3, , Richmond, Virginia, fell to Union soldiers as Confederate troops retreated to the West, exhausted, weak, and low on supplies. On April 5, Generals Robert E. Lee and Ulysses S. But damn if the South does not hold on to the war as if they never actually lost, fighting incongruously for a hopeless cause of questionable value while simultaneously wrapping themselves in the American flag representing the Union they are so proud of leaving. When questioned about this curious oversight, McDonnell lamely explained that "there were any number of aspects to that conflict between the states. Obviously, it involved slavery. It involved other issues. But I focused on the ones I thought were most significant for Virginia. If slavery was not among the most "significant" issues for Virginia, exactly what other

state right was more important? This is the downside of the argument I try to make here; it is open to abuse by this kind of intellectual trash. Sadly, McDonnell is not the first governor of his state to explicitly omit slavery from lofty declarations. Former Republican Virginia Governor Republican George Allen also failed to recognize slavery when making a similar proclamation. Seems to be a disease of Republican governors, a historic irony given the role of the young Republican Party in the war. Ah, yes, we also have the Confederate flag. Does the flag indicate pride about the effort to protect slavery? Or attempting to secede from the Union? For starting a war in which two percent of the population died? For losing the war? These are odd banners to carry around for nearly years. Perhaps the pride comes from the fact that the South stood up to a greater power, at least checking or slowing the pace of an expanding federalism. But even that does not pass the smell test; by starting but then losing the war the South created the exact opposite effect, solidifying federal power like never before. Once the principle of seceding is established the glue holding the Union together would soon dissolve. Proof of that is in the fact that during the war the Confederacy began to dissolve through the secession of Southern states from the Confederacy! South Carolina, the first state to secede from the Union, also threatened later to secede from the Confederacy, as did Georgia later in the war. The legitimacy of secession could lead to nothing but balkanization, a group of independent states much like we see in Europe. The United States of American could not exist. The South started and lost a war that nearly destroyed the United States. The cause was unjust, the economic justification unseemly. The actions were treasonous. There is no part of the Confederate cause of which to be proud. There is no moral high ground here. They honor a campaign to destroy our country through dissolution but claim the mantle of patriot. A southern loyalist cannot be a patriot; the two ideals are mutually incompatible. As I have said before, you cannot simultaneously love the United States and love the idea of seceding from the United States. To claim both is equivalent of declaring that you love all Mexican food but hate enchiladas. The claims are each exclusive of the other and therefore by definition both cannot be true. The war was about a principle, state sovereignty and the right of secession, that would destroy the United States; the example of that issue was the right to own slaves. Neither cause should induce pride. As we celebrate this year anniversary, the South should humbly honor the victory of the North and ask forgiveness for waging a bloody war against reason and decency. Follow Jeff Schweitzer on Facebook. Do you have information you want to share with HuffPost?

4: War on Sovereignty - Conservapedia

Sovereignty is the full right and power of a governing body over itself, without any interference from outside sources or bodies. In political theory, sovereignty is a substantive term designating supreme authority over some polity.

