Linkages Between the Concepts of 'Subsidiarity' and Sovereignty:
The New Debate Over Allocation of Authority in the European Union.
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INTRODUCTION

Concepts are the perceptual lenses through which we recognize, or impose order on, observations of reality. Conversely, we often try to order reality to fit existing concepts. Hence, concepts can both facilitate and inhibit understanding. We can become creative as well as imprisoned through their usage. It is, therefore, important periodically to examine "the fit" between concepts and their empirical referents. That becomes especially relevant when concepts reflect different historical, philosophical and ideological contexts.

It is our thesis that there is an important linkage between the concepts of sovereignty and subsidiarity. The democratization of the concept of sovereignty, introducing the idea of popular sovereignty, makes it closely linked to the concept of subsidiarity which has been given great notoriety in the current debate about future authority relations within the European Union. It is our general contention that the issues addressed in the current subsidiarity debate can be reconstructed and reinterpreted as a euphemism for the sovereignty debate which has been ongoing since the formation of the European Coal and Steel Commu- nity in the early 1950's.

The subject will be introduced by a comparative review of the connotations of sovereignty and subsidiarity at various periods since the formation of the modern states-system. The core of the study is an examination of linkages between contemporary connotations of sovereignty and the current discourse about the subsidiarity principle.

The official British public debates over sovereignty in connection with 1) its first application for membership in the early 1960's, 2) the membership ratification debate in 1972, 3) the referendum on continued membership in 1975, and 4) the ratification of Maastricht in 1992-1993 are used as a case study to demonstrate linkages between sovereignty and subsidiarity.

THE CONCEPT OF SOVEREIGNTY

Sovereignty is a key concept in international relations, yet there is no commonly-accepted definition.- In an attempt to determine the range of definitions, this paper will begin with a review of historical trends centered on the concept of sovereignty followed by common definitions of sovereignty from general, legal and social science dictionaries and encyclopedias.

History

The word sovereignty is derived from the Latin word supremitas or supreme power.[1] The modem concept of sovereignty[2] is rooted in the struggles over authority between the Pope, kings, feudal lords and parliaments during the Renaissance and the Reformation.[3] During the Middle Ages, the Holy Roman Emperor was sovereign over secular issues, while the pope was sovereign over religious issues. Papal-imperial conflicts were over political dominance, not sovereignty. Sovereignty was not unlimited since sovereigns were bound by eternal, divine, natural and positive law.[4]

In the 1500s and early 1600s, popes, who claimed universal sovereignty coupled with the right to name clergy and crown rulers, struggled against kings, who claimed sovereignty, including the right to name higher clergy within their territories and independence from foreign, especially papal, influences.

The religious wars of the 1500s and continuing strife in the 1600s gave rise to the increasing power of the kings. Merchants, feudal lords and scholars began to see the Icing as the only means of keeping order in the time of religious ferment caused by the Reformation The struggle between kings and papal authority did not subside until the triumph of the king's secular authority, usually linked to the 1648 Treaty of Westphalia.[5]

This proposition matches Badie and Birnbaum's theory that the state arose in response to particular crises in Europe.[6] The doctrine of sovereignty served as a useful theory to explain monarchs' legal and political claims relating to their fight to make and enforce laws free of papal authority.

Reformers, such as Martin Luther, sought to use kings' power to reform the church. Luther wrote that the king is "the vicar of God" and that it is wicked to resist him.? The exposition of this trend toward the absolute sovereignty of kings to preserve order was strongest in French philosopher Jean Bodin's 1576 De Republica. Bodin believed that the civil strife of the 1500s, when there were eight civil wars in France between 1562 and 1598, was caused by a lack of strong government. Therefore, Bodin posited an absolute sovereign.[8] However, he said that the sovereign was limited by "natural and divine laws" and by "laws of the realm."[9] Therefore, the sovereign could not violate private property and could not break contracts to which he was a party.

Briefly argued that the feudal concept of the lord's property rights over the land, in which he owned everything in his territory, were transferred to the king and evolved into the concept of absolute sovereignty.[10]

Hobbes, like Bodin, wrote during a period of civil wars and posited an absolute sovereign to maintain order.[11] Hobbes argued that sovereignty was based on power. He was the first major scholar to posit that natural law did not exist. Laws were merely the commands of the sovereign and "divine laws had no legal significance for the sovereign, except to the extent and in the manner interpreted and accepted by him".[12]

The concept of sovereignty had changed from the legalistic definition focusing on a king's authority to make and enforce laws, to a political science focus on power. Hobbes' 1651 Leviathan was more a discussion of power than of legal rights to make law. This change increased the difficulty of operationalizing sovereignty. In the legal definition, the sovereign was relatively easy to determine as the individual or body that made and amended laws. However, in the political science, power definition, it is difficult to determine who is the supreme power in a state.

The Renaissance and the 18th and 19th Centuries witnessed a debate between those who argued that governments were created to rule regardless of popular consent, justified by the theory of sovereignty, and those who said that governments rest on consent, justified by theories of individualism or pluralism.[13]

As kings' powers declined in the late 18th and 19th centuries, political philosophers clung to the idea that a state had to have a supreme authority. Therefore, Rousseau (1712-1778) and Locke (1632-1704) argued that the locus of supreme power in the state was the people.[14] Hobbes argued that power was transferred unconditionally to the sovereign, while Rousseau viewed the contract as power transferred to the leader in return for ensuring citizens' safety.

Locke balanced Rousseau's emphasis on the majority by arguing in support of individual rights.[15] Locke, later supported by Mill, feared the mob and argued that the individual must be protected from

the majority because the individual may have the truth.

The French and American revolutions supported the idea that sovereignty represented the public's general will. The concept of popular sovereignty combined two contradictory ideas: an absolute sovereignty residing somewhere in the state; and the requirement of government accountability. Briefly argued that the concept of sovereignty based on a single source of absolute power in a state was out of date in the age of democracy. He criticized the concept of popular sovereignty by arguing that the people are not the strongest power in a state. The military, a vocal minority or a social class are often more powerful than the people. Furthermore, the people can only act as a majority and in a democracy there are constitutional limits on what the majority call do.16
However, in the 19th and 20th century, rising nationalism was coupled with the internationalization of the sovereignty concept. Sovereignty took on an international, external aspect describing a state's independence. Although the concept of absolute sovereignty had led to domestic order, Brierly argued, the same concept meant anarchy internationally because states were unrestrained by international law.

