

ESSAY XXIX

Sovereignty and Its Limits

Final Decision, Divided Competence, and the Problem of Ultimate Authority

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ABSTRACT

Sovereignty is invoked to describe supreme legal authority, effective control, collective self-government, and the capacity to settle disputes. These meanings do not entail one another. An institution may possess the last word within a procedure without possessing unlimited jurisdiction, and a community may govern itself without every member endorsing its decisions. This essay examines the inference from the practical need for settlement to the justification of ultimate authority. Reconstructing a problem shared by Hobbesian and constitutional accounts, it distinguishes finality within a case, finality within a domain, authority to revise institutional boundaries, and immunity from normative criticism. It argues that the requirement to terminate a sequence of decisions establishes neither comprehensive competence nor moral infallibility. The analysis nevertheless rejects the assumption that dispersing authority automatically resolves the problem: overlapping jurisdictions can produce deadlock, displacement of responsibility, and unequal opportunities to obtain a hearing. Through illustrative disputes about shared facilities and institutional succession, the essay develops an account of bounded finality. Its contribution is to separate the conditions that permit common action from the stronger and independently contestable claims made in the name of sovereignty.

Keywords: sovereignty; finality; jurisdiction; self-government; constitutional authority; institutional limits; settlement

Conceptual analysis and critical reconstruction. Cases introduced as illustrations are hypothetical, not empirical findings.

1. The last word and the larger claim

Imagine three associations that share a building. One administers access, another maintains equipment, and a third conducts activities inside it. A dispute arises over whether a room can safely remain open. The maintenance association demands closure; the activities association argues that the evidence concerns a different room; the access association claims the power to decide because it holds the keys. Each can obstruct the others, and delay itself imposes costs. The participants agree that someone must settle the immediate question. They have not yet agreed that whoever settles it may determine every future use of the building, rewrite every agreement, or silence criticism of the decision.

The distinction appears straightforward at this scale. Its philosophical importance increases when it is obscured by the vocabulary of ultimate authority. The necessity of a decision can become an argument for a decision-maker; the necessity of a decision-maker can become an argument for supremacy; supremacy can then be treated as a title to govern without external limit. Each transition requires additional premises. The first practical problem does not contain the final conclusion simply because no one can continue discussing indefinitely.

Part Two examined law as an institutional order that establishes and distributes jurisdiction while remaining distinct from the moral justification of its exercise (Silentii 2026b, Essays XI–XII). The present essay isolates a question that persists after ordinary jurisdictions have been specified: what happens when those specifications themselves conflict? Who decides which authority may decide? A theory of sovereignty addresses this recursive problem, but it can also enlarge it by allowing the power to resolve a boundary dispute to become the power to abolish boundaries altogether.

The argument here concerns the architecture of settlement, not the endorsement of a particular constitutional arrangement. Some decisions need to become operative despite disagreement. That necessity does not make every operative decision correct, nor does it identify one institution that must possess final authority across all domains.

The challenge is to explain how finality can be real without treating it as total.

2. Distinct meanings of sovereignty

Legal supremacy concerns a position within a normative order: which source prevails when recognized rules conflict? Effective control concerns an ability to bring about conduct, maintain decisions, or prevent rivals from doing so. Collective self-government concerns the relation between a community and the authorship of its common arrangements. Decisional finality concerns where a particular process stops. These descriptions can coincide in one institution, but their conjunction is a further fact, not part of their common meaning.

An organization can possess legal competence without the practical means to implement its decisions. A person with physical control can obstruct a valid decision without thereby acquiring lawful authority. A representative can issue an authorized decision that many represented persons oppose. A panel can be the final appellate body for one class of disputes while possessing no authority over another. These possibilities show why a single word cannot do the justificatory work of four distinct relations.

Hobbes makes authoritative settlement central to the construction of a commonwealth and assigns extensive rights to the sovereign instituted through authorization (Hobbes 1651, chaps. 16–18). Locke, by contrast, describes legislative supremacy together with restrictions on the purposes and manner of legislative power (Locke 1690, secs. 135–142). The disagreement is not simply over whether decisions matter. It concerns the extent and conditions of the power required to make common decisions binding.

Rousseau adds another distinction by separating the sovereign people from the government charged with executing laws (Rousseau 1920, Social Contract III.1). This distinction prevents the person or institution administering a decision from being identified without argument with the collective source of authority. It does not by itself solve the questions of representation or dissent. Those questions

arise precisely because a people, a decision procedure, an office, and an officeholder are different objects.

3. The argument from settlement

The strongest argument for final authority begins with interdependence rather than reverence for command. When several people must act together, incompatible decisions may make each person's preferred action impossible. No one can solve the conflict merely by affirming the sincerity of their own judgment. A common procedure can supply a reason to act on one decision while continuing to believe that another would have been preferable. The distinction between agreement and settlement is therefore indispensable.

The argument has a limited form. Where action requires coordination, where unresolved conflict imposes significant costs, and where an appropriately authorized procedure selects a decision, there can be a reason to treat the result as operative. This reason is not identical to evidence that the result is true. It concerns the practical relationship among participants. A common starting time can coordinate a meeting even though no one believes that time to possess an independently superior moral status.

The difficulty appears when this limited argument is extended. A need for one starting time does not establish a need for one authority over the participants' occupations, friendships, or beliefs. Even where coordination problems overlap, the overlap must be demonstrated. The relevant inference is from a specified problem to an appropriate power, not from the abstract existence of conflict to comprehensive jurisdiction. Otherwise every disagreement would become evidence for the same unlimited office.

Nor does the settlement argument establish that any available decision-maker will suffice. An imposed procedure may exclude relevant participants, misdescribe the problem, or give a party authority over its own disputed advantage. Those defects cannot be answered merely by observing that continued conflict would also be costly. The costs of nondecision explain why institutional design matters; they do not erase the difference between possible designs or preempt examination of how a particular authority was constituted.