Westphalian sovereignty Westphalian sovereignty is the concept of nation-state sovereignty based on territoriality and the absence of a role for external agents in domestic structures. It is an international system of states, multinational corporations, and organizations that began with the Peace of Westphalia in 1648. Sovereignty is a term that is frequently misused. That position was reflected and constituted in the notion that their "sovereignty" was either completely lacking or at least of an inferior character when compared to that of the "civilized" people. It is an indisputable fact that this conception, from the moment when it was introduced into political science until the present day, has never had a meaning which was universally agreed upon. Evatt of the High Court of Australia, "sovereignty is neither a question of fact, nor a question of law, but a question that does not arise at all. The United Nations Charter, the Draft Declaration on Rights and Duties of States, and the charters of regional international organizations express the view that all states are juridically equal and enjoy the same rights and duties based upon the mere fact of their existence as persons under international law. What this model did was make religion a subordinate to politics, [14] a problem that has caused some issues in the Islamic world. This system does not fit in the Islamic world because concepts such as "separation of church and state" are not recognized in the Islamic religion as valid. In casual usage, the terms "country", "nation", and "state" are often used as if they were synonymous; but in stricter usage, they can be distinguished: Nation denotes a group of people who are believed or deemed to be sharing common customs, religion, language, origins, ancestry or history. However, the adjectives national and international are frequently used to refer to matters pertaining to what are strictly sovereign states, as in national capital, international law. State refers to the set of governing and supportive institutions that have sovereignty over a definite territory and population. Sovereign states are legal persons. Recognition[edit] State recognition signifies the decision of a sovereign state to treat another entity as also being a sovereign state. It does not necessarily signify a desire to establish or maintain diplomatic relations. There is no definition that is binding on all the members of the community of nations on the criteria for statehood. In actual practice, the criteria are mainly political, not legal. Green cited the recognition of the unborn Polish and Czechoslovak states in World War I and explained that "since recognition of statehood is a matter of discretion, it is open to any existing State to accept as a state any entity it wishes, regardless of the existence of territory or of an established government. This theory of recognition was developed in the 19th century. Under it, a state was sovereign if another sovereign state recognised it as such. Because of this, new states could not immediately become part of the international community or be bound by international law, and recognised nations did not have to respect international law in their dealings with them. However, a state may use any criteria when judging if they should give recognition and they have no obligation to use such criteria. Many states may only recognise another state if it is to their advantage. Oppenheim said the following, regarding constitutive theory: Through recognition only and exclusively a State becomes an International Person and a subject of International Law. Montevideo Convention By contrast, the declarative theory of statehood defines a state as a person in international law if it meets the following criteria: The declarative model was most famously expressed in the Montevideo Convention. An important part of the convention was Article 11 that prohibits using military force to gain sovereignty. A similar opinion about "the conditions on which an entity constitutes a state" is expressed by the European Economic Community Opinions of the Badinter Arbitration Committee, which found that a state was defined by having a territory, a population, government, and capacity to enter into relations with other states. List of states with limited recognition State practice relating to the recognition of states typically falls somewhere between the declaratory and constitutive approaches. Almost universal non-recognition by the international community of Rhodesia and Northern Cyprus are good examples of this, the former only having been recognized by South Africa, and the latter only recognized by Turkey. De facto and de jure states[edit] Most sovereign states are states de jure and de facto i. However, a state may be

recognised only as a de jure state, in that it is recognised as being the legitimate government of a territory over which it has no actual control. For example, during the Second World War, governments-in-exile of a number of continental European states continued to enjoy diplomatic relations with the Allies, notwithstanding that their countries were under Nazi occupation. The PLO and Palestinian Authority claim that the State of Palestine is a sovereign state, a claim which has been recognised by most states, though the territory it claims is under the de facto and "de jure" control of Israel. They are considered de jure states only according to their own law and by states that recognise them. For example, Somaliland is commonly considered to be such a state.

Relationship between state and government[edit] Although the terms "state" and "government" are often used interchangeably, [51] international law distinguishes between a non-physical state and its government; and in fact, the concept of "government-in-exile" is predicated upon that distinction. Violent state abolition has virtually ceased since the end of World War II. Ontological status of the state[edit] The ontological status of the state has been the subject of debate, [56] specially, whether or not the state, being an object that no one can see, taste, touch, or otherwise detect, [57] actually exists. The state as "quasi-abstract"[edit] It has been argued that one potential reason as to why the existence of states has been controversial is because states do not have a place in the traditional Platonist duality of the concrete and the abstract. Therefore, it has been argued that states belong to a third category, the quasi-abstract, that has recently begun to garner philosophical attention, especially in the area of documentality, an ontological theory that seeks to understand the role of documents in understanding all of social reality. Quasi-abstract objects, such as states, can be brought into being through document acts, and can also be used to manipulate them, such as by binding them by treaty or surrendering them as the result of a war. Realists believe that the world is one of only states and interstate relations and the identity of the state is defined before any international relations with other states. On the other hand, pluralists believe that the state is not the only actor in international relations and interactions between states and the state is competing against many other actors.

5: Sovereignty - Wikipedia

The Civil War was about slavery. And it was about state sovereignty. And at various times, the North and the South defended and supported both slavery and "states' rights."