Modern Definitions of Sovereignty

Most dictionaries define sovereignty as absolute power. For example, the 1992 American Heritage Dictionary defined sovereignty as "supremacy of authority," "complete independence and self-government," or "a territory existing as an independent state." A sovereign is "One that exercises supreme, permanent authority, especially in a nation or other governmental unit...A king, queen, or other noble person who serves as chief of state; .... A national governing council or committee."[17]
Social science dictionaries give more complex definitions. For example, Reading ú distinguished between six types of sovereignty: coercive sovereignty is "supreme coercive power"; influential sovereignty is the "strongest political influence" in a political unit; legal sovereignty is the "supremacy of a norm in a legal hierarchy"; legislative sovereignty is "the supreme competence within its field of a legislative organ"; political sovereignty is "the supreme power of a political unit"; and popular sovereignty is "political sovereignty vested in the people."[18]
A 1951 legal dictionary defined a sovereign as "a person, body, or state in which independent and supreme authority is vested; a chief ruler with supreme power; a king or other ruler with limited power." An entry for "sovereign people" states; "A political body, consisting of the entire number of citizens and qualified electors, who, in their collective capacity, possess the powers of sovereignty and exercise them through their chosen representatives."[19] Sovereign power could be viewed as having shifted from the monarch to the citizens, called popular sovereignty, reflecting the spread of democratization.
The 1951 dictionary entry for sovereign states is similar to an 1888 dictionary; "States whose subjects or citizens are in the habit of obedience to them, and which are not themselves subject to any other...state in any respect....No foreign power or law can have control except by convention. This power of independent action in external and internal relations constitutes complete sovereignty."[20]
The theme of paramount power domestically is tied to independence in international relations. The idea of a community of states, which confers sovereign status on other states, is also introduced.[21]
A distinction is made between legal and political sovereignty. Legal sovereignty is the legal, written limits on a law-making authority. Political sovereignty is the power actually obeyed by citizens.[22]
Internationally, sovereignty is limited by other states and their willingness to allow a state to conduct its foreign policy (and domestic policy) as it sees fit. The idea that a state which is controlled by another state lacks sovereignty is closely tied to the concept of suzerainty. A 1963 dictionary states that "a state exercising control over another (state)" is a suzerain.[23]
One of the most comprehensive definitions of sovereignty combining international and domestic aspects is in the 1989 Academic American Encyclopedia; "...a sovereign state is independent and free from all external control; enjoys full legal equality with other states; governs its own territory; selects its own political, economic, and social systems; and has the power to enter into agreements with other nations, to exchange ambassadors, and to decide on war or peace[24] .... Although a sovereign state theoretically enjoys absolute freedom, its freedom is, in fact, often abridged by the need to coexist with other countries, as well as by treaties, international laws, and the strength of its military power.... "[25]

The 1989 Encyclopedia Americana explains that; "Strong in the days of absolute monarchs, sovereignty has lost most of its unlimited power insofar as it is said to reside in a person. Even insofar as sovereignty rests with the people, its impact has diminished in the face of international law and moves toward international government ....The decline of sovereignty has been most marked in external affairs of the state."[26]

The 1980 Great Soviet Encyclopedia defined sovereignty as the "supreme, independent power exercised in a state's domestic and foreign policy." The Soviets also imputed a class meaning to sovereignty: "The concept of popular sovereignty was used by the bourgeoisie in its struggle against absolutism and feudalism in order to win the support of the common people." The Soviet encyclopedia offers a circular definition of sovereignty that equates power with authority that is defined as sovereignty. "It (sovereignty) is precisely the state's powers that ensure the state's authority and thus its sovereignty."[27]

The 1968 edition of The International Encyclopedia of, the Social Sciences posits that there is a theory, not just a concept, of sovereignty. The theory posits that "there must be some absolute power of final decision exercised by some person or body recognized as competent to decide and as able to enforce a decision."[28] It states, descriptively, that sovereignty exists in states as an absolute power of final decision recognized by the people and, proscriptively, that such a power is needed to provide order and effectively run and defend a state.[29]

This brief discussion of the philosophical and theoretical evolution of the 'concept of sovereignty in modem times can be summarized as follows: There are two types of sovereignty; internal and external. Over history, the literature has shifted from focusing on internal, domestic law-making power to a focus on external, state-based independence in interstate relations. The concept evolved from a judicial concept focusing on the fight to make laws domestically to a political-science definition focusing on power and a state's independence from outside actors. The introduction of power into the concept increases the difficulty of defining and identify g both sovereignty and who is sovereign.

Internal sovereignty entails supreme authority within a given political unit. That authority can reside in a single person, such as a monarch; a group, such as a ruling cabinet (called collective sovereignty); or in the people (called popular sovereignty).

Legal dictionaries focus on who has the authority to make laws. Legal definitions have evolved from in the 1880s defining a sovereign as a king to defining sovereign power as residing in the people, which reflects the spread of democratization.

Most authors agree that historically there was a trend toward absolute sovereignty by kings and, later, by states against outside authorities and against internal groups. Most agree that there were traditionally, and are today, limits on the sovereignty of a government. The people's ability, or right, to rebel limits government sovereignty. Internationally states are above international law because of the doctrine of absolute sovereignty, although their behavior is limited by other states, treaties, and norms.

THE CONCEPT OF SUBSIDIARITY

"In the debate about the future of the European Community, anyone unable to use the principle of 'subsidiarity' to defend their position -- whatever it may be -risks being excluded from the debate altogether. [However]" ... the 'new' debate about Europe features low barriers to entry in part because one of several definitions of subsidiarity can be marshalled to support virtually any vision of the EC's future, from a United States of Europe ... to a Gaullist 'Europe des parries." [a. Peterson, John, (1994) "Subsidiarity: A Definition to Suit Any Vision?" PARLIAMENTARY AFFAIRS, Vol. 47, No. 1, January. p. 116.]

Compared to sovereignty, the concept of subsidiarity is of much more recent vintage. It was first used as a formal term in modern Roman Catholic social doctrine in 1931. The subsidiarity principle evolved into a general ideological position by Western European christian democrats after World War Two and was introduced into the debate about developments of authority structures in the European Union in the mid-1970's. In this section, We will trace the development of the subsidiarity concept, leading to its inclusion in the Maastricht Treaty as a major principle of future governance of the European Union.

The concept of subsidiarity has not been developed very extensively in English language dictionaries. In fact, there are no entries for it in the American dictionaries and the Oxford English Dictionary contains only this general definition:

"Subsidiarity: the quality of being subsidiary; specifically the principle that central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level."

The conventional usage of subsidiary in an organizational context connotes a unit of secondary importance in a subordinate authority relationship to a central unit of primary importance. However, "subsidiarity" as a political principle has been interpreted to mean that higher level central authorities must justify their powers according to whether or not lower level authorities is able to retain its capacity to govern. Hence, the principle of subsidiarity implies a process of legitimizing authority structures from the bottom up, rather than from the top down.

The history and recent development of the subsidiarity concept are characterized by three different strands. Historical roots of the concept are found in Roman Catholic social doctrine. While the ideas that shaped the principle of subsidiarity were developed by theologians since the late Nineteenth Century, the term subsidiarity were first used to characterize the social doctrine in the 1931 encyclical letter Quadragesimo Anno, which stated:

"Just as it is wrong to withdraw from the individual and commit to a group what private enterprise and industry can accomplish, so too it is an injustice, a grave evil and a disturbance of right order, for a large association to arrogate to itself functions that can be performed efficiently by smaller and lower societies. This is a fundamental principle of social philosophy, unshaken and unchangeable. Of its very nature the true aim of all social activity should be to help members of the social body, but never to destroy or absorb them." [b Van Kersbergen, Kees and Bertjan Verbeek, (1994) "The Politics of Subsidiarity in the European Union." JOURNAL OF COMMON MARKET STUDIES, Vol. 32; No. 2, June. Quoted from McOustra on pp. 221-222.]

In his discussion, John Peterson sums up as follows the key attributes of Catholic social doctrine as they relate to subsidiarity:

"Small social groups should be autonomous and sovereign in a pluralist society, yet united in a common morality which stresses duty and harmony. They should be assisted in their activities by a state which neither substitutes for social groups nor is shackled by their demands, but which serves the public good and provides legal order." [c. Peterson, John, (1994) "Subsidiarity: A Definition to Suit Any Vision?" PARLIAMENTARY AFFAIRS, Vol. 47, No. 1, January. p. 11.]

In their more elaborate discussion, Kersbergen and Verbeek state that, "... one has to appreciate that in Catholic social doctrine subsidiarity in intrinsically linked with other fundamental principles, such as personalism, solidarity, pluralism and distributive justice, that -- taken together -- have found their most profound expression in the continental christian democratic version of the welfare state, the social market."[d. Van Kersbergen, Kees and Bertjan Verbeek, (1994) "The Politics of Subsidiarity in the European Union." JOURNAL OF COMMON MARKET STUDIES, Vol. 32; No. 2, June. p. 222.]