The doctrine of divided state sovereignty was fashioned by the American revolutionaries. From the signing of the Declaration of Independence in 1776 to the Constitutional Convention in 1787, Republicans primarily in New England and the upper South and Nationalists in middle states and the lower South struggled to define state sovereignty against the backdrop of a weak national government. The sovereignty question was unresolved when the federal government commenced in 1789. The belief that sovereignty was divided between the several states and the federal government received validation by the U. Supreme Court decision in *Chisholm v. Georgia*, which held that states could be sued by private citizens. This decision led quickly to the ratification of the Eleventh Amendment, guaranteeing sovereign immunity for states against actions of citizens of another state or a foreign state. Divided sovereignty became the accepted political theory until the 1830s and 1840s. The South Carolina politician John C. Calhoun became the most prominent advocate for state sovereignty. A former Nationalist, Calhoun returned in the 1830s to the idea that sovereignty was indivisible—the Constitution had been created by the people of the several states, acting as sovereign entities, and not by the Union of the people in those states. During the nullification crisis of 1832–33, Calhoun led South Carolina to the brink of secession by advocating an ideology of state supremacy to nullify a federal tariff. Abolitionists, however, also used state sovereignty as a weapon. Although the Union victory in the Civil War seemed to secure the triumph of nationalism, the Reconstruction-era ratification of the Fourteenth and Fifteenth Amendments transformed the sovereignty debate. The Fourteenth Amendment prohibits states from depriving anyone of the rights of citizenship, denying equal protection of the law, or violating fundamental rights without due process of law. The Fifteenth Amendment mandates that federal and state governments shall not deny or abridge the right to vote on account of race. Although the amendments clearly enhanced federal power to protect individual rights, in the decades that followed, the Supreme Court interpreted them narrowly in order to preserve distinctions between federal and state sovereignty. In *Reese v. City of New York* and in the Civil Rights Cases, the Court held that Congress could enforce the amendments only against state actions; federal law could not punish private citizens who violated civil rights of African Americans. From the end of Reconstruction until the Great Depression, courts interpreted governance of property, family, morality, public health and safety, crime, education, and religion as police powers reserved to states. One result of President Franklin D. Roosevelt's New Deal, the U. Supreme Court transformed federal-state relations by upholding many of the programs of the New Deal. *Board of Education v. Brown* delivered what many believed was the fatal blow to state sovereignty. Holding that Southern state laws mandating "separate but equal" schools for black and white students were unconstitutional, the Court ordered local school districts to comply "with all deliberate speed" with federal district judges monitoring their desegregation plans. This trend continued throughout the 1950s and early 1960s, as the Court validated federal civil rights laws and President Lyndon B. Johnson's Great Society. As Congress enacted laws giving block grants to states for poverty relief and education, the Court shifted toward interpretations of federalism last seen in the 1930s. *Lopez v. United States*, invalidating a federal law prohibiting firearms within one thousand feet of a school, public or private. This decision heralded a new era of judicial activism, this time with an emphasis toward states. In *United States v. Lopez*, the Court reinterpreted state sovereignty immunity with an activist reading of the Eleventh Amendment. In *Federal Maritime Commission v. South Carolina State Board of Ports and Harbors*. In the early twenty-first century, state sovereignty is very much alive as a legal and political doctrine. *Reconstruction and the Waite Court. Rethinking the New Deal Court: The Structure of a Constitutional Revolution.* Oxford University Press, *Imperium in Imperio*, University Press of Kansas, *Politics and Ideas in the Making of the Constitution.*

6: State Sovereignty | American Civil War Forums

The War on Sovereignty is a term used to describe to the push by liberals, globalists, and Marxists to undermine and eventually do away with national sovereignty, autonomy, self-governance, and national identity, replacing it with a "global community" or "consensus" and a one-world government.