In the 1970s, the principle of subsidiarity was introduced by the continental christian democrats in the European Parliament. It was used to justify an expected expansion of authority of the European Union institutions. The principle was also incorporated into the text of the 1984 abortive Draft Treaty on European Union. [e. For a discussion of the subsidiarity principle in the 1984 Draft treaty, see Cass, Deborah Z, (1992) "The Word That Saves Maastricht? The Principle of Subsidiarity and the Division of Powers Within the European Community," COMMON MARKET LAW REVIEW, Vol. 29 July. Pp. 1116 - 1119.] The first use of the term subsidiarity in a formal text was in the 1986 Single European Act in the chapter that dealt with environmental policies.

The second strand emerged in the 1980s when German political leaders in the Lander began to articulate their concern about protecting the authority held by the Lander. This was in response to the growing power of the EU institutions as a result of the dynamic "Europe, 1992" reform program initiated to complete the single integrated market. In the face of potentially significant centralization of

authority, the Lander sought assurances that they would retain the subsidiarity features within the German federation which granted them considerable authority. There was a concern that in a new intergovernmental bargain at the European Union level, the German Federal Government might compromise its own federal-subsidiarity relationship.

As a result of this second strand, there was a call for drawing up a formal, constitutional structure for the European Union which would guarantee the protection of sub-state, regional and local authority according to the subsidiarity principle as it applies within existing federations. This meant a further step toward federalizing the future authority structure within the European Union.

The third strand evolved in the context of negotiating the Maastricht Treaty in 1991. The British Prime Minister accepted a limited version of the subsidiarity principle in order to prevent formal references to a "federal vocation" of the European Union. For the British conservatives, subsidiarity became an instrument to reassert the authority of the sovereign member states against the centralizing tendencies of European Union institutions, envisaged by the completion of the single market as well as the expansion of policy domains such as the provision for monetary union and common foreign and security policies.

During the Intergovernmental Conferences in 1991, a compromise was struck oh the application of the principle of subsidiarity in the final text of the Maastricht Treaty.

In the first article of that treaty, there is a general reference to subsidiarity through which the member states should seek to establish, "... an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity."

Article 3b contains a more specific definition of the principle of subsidiarity which reads as follows:

"The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein.

"In areas which do not fall within its exclusive competence, the community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, better be achieved by the Community.

"Any action by the Community shall not go beyond what is necessary to achieve the objectives of the Treaty."

While the declaratory statement in the first article could be interpreted to mean that the subsidiarity principle would be generally applicable to authority relations from the local government level to supranational authority, the text of Article 3b has limited its application to relations between member states and European Union institutions.

This is a result of a final compromise between the three strands. As Kersbergen and Verbeek explain it:

"Perhaps what cemented these views on the meaning and relevance of subsidiarity together was the fear of 'creeping European federalism.' The German Lander have used it to put pressure on Chancellor Kohl and President of the European Commission, Jacques Delors, in order to protect their own autonomy in the advent of increasing understandings between Bonn and Brussels. The British government led by John Major felt attracted by it, because it seemed a perfect instrument to prevent the European Community from snatching away national sovereignty. At the same time, Jacques Delors grasped subsidiarity as a means of temporarily soothing these fears, well aware that the adoption of such a dynamic and moral concept would not by definition preclude future enlargements of the Community's responsibilities." [f. Van Kersbergen, Kees and Bertjan Verbeek, (1994) "The Politics of Subsidiarity in the European Union." JOURNAL OF COMMON MARKET STUDIES, Vol. 32; No. 2, June. p. 22.]

In sum, the debate about subsidiarity has essentially focused on how the principle can clarify the division of authority among the European Union, the member states and sub-state governments. However, the compromise reached in the formulation of the language adopted in the Maastricht Treaty, has not helped clarify such authority relations. On the contrary, most commentators and analysts

contend that the treaty language has served to confuse and obfuscate the issue of the future structures of authority.

Meanwhile, studies of the issues associated with subsidiarity seem to be evolving in three different contexts. First, legal experts have examined the implication of the subsidiarity principle for Community Law, treating it as a new constitutional principle. [g As an example, see Toth, A. G., (1992) "The Principle of Subsidiarity in the Maastricht Treaty," COMMON MARKET LAW REVIEW, Vol. 29, July.] Second, economists and policy analysts have begun to study the implementation of the subsidiarity principle from a cost-benefit perspective and by examining the public administration criteria involved in assessing whether a policy domain should be centralized or decentralized and how such tests might he applied in specific European Union policy areas. [h. As examples, see The Centre for Economic Policy Research, (1993) MAKING SENSE OF SUBSIDIARITY: HOW MUCH CENTRALIZATION FOR EUROPE? Monitoring European Integration 4. Annual Report; and Doogan, Kevin (1992) "The Social Charter and the Europeanization of Employment and Social Policy," POLICY AND POLITICS, Vol. 20, No. 3.]

Finally, the debate continues in the context of subsidiarity as a political principle. [i. The key sources for this discussion are: Trachtman, Joel P. , (1992) "L'Etat, C'est Nous: Sovereignty, Economic Integration and Subsidiarity," HARVARD INTERNATIONAL LAW REVIEW, Vol. 33, No. 2, Spring. Peterson, John, (1994) "Subsidiarity: A Definition to Suit Any Vision?" PARLIAMENTARY AFFAIRS', Vol. 47, No. 1, January. Neunreither, Karlheinz (1993) "Subsidiarity as a Guiding Principle for European Community Activities," GOVERNMENT AND OPPOSITION. Vol. 28, No. 2, Spring. Teasdale, Anthony L. (1993) "Subsidiarity in Post-Maastricht Europe," THE POLITICAL QUARTERLY, Vol. 64, No. 2, April-June. Van Kersbergen, Kees and Bertjan Verbeek, (1994) "The Politics of Subsidiarity in the European Union." JOURNAL OF COMMON MARKET STUDIES, Vol. 32; No. 2, June.] The ambiguity of the formal treaty language is the most stinging criticism in this context. Subsidiarity has not yet been operationally defined so it is unable to provide procedures for evaluating how the principle will be applied in future policy domains. The position agreed to in the 1992 Edinburgh declaration does not clarify which institutions will decide the issues, it has only provided general guidelines. There seem to be great concern to avoid involving the European Court of Justice because that would seriously politicize the Court. While the continental christian democrats are ready to apply the subsidiarity principle to all three levels of authority, the British position is to limit its application to EU member state relations.

There is a general sense that subsidiarity remains but a slogan used to support different interpretations. As regards future prospects, Kersbergen and Verbeek conclude that,

"This [Maastricht] compromise, based on the lowest common denominator, ... carries the danger of falling apart as soon as the daily business of subsidiarity in reality starts affecting the interests of the parties involved. When that happens, the ideological underpinnings of the various actors will surface again... Subsidiarity has never solved any conflict of interest, but has so far merely transferred and postponed latent political confrontation." [j. Van Kersbergen, Kees and Bertjan Verbeek, (1994) "The Politics of Subsidiarity in the European Union." JOURNAL OF COMMON MARKET STUDIES, Vol. 32; No. 2, June. p. 226.]

LINKAGES BETWEEN SOVEREIGNTY AND SUBSIDIARITY

The two concepts of sovereignty and subsidiarity have been linked through the compromise text in the Maastricht Treaty. They have been joined in the present debate about future authority relations in the European Union.