Email I will merely repeat that we are at present working, discreetly but with all our might, to wrest this mysterious political force called sovereignty out of the clutches of the local national states of our world. And all the time we are denying with our lips what we are doing with our hands Bush in his April 13 press conference on Iraq. We have set a deadline of June 30th. It is important that we meet that deadline. The president invoked the term 12 times in his press conference, three times in one sentence: Not only the president, but other politicians, legal experts, academicians, and journalists have weighed in on the urgent necessity of transferring sovereignty from the occupational forces to the Iraqis. But it is nothing more than deceptive lip service. For most of the past century, national sovereignty has been in retreat, steadily eroded by a profusion of treaties and international organizations. All the while, it has been anathematized and scorned by the intelligentsia and the one-world lobby as a stumbling block to world order and world peace. The inveterate internationalists at the Carnegie Endowment for International Peace and the Council on Foreign Relations have been producing task force reports, press conferences, articles, and op-ed columns on the subject for months. Why the concern over sovereignty for Iraq, but not for France, Italy, Germany, and the other former nation states of Europe? Verbiage and Sovereignty When internationalists speak positively of national sovereignty, they mean something entirely different from the commonly understood, traditional meaning of the term. In short, they are committing verbiage – that is, deliberately butchering the true definition of the word. The supposedly anti-UN Bush administration agrees. If an external authority dictates certain constraints upon your actions and powers, then you are not sovereign; the external authority doing the dictating is the real sovereign. Hugo Grotius, the eminent Dutch legal theorist of the 17th century, whose writings many of the Founding Fathers greatly admired, put it this way: At the center of their thinking stands the edifice of sovereignty. Sovereignty, in this conception, calls for America to resist the incorporation of international norms and drapes the power to do so in the mantle of constitutional legitimacy. And the Constitution necessarily requires that sovereignty be safeguarded so that the Constitution itself can be secure. Kofi Annan is not the first to push this subversion through verbiage; he is, in fact, merely echoing what a long train of globalists have been advocating for many decades. Kennedy and later as national security advisor to President Johnson, Rostow helped launch policies aimed at destroying U. Returning from a trip to Moscow in , he declared that the ultimate goal of U. In the end the internationalists have always dominated national policy. And so they have always done it in the most out-of-the-way places and with little ado. And a year later the United Nations came to life at the secluded Georgetown estate of Dumbarton Oaks So what emerged took us more or less by surprise. We had built a global order without quite realizing it, bit by bit, era by era Toynbee is one of the most famous and oft-quoted intellectuals of the last century. His fame owes as much if not more to his connections as to his erudition. Professor Toynbee was one of the early internationalists hired by the Royal Institute of International Affairs RIIA to build its global brain trust and propagandize for its one-world gospel. He was an RIIA operative at the Paris Peace Conference in and was one of their top representatives at secret conferences over the course of five decades. In fact, Toynbee advocated, and proudly boasted of, outright lying to deceive the common people whom he pretended to be serving: It is just because we are really attacking the principle of local sovereignty that we keep on protesting our loyalty to it so loudly. When it comes to idolatry, few of even the most vehement nationalists come close to matching the religious fervor of internationalists like Toynbee, who would virtually turn lying and deceit into sacraments. The local national state, invested with the attributes of sovereignty – is an abomination of desolation standing in the place where it ought not. It has stood in that place now – demanding and receiving human sacrifices from its poor deluded votaries – for four or five centuries. Our political task in our generation is to cast the abomination out, to cleanse the temple and to restore the worship of the divinity to whom the temple rightfully belongs. In

plain terms, we have to re-transfer the prestige and the prerogatives of sovereignty from the fifty or sixty fragments of contemporary society to the whole of contemporary society — from the local national States by which sovereignty has been usurped, with disastrous consequences, for half a millennium, to some institution embodying our society as a whole. He was speaking in , remember, a decade before Pearl Harbor and 14 years prior to the founding of the United Nations. Toynbee told the conferees: In the world as it is today, this institution can hardly be a universal Church. It is more likely to be something like a League of Nations. I will not prophesy. I will merely repeat that we are at present working, discreetly but with all our might, to wrest this mysterious political force called sovereignty out of the clutches of the local national states of our world. And all the time we are denying with our lips what we are doing with our hands, because to impugn the sovereignty of the local national states of the world is still a heresy for which a statesman or a publicist can be — perhaps not quite burnt at the stake, but certainly ostracized and discredited Sovereignty will cease, in fact if not in name, to be a local affair. There are dozens of operations with tens of thousands of troops and civilian administrators, costing billions of dollars, and leading the U. Once begun, they have not ended. The late Robert L. Trade Representative Robert Zoellick. New York Times writer David E. We value our readers and encourage their participation, but in order to ensure a positive experience for our readership, we have a few guidelines for commenting on articles. If your post does not follow our policy, it will be deleted. No profanity, racial slurs, direct threats, or threatening language. Please post comments in English. Please keep your comments on topic with the article. If you wish to comment on another subject, you may search for a relevant article and join or start a discussion there.

7: Did the Civil War End State Sovereignty? | | Tenth Amendment Center Blog

Sovereignty refers to the power of a state to make and apply its own laws and to control its affairs without the interference of other states. The United States is a sovereign state, as it can.

Birmingham, Alabama CMWinkler said: The Supremacy Clause is oft cited as showing the states, after the adoption of the Constitution had forfeited their sovereignty to the federal government. I think this is a false notion. As I see it, the states, prior to the Constitution were sovereign. A reading of the Articles of Confederation, I think, establishes this. In ratifying the Constitution, the states delegated to the federal government portions of their sovereignty and retaining others. They delegated to the federal government only that sovereignty consistent with the direct enumerated powers of that government as outlined in the Constitution and retained the remainder of their sovereignty. Therefore, the Supremacy Clause only applies to those acts by the federal government which have a clear basis in those enumerated powers. It does not apply to any act of the federal government which relies on convoluted interpretations of the Commerce Clause, for example. But for me, the biggest problem is that sovereignty has so many flavors where some allow secession and others do not, that without written evidence in the form of early constitutions, charters, lawsuits court case we are left wondering what flavor of sovereignty the pre Constitutional States had. There appear nothing other than opinions that suggest a right to secede. Your problem is that you have an opinion of sovereignty that is one of several types of sovereignty that existed without any way of determining if your opinion is the correct one. As to the pre AOC situation, one of the prime indicators of full sovereignty is being an international person capable to international transaction such as treaties, accepting and send ambassadors, the ability to have armies and navies and such. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility. No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue. No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any King, Prince or State, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain. No vessel of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only, as in the judgement of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of filed pieces and tents, and a proper quantity of arms, ammunition and camp equipage. That is very little significant sovereignty left when the States entered into the AOC. This suggests that the full sovereignty that you appear to be asserting either ended with the AOC or never existed. Without something in a charter or early constitution explicitly asserting that right, full sovereignty appears never to existed.

8: State Sovereignty, Intervention, and International Law

For all the unease about sovereignty's palsied state, the places and instances in which the principle has been violated are a catalog of, as Brooks notes, failed and failing states. For all the talk of conflict and disorder, violence is at historic lows.

Overview The founding fathers and sovereignty George Washington , like the other founding fathers, highly valued American sovereignty and autonomy in world affairs The founding fathers of the United States cared deeply about preserving national sovereignty, since a sovereign U. As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils. Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence I conjure you to believe me, fellow-citizens the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests. The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests which to us have none; or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor or caprice? Destroying national identity and patriotism "â€" along with other aspects of traditional Western culture "â€" is a major goal of Cultural Marxism , [8] [9] which has been described as "the cultural branch of globalism. For example, Arnold J. Toynbee, a British historian and researcher, stated in that "if we are frank with ourselves, we shall admit that we are engaged on a deliberate and sustained and concentrated effort to impose limitations upon the sovereignty and independence of the fifty or sixty local sovereign independent States which at present partition the habitable surface of the earth and divide the political allegiance of mankind. And all the time we are denying with our lips what we are doing with our hands One-world government While many of those who either disbelieve or deny the existence of a "War on Sovereignty" imagine it as a very speedy attempt to instantly unite the world into a global government, those who are actively pushing for a one-world government are pursuing a relatively longsuffering strategy that will slowly merge all the countries of the world into each other prior to the official establishment of any world government. They believe this strategy to be the only way it can be successfully achieved. The precondition for genuine globalization is progressive regionalization. Gardner, a former U. State Department official, wrote in that a world government could not be established in one step. Liberal distortions of sovereignty Besides establishing international treaties and organizations, liberals and globalists advance their one-world agenda by distorting the meaning of national sovereignty, either through false attacks or by changing its definition to make it compatible with their globalist worldview so they can claim to support sovereignty. False attacks Many liberals have attempted to delegitimize nationalism and sovereignty, equating it with " racism , " " xenophobia , " " nativism , " and even " fascism. Not only did the Bush Administration