There is commonality between the two concepts in the sense that both address the distribution of authority among political units. The development of popular sovereignty as a basis for legitimizing authority can be linked with the fundamental connotation of subsidiarity that the right of governance be placed as close to the citizens as possible.

The connotation of "internal sovereignty" does not contain clarifying guidelines about how authority is or should be structured which is at the core of how the subsidiarity principle has evolved in Continental European christian democratic ideology.

The major difference is that subsidiarity has evolved within federal governmental regimes. What characterizes the current European Union debate is that subsidiarity is used to clarify authority

relations without the existence of an established federal central authority. In that special context, the discourse about division of authority in a future European political union brings together the usage of sovereignty and subsidiarity because the transfer (or pooling) of sovereignty from member states through an gradual expansion of European Union policy domains begins to match the process of allocating authority according to the principle of subsidiarity.

In short, while the concept of sovereignty has focussed mostly on who or what body holds supreme power and law-making authority and how internationally independent a state is, the concept of subsidiarity has historically focussed more on principles of distribution of the right to govern within a federal system. Hence, in this special context, the debate on how to divide authority among supranational, member state, sub-state and regional governments in a future European Union, which has not yet reached acceptance as a federal system, might increasingly make the terms sovereignty and subsidiarity interchangeable.

HOUSE DEBATES ON SOVEREIGNTY AND SUBSIDIARITY

To trace the sovereignty debate and its links to subsidiarity, United Kingdom House of Commons-Parliamentary debates at four crucial points in the United Kingdom's relations with the EU were analyzed: the U.K.'s first application for membership in the early 1960s; membership ratification in 1972 and referendum on continued membership in 1975; and ratification of the Maastricht Treaty in 1992-93. The 1972 and 1975 debates were combined. The debates were analyzed for references to sovereignty and subsidiarity [30]

As the most vociferous defender of national sovereignty within the EU, the UK was chosen as the case for this study. Furthermore, the UK also provides four points in its history when major debates revolved around relations with the European Union.

House debates about sovereignty fall into three areas: internal authority and the division of authority within the UK; the transfer of competencies to the EC; and the general sovereignty debate about the loss of Parliamentary authority. The transfer of competencies can be further divided into high (defense and foreign policy) and low politics (economics, immigration and internal affairs).

1) FIRST APPLICATION FOR MEMBERSHIP IN EARLY 1960s

In 1961, the British House of Commons debated whether to authorize the government to begin talks to join the EC. A second debate in late 1962 and early 1963 focused on an Order to urge the Government to conclude the talks. The major issues were concerns with obligations, especially trade arrangements, to other EFTA members and the Commonwealth, as well as agricultural concerns. However, the issue of sovereignty and, to a lesser extent, subsidiarity, also played a part in the debates. The talks ground to a halt when President de Gaulle of France suspended the talks, which was formally communicated to the House on January 30, 1963. Records of debates between January 24, 1961, when debate about joining the EC began in earnest, and October 24, 1961, when the House voted to allow the government to enter into negotiations to join the EC, were analyzed.

INTERNAL AUTHORITY

The debate about the division of authority within the UK focused, almost by definition, on issues of low politics and the EC role in domestic economic, religious and governmental affairs.

The Government argued that the Treaty of Rome did not effect domestic affairs, the Crown, or religious affairs.[31] However, many MPs worried about the loss of UK control over the domestic economy, including capital movements and national currency, general economic planning, measures to ease unemployment, fiscal policy, unions, tariffs, trade and immigration.[32] MPs also argued that the EC required that member states bring their municipal laws in line with the EC, which was a derogation of internal sovereignty.[33] They feared that the UK was   "...entering into a Common Market which would necessarily entail limitations upon our freedom of action in our domestic field..."[34]

Many Labor MPs feared that joining the EC would prevent a future British government from adopting a socialist program in the U.K. For example, "May I ask the Prime Minister to give an undertaking that

he will not agree to anything that might prevent a future British Socialist Government from establishing Socialism here?"[35]

TRANSFER OF COMPETENCIES

Many MPs attempted to define what aspects of sovereignty would be lost, decreased or pooled[36] if the U.K. joined, and transferred powers to, the EC.

LOW POLITICS

In the 1960s the major issues were concerns about obligations to EFTA[37] and the Commonwealth[38], especially trade relations, as well as agricultural concerns[39]. However, these issues were usually debated in terms of economic costs and benefits, rather than in the context of national sovereignty.

HIGH POLITICS

Many argued that joining the EC would entail the loss of sovereignty over traditional high politics: security and foreign policy. An MP charged that the Government was "...trading defense and foreign policy for supposed economic advantage.[40] And, "Is the House really ready to surrender the right to our independent foreign policy?"[41]
The Government argued that the Treaty of Rome did not effect foreign or defense policy.[42] For example, Prime Minister Harold Macmillan said, "I must remind the House that the E.E.C. is an economic community, not a defense alliance, or a foreign policy community or a cultural community. It is an economic community, and the region where collective decisions are taken is related to the sphere covered by the Treaty, economic tariffs, markets and all the rest."[43]
Meanwhile, some, such as Hugh Gaitskell and MP Maudling, argued that an independent foreign policy was a myth, since the U.K. was already limited by numerous treaties.[44] For example, NATO limited UK sovereignty in the defense area.[45]

GENERAL DEBATE ON SOVEREIGNTY/FEDERALISM

The general debate on sovereignty sometimes took the form of references to sovereignty without defining the term,[46] such as, "We are facing in the long run the giving up of the independence and identity of this country in order to merge with Europe."[47]
There was much concern expressed, in general, about the sovereignty of Parliament in relation to the EC. "If Britain joins the Community, it will not only be control of our agricultural policy that passes from the purview of this House. It will be control of taxation policy, of exchange rate policy and, therefore, of social service policy and of planning policy. This House of Commons will become almost an empty shell and democratic power will become a myth."[48] MPs said, "If we sign the Rome Treaty...there will be a serious diminution of sovereignty of this House..."[49] And, "Our powers will be handed over to the High Commission .... It is only about forty years since Mussolini did the same thing. He set up a corporate State putting Parliament into the background and letting the economics of his society be run by corporations or commission." [50]
The Prime Minister said that it was accepted that some sovereignty would be surrendered, the mount dependent on the outcome of the negotiations.[51] While Hugh Gaitskell, leader of the opposition, said that opponents of membership said that if the U.K. joined the EC, "Our foreign policy, they say, will be dictated by others, our ancient Parliament deprived of its authority and our Commonwealth destroyed by a foolish and fatal decision."[52]
Some argued that the concept of national sovereignty was outdated and some had to be relinquished to cooperate with other states. For example, "The real challenge for the future is how far we are prepared to surrender the old concepts of absolute national sovereignty."[53] The question, MP Wilson argued, was not whether to give up sovereignty, but to give up how much and to whom? The UK, as well as Other states, would have to give up some sovereignty to cooperate. For example, Heath argued that; "...it is a conception much more of pooling sovereignty with others who are occupied in the same joint enterprise. Surrender means the abandonment of sovereignty to others. Pooling seems to me to share

sovereignty with other people for a common purpose..." He argued that sovereignty had been pooled in NATO and GATT. [55] Macmillan agreed.[56]

The federal concept was also attacked. An MP said sovereignty is "...the freedom of the people of this country to choose their fate and also not to be tied up in any political federation or union."[57]

Part of the general debate about sovereignty involved the federal concept that if the UK joined the EC, the U.K.'s power and influence in and outside of Europe would increase. The idea of increasing power is external sovereignty; increasing influence over events beyond a state's borders.[58] Some even saw the EC as a third force, beside the U.S. and U.S.S.R.[59]