support handing the country over to the UN, but it effectively admitted that Iraq would not be a truly sovereign nation while verbally stating otherwise. The thesis of his book, according to the globalist Council on Foreign Relations website is that "the United States can protect its sovereignty while advancing American interests in a global age. Bush and Barack Obama â€” both globalist presidents who both lived in the early 21 century when globalism was the main international ideology â€” as examples to prove his point. These include regional supranational organizations, which act as a steppingstone for further world integration. Representative Luis Gutierrez [53] and Speaker of the House Paul Ryan , [54] have advocated for globalist immigration policies. Globalists have tried to force the Israeli government to accept mass migration. However, numerous non-governmental organizations and lobbying groups also support doing away with national sovereignty and autonomy. George Soros , who wrote in that "the sovereignty of states must be subordinated to international law and international institutions" [62] and in that "sovereignty is an anachronistic concept originating in bygone times" [63] among other statements, funds several organizations that promote mass migration and undermine â€” and eventually seek to completely do away with â€” sovereignty and national borders , including the Columbia Global Policy Initiative, Global Policy Institute, International Migration Institute, and the Open Society Foundations.

9: The War on Sovereignty

Westphalian sovereignty is the concept of nation-state sovereignty based on territoriality and the absence of a role for external agents in domestic structures. It is an international system of states, multinational corporations, and organizations that began with the Peace of Westphalia in

Sovereignty in the monarchy or the principality is in the hands of a single ruler; in republics, sovereignty is vested in a plurality or collectivity of power holders. Reducing aristocracy and democracy to the single category of republican rule, Machiavelli also laid the basis in History. In 16th-century France Jean Bodin (1576–1631) used the new concept of sovereignty to bolster the power of the French king over the rebellious feudal lords, facilitating the transition from feudalism to nationalism. The thinker who did the most to provide the term with its modern meaning was the English philosopher Thomas Hobbes (1633–1703), who argued that in every true state some person or body of persons must have the ultimate and absolute authority to declare the law; to divide this authority, he held, was essentially to destroy the unity of the state. The theories of the English philosopher John Locke (1632–1704) at the end of the 17th century and the French philosopher Jean-Jacques Rousseau (1712–1788) in the 18th century—that the state is based upon a formal or informal compact of its citizens, a social contract through which they entrust such powers to a government as may be necessary for common protection—led to the development of the doctrine of popular sovereignty that found expression in the American Declaration of Independence in 1776. A parliament, he argued, is a supreme organ that enacts laws binding upon everybody else but that is not itself bound by the laws and could change these laws at will. This description, however, fitted only a particular system of government, such as the one that prevailed in Great Britain during the 19th century. The Constitution of the United States, the fundamental law of the federal union, did not endow the national legislature with supreme power but imposed important restrictions upon it. A further complication was added when the Supreme Court of the United States asserted successfully in *Marbury v. Madison* its right to declare laws unconstitutional through a procedure called judicial review. Although this development did not lead to judicial sovereignty, it seemed to vest the sovereign power in the fundamental document itself, the Constitution. This system of constitutional sovereignty was made more complex by the fact that the authority to propose changes in the Constitution and to approve them was vested not only in Congress but also in states and in special conventions called for that purpose. Even if the competing theory of popular sovereignty—the theory that vested sovereignty in the people of the United States—was accepted, it still might be argued that this sovereignty need not be exercised on behalf of the people solely by the national government but could be divided on a functional basis between the federal and state authorities. Another assault from within on the doctrine of state sovereignty was made in the 20th century by those political scientists e. Laski who developed the theory of pluralistic sovereignty pluralism exercised by various political, economic, social, and religious groups that dominate the government of each state. According to this doctrine, sovereignty in each society does not reside in any particular place but shifts constantly from one group or alliance of groups to another. The pluralistic theory further contended that the state is but one of many examples of social solidarity and possesses no special authority in comparison to other components of society. Harold Joseph Laski, *The Press Association Ltd. Sovereignty and international law* Although the doctrine of sovereignty has had an important impact on developments within states, its greatest influence has been in the relations between states. This statement has often been interpreted as meaning that a sovereign is not responsible to anybody and is not bound by any laws. He emphasized that even with respect to his own citizens a sovereign is bound to observe certain basic rules derived from the divine law, the law of nature or reason, and the law that is common to all nations *jus gentium*, as well as the fundamental laws of the state that determine who is the sovereign, who succeeds to sovereignty, and what limits the sovereign power. In fact, Bodin discussed as binding upon states many of those rules that were later woven into the fabric of international law. Nevertheless, his theories have been used as justifying absolutism in the internal political order and anarchy in the international sphere. This interpretation was developed to its logical conclusion by Hobbes in *Leviathan*, in which the sovereign was identified with might rather than law.

Law is what the sovereign commands, and it cannot limit his power; sovereign power is absolute. In the international sphere this condition led to a perpetual state of war, one sovereign trying to impose his will by force on all other sovereigns. This situation has changed little over time, with sovereign states continuing to claim the right to be judges in their own controversies, to enforce by war their own conception of their rights, to treat their own citizens in any way that suits them, and to regulate their economic life with complete disregard for possible repercussions in other states. During the 20th century important restrictions on the freedom of action of states began to appear. The Hague conventions of 1864 established detailed rules governing the conduct of wars on land and at sea. The Covenant of the League of Nations, the forerunner of the United Nations UN, restricted the right to wage war, and the Kellogg-Briand Pact of 1928 condemned recourse to war for the solution of international controversies and its use as an instrument of national policy. States have accepted a considerable body of law limiting their sovereign right to act as they please. Those restrictions on sovereignty are usually explained as deriving from consent or autolimitation, but it can easily be demonstrated that in some cases states have been considered as bound by certain rules of international law despite the lack of satisfactory proof that these rules were expressly or implicitly accepted by them. Conversely, new rules cannot ordinarily be imposed upon a state, without its consent, by the will of other states. In this way a balance has been achieved between the needs of the international society and the desire of states to protect their sovereignty to the maximum possible extent.

Nonsovereign states The 19th-century distinction between fully sovereign states and several categories of less sovereign units lost its importance under the law of the UN. Emphasis was placed not on legal differences among colonies, protected states, protectorates, and states under the suzerainty of another state but on the practical distinction between self-governing and non-self-governing territories. Some of these territories were placed under the UN Trusteeship Council, which resulted in a closer supervision of their administration by the UN and in their speedier progress toward self-government or independence. Once a territory achieved self-government, as defined in resolutions of the General Assembly, supervision by the UN ceased, even though independent status was not reached.

Divided sovereignty The concept of absolute, unlimited sovereignty did not last long after its adoption, either domestically or internationally. The growth of democracy imposed important limitations upon the power of the sovereign and of the ruling classes. The increase in the interdependence of states restricted the principle that might is right in international affairs. Citizens and policymakers generally have recognized that there can be no peace without law and that there can be no law without some limitations on sovereignty. They started, therefore, to pool their sovereignties to the extent needed to maintain peace and prosperity. Thus, the theory of divided sovereignty, first developed in federal states, has begun to be applicable in the international sphere.

The Advent Wreath That Boys Seven Kinds of Love Dragonfly (Morris, Neil, Creepy Crawly World.) Emil Fackenheim: theodicy, and the tikkun of protest David R. Blumenthal How can i edit a without adobe Business in Asia-Pacific Wairas First Journey Fantastic Ferraris Brainstorming has its limits Gods spacemen throughout history Become a ballet dancer. Short moral stories in tamil Theosophical Articles 36 Texas Instruments TI-99/4A programs for home, school, office Rural roads and bridges What a great idea! Master of Mystery Dreams (Great Heroes of the Bible Series) The Rich Mans Bride (Harlequin Presents Series Larger Print) We wear rose-colored glasses The Gates and Keys of Francis Bacons Cipher The Idaho constitution Sap solution manager for sap s 4hana Understanding Contemporary Social Problems 21st Century Patent System Improvement Act; Patent and Trademark Office Surcharge Extension Act of 1997; Strangers in African societies Gerber-Shiu functions F Is for Fugitive (Kinsey Millhone Mysteries) Fluid mechanics seventh edition solution manual Academic english ing and writing across the disciplines gaetz Lexical and syntax analysis Introduction to Numerical Analysis Schaums outline of principles of economics Reforms, panaceas, inventions, fads The use of stereographic projection in structural geology John W. Don, alias John Dunn. Report writing for law enforcement and corrections professionals Motivation for terrorism Early child development from measurement to action Khawateen digest june 2016 International regulations for preventing collisions at sea.