Conversely, some argued that remaining outside the EC would mean the loss of sovereignty in the sense of an independent foreign and defense policy. For example, an MP said that the U.K. "can continue in the world only as a part of Europe."[60] MP Maudling argued, "I do not believe that it is open for any nation in the world community, any more than it is open for an individual in the national community, to claim complete freedom of decision and action."[61]

MPs also argued that the UK had to join the EC to have a greater say in the future of Europe. For example, "...if we want to influence things in the way in which we think they should be influenced,..., we should get inside the Common Market and not stay outside criticizing from the sidelines."[62] However, a few argued that the U.K. would lose influence in Europe by joining the EC.[63]

Supporting an intergovernmental view of the EC, MPs argued that the EC's powers and sovereignty was limited and narrowly defined. For example, "Their (the EC Commission) sort of 'act' can be carried into effect only by Governments of the Member States concerned. No one else has the power or the authority to do so."[64]

SUBSIDIARITY

Even during the 1961 debate some members discussed the concept of subsidiarity, although not by name. For example, "Our own organs of government do what they are best fitted for. Parliament delegates the functions of government locally to town and county councils....Parliament could easily become choked if it attempted to deal with every local problem. But it is essential that the British Parliament should deal with matters which affect the whole country. Europe now has questions to answer which cannot be dealt with in any one Country, and surely, eventually, there must be some European Government and Parliament to handle these problems."[65]

Heath outlined the subsidiarity principle in explaining the future development of the EC. "The degree to which institutions will be created or their powers developed will depend upon the requirements of these countries."[66] While the Leader of the Opposition, Hugh Gaitskell, said, "We wanted to leave freedom to individual Governments both politically and economically within, of course, the limits set by the essential conditions of the customs union."[67]

In an attempt to apply subsidiarity, an MP argued that lowering tariffs and quantitative restrictions were a national concern, while a common external tariff was a supra-national consideration.[68]

Sir Ungoed-Thomas made an interesting argument that the EC member states had formed the EC because they had failed to defend themselves and to grow economically as states. Therefore they sought a larger union to attain these goals. The U.K., he argued had defended itself and was doing well economically. The concept of a state failing and requiring a larger union to reach goals fits the subsidiarity concept, even if Ungoed-Thomas did not mention the concept by name.[69]

2) 1972 MEMBERSHIP RATIFICATION DEBATE AND 1975 REFERENDUM ON CONTINUED MEMBERSHIP

Parliamentary Debates volumes between March 27, 1972 and February 2, 1973 were analyzed for the 1972 membership ratification debate. The major debate in 1975 was whether to hold a referendum, how it should be organized, and Parliament's role in the process. The following volumes were analyzed; October 22, 1974 to May 23, 1975.

INTERNAL AUTHORITY, DIVISION OF AUTHORITY WITHIN UK

MPs debated the EC's role in British domestic economic matters. MPs worried that joining the EC would threaten Parliament's control of domestic energy stocks[70], supreme judicial and taxation

authority[71], regulation of mass dismissals in the UK[72], immigration[73], indirect taxation[74], labor issues[75], regional policies,[76] freedom to subsidize steel, and exchange rate policies.[77]

TRANSFER OF COMPETENCIES TO EC

HIGH POLITICS

Although some MPs worried about the surrender of control over defence and foreign policy, there was far less debate about high politics in the 1970s than in the 1960s. The same pattern, of the opposition worrying about the loss of control of foreign and defense policy, and the Government arguing that the EC was solely an economic union, carried over from the 1960s. For example, Mr. Wilson said that joining the EC could lead to the loss of Parliament's control over defense? While the Prime Minister said, "...the Treaty of Rome does not cover defense."[79]

LOW POLITICS

Mr. Wilson said that joining the EC could lead to the loss of Parliament's control over taxation, the ability to aid regions in the U.K, freedom to subsidize steel, and control of exchange rate policies.[80] An MP said that the U.K. Government must "...(ensure) the retention by our Parliament of the necessary fights and powers over the British economy..."[81]
Some MPs feared loss of control of exchange rates[82], immigration[83], energy stocks[84], as well as more generally, economic and monetary integration.[85] For example, "Clearly, monetary integration, which will limit substantially the scope of a Government for discretionary corrective. action, will tend to aggravate regional economic disparities within the Community..."[86] And that economic and monetary union will "...cripple...the powers of the British Parliament and people over it."[87]

GENERAL DEBATE ABOUT SOVEREIGNTY

In the 1970s much of the debate centered on the loss of Parliamentary sovereignty. In 1975 the Prime Minister said that Parliamentary sovereignty was an issue in the EC negotiations[88] and that, "I think it is the common view of all hon. Members that the House should retain the maximum authority in all matters affecting the welfare of our people."[89]
Some MPs mentioned sovereignty but did not define what they meant by the term. For example, an MP asked, "...at the Summit Meeting, will he (the PM) also make it abundantly clear that this House is firmly opposed to any move which will surrender even more of our national and parliamentary sovereignty?"[90] An exasperated MP concluded, "'Sovereignty' is a meaningless word. Nobody ever defined it."[91]
Some argued that Parliament would lose sovereignty if the UK joined the EC.[92] "The house is mined into an extremely elaborate and expensive pressure group, and that is not the purpose for which my constituents sent me here."[93] MPs raised issues of the right of the House to divest itself of sovereignty, something some argued that a single House did not have the right to do.[94] (An MP feared the House was "...helping to deceive the British people into the belief that what they have undoubtedly lost in terms of the democratic authority vested in this House is being in some way made good by some accretion of democratic power at the European level."[95]
However, some argued that the UK would gain power and influence in Europe and the World by joining the EC. An MP said, "...I think we are far more likely to exercise the influence we should, and which we need for our future, through Europe." The alternative, he said, is "a dangerous and isolated impotence."[96] Another said, "If America does not help, this country can no longer afford to continue the heavy burden of having a nuclear deterrent. If we are in Europe, there will be funds available to pool resources to get a proper balance of conventional and nuclear forces."[97] As in the 1960s, some mentioned the concept of the EC as a third power with the Superpowers.[98]
If the UK joined, some argued that Parliament would retain power and control over the EC.[99] A Select Committee would oversee UK MPs in the EP and Ministers in the Council of Ministers.[100] The Government argued that the Luxembourg Compromise "...will represent and preserve the

sovereignty of this Parliament and the British people."[101] However some questioned how long the veto would be retained by the member states.[102]

Much of the 1971/1972 debate centered on whether joining the EC should be put to a national referendum, which related to the people's sovereignty.[103] Many MPs said that any treaty would have to be supported by the people via a referendum.[104] The Prime Minister argued that a referendum would be an exercise of the people's sovereignty.[104] However, some MPs argued that a referendum decreased the House's sovereignty and abdicated it to the people.[106] This debate, in a wider sense, had more to do with British constitutional law arid the role of a referendum, than about the EC and sovereignty.

SUBSIDIARITY

In the 1970s some MPs used the subsidiarity concept as they had in the 1960s. For example, an MP clearly stated the subsidiarity principle without mentioning it by name: "Because I believe in the general democratic principle that the more one devolves the system of government or the system of election the better the result and the more interest there is in it."[107] Another said, "I was going to say that I believe that decisions should be taken, where possible, at the lowest level compatible with efficiency."[108]

MPs wondered which level of government would handle different issues. For example, "There is the important question whether decisions on these matters should be made by the Community, OECD, GATT, or other bodies ...."[109]

However, in the 1970s the subsidiarity concept was more commonly used in relation to the idea that certain problems could only be solved at an EC, not a national, level. For example, "One of the major reasons for support for our entry is that so many of us believe that the regional difficulties of Europe are an important, perhaps the most important, social problem facing not just Britain but the other countries of Europe, and that it will be solved as part of the Community than separately, with Britain outside it."[110] MPs worried that many problems could not be handled by the UK alone and had to be faced at the EC level, including unemployment, capital movements, pricing and inflation[111], energy problems[112], recession and reflation.[113] Some argued that the EC had to cooperate so that Europe could compete with the USA via an EC-wide common industrial policy.[114]

As with the subsidiarity debate today, some MPs feared that the EC would be ineffective at local-level problems. For example, an MP said, "That (a plan to have a single EC body manage regional policies) is typically superimposing a bureaucratic standardization upon sensitivity towards national and local needs."[115] An MP asked, 'What assurance will I then have (after the UK signs the EC treaty) that when I go to a Minister in London I can feel confident that he will not have to go off somewhere, outside this country, to find out whether my town can be helped?"[116]

The allocation of authority within the EC itself was also now debated, unlike in the 1960s. Some debated how much the European Parliament should increase its powers in relation to the Commission and Council of Ministers.[117] "I like many other hon. Members have considerable misgivings about the powers of the Commission .... advocate our view that it is the European Parliament that should have control and not the Commission."[118]

Touching on the internal sovereignty issue, there was some discussion of devolution of power from London to Scotland, Wales and Northern Ireland, but it was only tenuously tied to the debate about the EC. It mainly related to whether the referendum should be counted for the UK as a whole, or for each nation within it, separately: Britain, Wales, Scotland and Northern Ireland.[119] However, one exchange between two NIPs centered on whether Scottish and Welsh assemblies would have direct relations with the EC.[120]

3) RATIFICATION OF THE MAASTRICHT TREATY IN 1992-93.

By the 1990s the amount of House debate about the EC had increased to the extent that it would have taken a team of researchers months to read and analyze all of the debates. Therefore, the focus of the content analysis was shifted to subsidiarity, although some general conclusions were drawn from the lengthy debates about other EC-UK issues.

INTERNAL AUTHORITY, DIVISION OF AUTHORITY WITHIN UK

By the 1990s, the debate about the internal division of authority within the UK had moved into the background. Sovereignty was rarely debated and discussion about internal authority was largely concerned with improving the effectiveness of EC involvement in internal UK affairs.

Subsidiarity played a role in debates about the internal division of power in the UK. In the 1990s there was concern with internal sovereignty, especially the role of Scotland, Wales and Northern Ireland. The Prime Minister was asked whether subsidiarity "...applied to the people of Scotland, Wales and Northern Ireland, or is it a principle which starts in Brussels and ends in London?" The PM replied, "The hon. Gentleman knows that we are one United Kingdom and the Government are determined that we shall remain one United Kingdom."[121] Hurd later said that "The arrangements within the United Kingdom, as within any other member state, are a matter for the individual state. That was made clear in the Birmingham declaration last year."[122] Another NIP said, "...as discussed at the Edinburgh European Council, (subsidiarity) refers specifically to the relations between the Community as a whole and individual member states. It is up to individual member states to order their own constitutional affairs at the national and sub-national level."123]

TRANSFER OF COMPETENCIES

The index to the House of Commons debates shows the vast increase in the competencies transferred from the UK to the EC. In the 1960s there are few headings for the EC. However, by the 1990s, the headings within the EC in various issue areas has increased to take almost a full page, and often more, of each index.

Subsidiarity became part of the debate about the transfer of competencies to the EC. MPs asked where subsidiarity would be applied, and whether it would be applied retroactively and proactively.[124]

GENERAL DEBATE ABOUT SOVEREIGNTY

The general debate about the loss of sovereignty from the House to the EC had shifted from a general, vague concern about the loss of sovereignty focused on economic issues in the 1960s to an acceptance of an EC role in agriculture, tariffs, and many low politics areas. The sovereignty debate had shifted to high politics, over defense and foreign policy, although the EMU issue was also hotly debated in the 1990s. There was still debate about the CAP and other low politics issues, but the debate was over tactics, not usually over whether the EC had a right to a role in that area.

SUBSIDIARITY

Like some MPs who, in earlier debates, complained that sovereignty had many meanings, an MP complained that "If the Government like what the European Community is doing they say that it is in line with the principle of subsidiarity. If they dislike what is being done they claim that it contravenes the principle of subsidiarity and that matters should be determined at the national level. Therefore, the principle means anything that anybody wants it to."[125]

Often MPs stated or closely paraphrased the Maastricht agreement's definition of subsidiarity. For example, "We (the Government) strongly endorse the definition of subsidiarity agreed at Maastricht. This is a clear, justiciable definition which states that the Community shall   take action only if the objective cannot be sufficiently achieved by the member states."[126]

The Government in the 1990s usually used subsidiarity as a rhetorical shield against charges that Parliament was losing its sovereignty to the EC, which was part of the old debate about the general loss of sovereignty to the EC. For example, the Prime Minister was asked, "Will the right hon. Gentleman please tell the House the extent to which, in his own opinion, the Parliament of the United Kingdom should surrender sovereignty in the interests of European unity...?" The Prime Minister replied, "The sovereignty of this House is not a matter that is up for grabs -- that is perfectly clear. What we have said is that there are areas where we can pool decision making in the general interests of the whole of Europe and in those circumstances it is right to pool decision making, but perhaps one of the most essential parts of the Maastricht agreement was the agreement on subsidiarity -- that things must be done on a national level when they can best be done at a national level."[127] The PM was asked again about British sovereignty and again replied, "...decisions need to be taken as close to the

citizen as possible. That was the principle that we fought for and obtained in the negotiations at Maastricht. Where the nature of a problem requires a European response, we believe that it should have a European response."[128]

ANALYSIS

The first thing that is noticeable about House of Commons debate on the EC between the 1960s and 1990s is the exponential growth in the amount and diversity of issues areas of debate. In the early 1960s debate in the House about the EC was rare except around the time of major decisions, such as the decision to apply to join, and was focused on trade and agriculture. By 1992 the index for Parliamentary Debates has more than a hundred sub-headings under "European Community," relating to the myriad areas in which the EU has become involved.
A number of other changes also occurred in the sovereignty debate over the years.
In the 1960s, debate focused on agriculture, economics, and trade, especially within EFTA and the Commonwealth, although there was a vague, general concern about loss of sovereignty, especially in the area of low politics. By the 1990s, the focus shifted to the acceptance of the EC role in economic issues and debate about whether the EC should be involved in high politics, security and foreign policy. In the 1960s and 1972 there was discussion of the idea that in order to have EC cooperation some sovereignty had to be surrendered or pooled. However by 1975 there was almost no discussion of the idea, indicating it had largely been accepted by that time.

Another change was that, beginning in the 1970s, debate began about the distribution of power in the EC. This had rarely been discussed by Parliament in the 1960s.
By the 1990s, the sovereignty debate, which had been lively in the 1960s and 1970s, faded into the background, as the issues that had made up the sovereignty debate were subsumed into the subsidiarity debate. In the 1990s, subsidiarity became synonymous with parts of the sovereignty debate that had constituted a part of the debates about the EC since the 1960s. Subsidiarity touched on the UK's internal authority structure, as MPs asked the Government if subsidiarity related to Scotland, Wales and Northern Ireland's relations with London. The Government argued that subsidiarity only related to relations between the EC and the member states. However, this argument is weak because the EC already has relations with regions within EC member states. Therefore, if subsidiarity is going to be applied to EC relations with regions, it is difficult to see why subsidiarity would not be applied to EC relations with states or provinces within the member states.
Subsidiarity also became involved in the debate about the transfer of competencies. MPs debated which issues would be effected by subsidiarity and the Government used subsidiarity as a shield to defend against charges that Parliament was losing sovereignty to the EC. Subsidiarity was seen as the bulwark of Parliamentary sovereignty.
The replacement of sovereignty, a word laden with historical meaning and implications, by subsidiarity, is part of the larger trend of the EC to develop its own conceptual terminology. Transfer of power and authority has become transfer of competencies. Transfer of sovereignty has become pooling of sovereignty. Sovereignty has become, in many respects, subsidiarity.

SUMMARY AND CONCLUSION

This paper began with a review of the modern history of the concept of sovereignty, which traced the trend, first, toward absolute sovereignty, within states, and then to sovereignty justified by popular consent. More recently, sovereignty took on an external facet, relating to the external independence of a state or political unit. Modem definitions of sovereignty generally agree that internal sovereignty focuses on law-making power within a state, while external sovereignty focuses on the power and independence of a state.
The much shorter history of the concept of subsidiarity was then analyzed beginning with the 1931 Roman Catholic Social Doctrine. Unlike sovereignty, most American dictionaries do not have an entry

for subsidiarity, although British dictionaries define subsidiarity as the idea that higher levels of central authority must justify their powers to lower levels of authority. There are three strands that combined to form the current concept of subsidiarity, including; from theology, the argument that small social groups should be sovereign; from German Lander, which sought to retain their powers even as the German Federal state transferred powers to the EU; and the most recent strand embodied in the Maastricht Treaty, in which subsidiarity was used to defend member states' sovereignty against the EU. However, the Maastricht Treaty has not clarified subsidiarity and three broad definitions, based on legal, economic and political aspects, continue to be used to define the concept.

The analysis of British House of Commons debates about sovereignty and subsidiarity between the 1960s and the 1990s revealed an exponential increase in the range of issues that involved the EU. It also showed the gradual replacement of the old sovereignty debate by the debate over subsidiarity. Subsidiarity had become synonymous with the sovereignty debate over the transfer of competencies, as well as the general sovereignty debate involving the sovereignty of Parliament, and, although the UK Government argued against the application of subsidiarity within member states, the issue of the distribution of authority within the UK.

The analysis also showed the shift from debate about the EU's role in issues of low politics, such as agriculture and tariffs, to acceptance of that role and the shift in the sovereignty debate to high politics and the potential role of the EU in high politics, such as defense and foreign policy.

Sovereignty and subsidiarity are linked in the Maastricht Treaty. Both are concerned with the distribution of political authority. Sovereignty relates to the distribution of authority within states and political independence between states, while subsidiarity previously related to the distribution of authority within-a federal state. The EU, which faces the problem of distributing authority within its boundaries without a federal structure, has enmeshed the sovereignty debate and the subsidiarity debate into a debate over the distribution of power within the EU, between the EU institutions, member states, regions and local governments.

The evolution of the sovereignty debate and its entanglement with the subsidiarity debate in the current discourse about the future division of authority in the EU shows an increasing linkage, beginning to make the two concepts interchangeable.

1. The Encyclopedia Britannica, 11th Edition, (Cambridge: Encyclopedia Britannica Co., 1911), vol. XXV, p. 519. The following section draws heavily from this source, pp. 519-521.
2. The concept has, of course, older origins. For example, Aristotle argued that sovereignty could reside in one, a few, or many. He wrote in Politics that sovereignty was "That which decides in questions of war and peace, and of making or dissolving alliance, and about laws and capital punishment, and exiles and fines, and audit of accounts and examinations of administrators after their term of office." However, he argued that the distinctive mark of a state is self-sufficiency, not sovereignty.
The Greeks did not see the state as above the law. Customary or unwritten laws ranked higher than state or written law.
The Roman Institutes of Justinian contained the phrase, "What pleases the prince has the force of law," but is qualified by the phrase, "for the people make over to him their whole power and authority." The second phrase reminded Roman rulers that their power was derived from the people. See Bernard Crick, "Sovereignty,' p. 78, vol. 15, in David L. Sills, editor, The International Encyclopedia of the Social Sciences, (New York: MacMillan and Co. and Free Press, 1968).
Unlike the thesis that rulers were not above the law, Machiavelli favored an absolute sovereign in times of danger. He wrote, "Those republics that cannot against impending danger take refuge under a dictator or some such authority will in serious emergencies always be ruined." See Crick, "Sovereignty,"p. 79. Also see The Encyclopedia Britannica, 11th Edition, (Cambridge: Encyclopedia Britannica Co., 1911), vol. XXV, p. 519. This section draws heavily from this source, pp. 519-521
3. This section relies heavily on George H. Sabine and Thomas L. Thorson, A History of Political Theory, 4th edition, (Hinsdale, IL: Dryden Press, 1973).
4. Crick, "Sovereignty," p. 78, vol. 15.
5. Much of the following section relies on J.W. Briefly. 6th edition, The Law of Nations, edited by Humphrey Waldock, (New York: Oxford University Press, 1963), pp. 4-15 and 45-48.

6. Bertrand Badie and Pierre Birnbaum, The Sociology of the State, (Chicago: University of Chicago Press, 1983).

7. Sabine and Thorsen, A History of Political Theory, pp. 295-297.

8. The Encyclopedia Americana, International Edition, vol. 25, (Danbury, CT: Grolier, Inc., 1989), p. 347.

9. Francis W. Coker, "Sovereignty," in Edwin A. Seligman, editor.   The Encyclopedia of the Social Sciences, (New York: Macmillan and Co., 1950 -- Reprint of 1937 edition), vol.13, p. 267.

10. Brierly, The Law of Nations, p. 4.

11. Hobbes posited a contract between the sovereign, who provided order and security, and the people, who ceded power and authority to the sovereign. See Leon H. Hurwitz, Introduction to Politics, (Chicago: Nelson and Hall, 1979), p. 68.

12. Coker, "Sovereignty," in Seligman, ed., The Encyclopedia of the Social Sciences, vol. 13, p. 267.

13. Crick, "Sovereignty," p. 77. Also see Sabine and Thorsen, p. 350.

14. Hurwitz, Introduction to Politics, pp. 84-85.

15. Hurwitz, Introduction to Politics, pp. 84-85.

16. Rousseau argued for a pure form of majority rule as constituting his concept of the General Will. Therefore, under Rousseau's conception, the majority of the population would have absolute sovereignty.   See Hurwitz, Introduction to Politics, pp. 84-85.

17. Anne Soukhanov, editor. The American Heritage Dictionary of the English Language, 3rd Edition, (Boston: Houghton Mifflin Co., 1992), pp. 1724-1725. The 1981 edition gives almost identical definitions. See William Morris, editor. The American Heritage Dictionary of the English Language, (Boston: Houghton Mifflin Co., 1981), p. 1236. For similar definitions see J.A. Simpson and E.S.C. Wiener, editors. The Oxford English Dictionary, 2nd Edition, vol. XVI, (Oxford: Clarendon Press, 1989), pp. 77-78; and Victoria Neufeldt, editor. webster's New World Dictionary, 3rd College Edition, (New York: Webster's, 1988), p. 1283

18. Hugo F. Reading, A Dictionary of the Social Sciences, (London: Routledge and Kegan Paul, 1977), p. 197.

19. Henry Campbell Black, Black's Law Dictionary, 4th Edition, (St. Paul: West Publishing Co., 1951), pp. 1568-1569. For a similar definition, see Henry Campbell Black, Black's Law Dictionary, 5th Edition, (St. Paul: West Publishing, 1979), p. 1252.

20. Black, Black's Law Dictionary, p. 1568. Also see Steward Rapalje and Robert L. Lawrence, A Dictionary of American and English Laws, vol. II, (Jersey City, NJ: Frederick D. Linn and Co., 1888), pp. 1204-1205; Bouvier, Bouvier's Law Dictionary, pp. 3096-97.

21 Hedley Bull and Adam Watson, editors, The Expansion of International Society, (Oxford: Clarendon Press, 1989) build on the theme of a society of states.

22. Coker, "Sovereignty," in Seligman, ed. The Encyclopedia of the Social Sciences, vol. 13, pp. 265-69. Also see, The Encyclopedia Britannica, 11th Edition, vol. XXV, p. 521.

23. Isaack Funk, editor. Funk and Wagnalls New Standard Dictionary of the English Language, (New York: Funk and Wagnails, 1963), p. 2433.

24. For a similar definition, see John Bouvier, Bouvier's Law Dictionary, 3rd revision, (St. Paul: West Publishing Co., 1914), vol. III, pp. 3096-97; and John Bouvier, Law Dictionary, 14th Edition, (Boston: Little, Brown and Co., 1880), p. 535.

25. Academic American Encyclopedia, vol. 18, (Danbury, CT: Grolier, Inc., 1989), p. 113. For similar definitions, see Coker, "Sovereignty," in Seligman, ed. The Encyclopedia of the Social Sciences, vol.13, pp. 265-66; and The Encyclopedia Britannica, 11th Edition, vol. XXV, p. 522.

26. The Encyclopedia Americana, International Edition, vol. 25, (Danbury, CT: Grolier, Inc., 1989), p. 347.

27. A.M. Prokhorov, editor. The Great Soviet Encyclopedia, vol. 25, (New York: Macmillan Inc., 1980), p. 158.

28. Crick, "Sovereignty," in Sills, ed., The International Encyclopedia of the Social Sciences, vol. 15, p. 77.

29. Ibid., p. 77.

30. All cites are from the "Oral" section of Parliamentary Debates of the House, except where noted as "Written Answers."

31. Hansard's, vol. 666, 7 Nov.1962, cols.997-998.

32. Hansard's, vol. 645, 2 August 1961, cols.1500-1501, 1531-33, 1536, 1541, 1550, 1593, 1599, 1665, and 3 August 1961, col. 1763.

33. Hansard's, vol. 645, 2 August 1961, cols.1508-1509.

34. Hansard's, vol. 645, 2 August 1961, col. 1586.

35. Hansard's, vol. 645, 31 July 1961, col. 936. Also see vol. 645, 2 August 1961, cols.1547-1548 and 1657-1658; vol. 666, 7 Nov.1962, col. 997; and vol. 666, 8 Nov. 1962, cols.1208, 1233, 1236, 1247 and 1273-75.

36. Hansard's, vol. 666, 8 Nov. 1962, col. 1258.

37. For example, parliamentary Debates (Hansard). House of Commons. vol. 645, 31 July 1961, col. 929. Also see Hansard's, vol. 666, 7 Nov. 1962, cols.995-996 and 8 Nov. 1962, cols.1178 and 1212.

38. For example, Hansard's, vol. 645, 31 July 1961, col. 928. Also see Hansard's, vol. 666, 7 Nov. 1962, cols.978-994 and 8 Nov. 1962, cols.1203 and 1279.

39. Hansard's, vol. 645, 2 August 1961, c.1488. Also see Hansard's, vol. 666, 8 November 1962, cols. 1181 and 1188.

40. Hansard's, vol. 667, 13 Dec.1962, col. 670. Also see Hansard's, vol. 645, 3 August 1961, col. 1759.

41. Hansard's, vol. 666, 8 Nov. 1962, col. 1282. Also see vol. 666, 7 Nov.1962, col. 1001; vol. 666, 8 Nov. 1962, cols.1207-1208 and 1235.

42. Hansard's, vol. 666, 7 Nov.1962, cols.997-998. Also see Hansard's, vol. 645, 31 July 1961, col. 937 and vol. 645, 2 August 1961, col. 1481 and vol. 645, 3 August 1961, cols.1769-1770 for concerns about foreign affairs and defense policy coming under EC control.

43. Hansard's, vol. 645, 2 August 1961, col. 1490.

44. Hansard's, vol. 666, 7 Nov.1962, col. 1017-1018. Also see Hansard's, vol. 645, 2 August 1961, col. 1599 and vol. 645, 3 August 1961, col. 1769.

45. Hansard's, vol. 645, 2 August 1961, col. 1521.

46. See Hansard's, vol. 645, 2 August 1961, cols.1554-1555 and 6 Nov.1962, cols.1491-1494.

47. Hansard's, vol. 645, 2 August 1961, col. 1571. Also see Hansard's, vol. 645, 31 July 1961, col. 933.

48. Hansard's, vol. 667, 13 Dec. 1962, col. 691.

49. Hansard's, vol. 645, 3 August 1961, col. 1746.   Also see vol. 666, 7 Nov.1962, col. 1045.

50. Hansard's, vol. 666, 7 Nov.1962, col. 1047.   See col. 1049-51 for list of powers Parliament may lose the EC.

51. Hansard's, vol. 641, 1 June 1961, c.415-416. Also see Hansard's, vol. 645, 2 August 1961, col. 1533 and vol. 666, 8 Nov. 1962, col. 1214.

52. Hansard's, vol. 645, 2 August 1961, c.1495.

53. Hansard's, vol. 645, 3 August 1961, col. 1691.

54. Hansard's, vol. 666, 8 Nov 1962, col. 1271.

55. Hansard's, vol. 645, 3 August 1961, cols.1674-1676. Also see Hansard's, vol. 645, 2 August 1961, cols.1515, 1563 and 1667-1668. For pooled sovereignty applied to the Commonwealth, see Hansard's, vol. 645, 3 August 1961, col. 1708.

56. Hansard's, vol. 645, 2 August 1961, col. 1490.   Also see Hansard's, vol. 645, 2 August 1961, col. 1521.

57. Hansard's, vol. 645, 3 August 1961, col. 1698.

58. Hansard's, vol. 645, 31 July 1961, col. 933.

59. Hansard's, vol. 666, 7 Nov. 1962, col. 1018 and 8 Nov. 1962, col. 1268.

60. Hansard's, vol. 645, 2 August 1961, col. 1516. Also see vol. 645, 2 August 1961, cols.1554-1555; vol. 666, 7 Nov.1962, cols.1026-1029 and 1065-1066; vol. 666, 8 Nov. 1962, col. 1208; and vol. 667, 13 Dec. 1962, col. 701.

61. Hansard's, 2 August; 1961, col. 1598.

62. Hansard's, vol. 666, 8 Nov. 1962, col. 1234. Also see vol. 645, 2 August 1961, col. 1563; vol. 666, 7 Nov.1962, cols.1040 and 1044; and vol. 667, 13 Dec. 1962, col. 696.

63. Hansard's, vol. 645, 2 August 1961, col. 1549.

64. Hansard's, vol. 645, 3 August 1961, cols.1721-1722.

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122. Hansard's, vol. 234, 15 Dec. 1993, col. 1067.

123. Hansard's, vol. 216, 16 December 1992, col. 293 Written Answers.

124. See Hansard's, vol. 225, 25 May 1993, col. 750-751; vol. 226, 16 June 1993, col. 860; and vol. 231, 4 Nov. 1993, col. 304 written.

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126. Hansard's, vol. 201, 18 Dec. 1991, col. 185, written.

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128 Hansard's, vol. 207, 12 May 1992, col. 495.