4. Four forms of finality

Finality within a case means that an ordinary sequence of review has ended. The decision becomes operative under the applicable procedure. Finality within a domain means that an institution has precedence for a class of matters. Authority over constitutional revision concerns how the domain itself can be altered. Normative immunity would mean that the institution's decisions cannot meaningfully be criticized as mistaken or unjustified. These are progressively different claims, not successive names for the same property.

The last claim does not follow from the first. A decision can be final and erroneous. Indeed, the distinction between finality and correctness is part of what makes the concept of institutional error intelligible. If the final decision determined truth by definition, no final institution could ever be mistaken; it could only be replaced by a different truth. That account confuses a rule about what becomes operative with an account of what reasons support.

Likewise, domain-specific finality does not entail unrestricted competence. An examination board can conclusively determine an award under its rules without determining whether a recipient is trustworthy in every relationship. Its decision may settle institutional status while leaving historical explanation, moral appraisal, and personal meaning open. The power to issue the award and the power to interpret a life are not one power. The jurisdictional distinction protects analysis from allowing administrative closure to expand beyond the matter closed.

Constitutional revision presents a harder problem because it concerns the rules governing ordinary authority. Yet the capacity to change a rule need not be identical to an incumbent's freedom to ignore it. A procedure can require additional participants, a different time frame, or conditions not available to the ordinary decision-maker. The important conceptual point is that change can be authorized without being available on demand to the person presently constrained. Revocability and present binding force are therefore compatible.

5. Who decides the limits of the decider?

A familiar objection now arises. If one authority can review another, the reviewer appears sovereign. If a further institution reviews the reviewer, an infinite regress begins. If review ends, someone is beyond review after all. Does bounded finality merely postpone the admission that unlimited authority must exist somewhere?

The objection combines two propositions that must be separated. Every finite procedure has an endpoint. It does not follow that the institution occupying that endpoint possesses every kind of authority. A final decision about whether a procedure was followed can itself remain subject to criticism, prospective amendment, or a different inquiry into misconduct. None of those responses must reopen the identical case through an identical channel. The absence of one further appellate stage is not the absence of every institutional constraint.

The structure can be understood through a distinction between recursive justification and recursive administration. Asking why a decision is justified can continue beyond the point at which a system allows its enforcement. A practical arrangement cannot supply another tribunal for every possible objection without end. Philosophical scrutiny, however, need not terminate wherever the administrative process terminates. One can acknowledge what an institution has conclusively decided while denying that its decision exhausts the reasons available about the matter.

A remaining difficulty concerns actual power. Where the final institution can disable every other constraint, the formal distinction may provide little practical protection. That observation is important, but it is not a logical proof that all institutional arrangements have the same structure. Whether constraints can operate depends on resources, incentives, participation, and the relations among offices. The theoretical distinction identifies what evidence to seek: not simply whether limits are announced, but whether an adverse finding can produce consequences the limited authority cannot unilaterally erase.

6. Divided competence and its costs

Distributing authority can prevent one institution from identifying its own judgment with the whole order. Different bodies may possess different information, represent different relationships, or perform different tasks. Yet division has costs that cannot be dismissed as mere inconvenience. A person may be sent from one office to another because each denies jurisdiction. Overlapping powers may allow every participant to block action while none bears responsibility for the resulting failure. Formal plurality can coexist with practical helplessness.

Return to the shared building. Suppose every association can veto reopening, but no one must arrange repairs. Closure continues indefinitely. The problem is not insufficient sensitivity to limits; it is a mismatch between powers of obstruction and duties of completion. Alternatively, suppose each association can authorize use independently. The same room may be declared both unavailable and open. Dispersing competence has not resolved conflict. It has changed the mechanism through which conflict appears.

The analytical response is to examine interfaces rather than count centers of power. Which decision controls which action? What happens when classifications differ? Who must preserve the record, communicate with affected people, and identify the next procedural step? Which institution can authorize an interim arrangement? A distribution of offices becomes an order only when relations among offices are sufficiently determinate to support action. The mere presence of several decision-makers is not an account of coordination.

This does not establish that concentration is the answer in every case. A single body can also fail to communicate, misallocate responsibility, or combine incompatible roles. The comparison requires evidence about the relevant arrangement rather than an abstract preference for unity or multiplicity. The philosophical contribution is narrower: limits require connective procedures as well as boundaries. A boundary that prevents an institution from exceeding its task can become a gap through which an unresolved obligation disappears.

7. Self-government across time

Sovereignty also raises a temporal problem. A collective makes decisions that outlast those who made them. Later participants encounter commitments, offices, debts, and expectations they did not individually authorize. If past decisions are entirely revisable at every moment, reliance becomes precarious. If they are permanently binding, the past acquires authority that the present cannot exercise for itself. Neither possibility is captured by imagining one timeless act of collective will.

The relevant distinction is between preserving a commitment and granting its authors permanent control. A promise can remain binding after the promisor's preferences change because another person reasonably relied on it. Yet the obligation's content may include conditions of discharge, renegotiation, or repair. Continuity is consequently not equivalent to immobility. It can consist in maintaining a relationship of responsibility while changing the institutional form through which responsibility is fulfilled.

Consider an association that promises long-term access in return for members' contributions. New administrators cannot treat the resources as wholly unencumbered merely because they did not make the promise. At the same time, a change in the building's actual condition may make the original form of access impossible. The problem becomes one of interpretation, alternatives, and the distribution of unavoidable loss. Neither an appeal to original authorization nor an appeal to current control settles it by itself.

Part Two's discussion of legal memory distinguishes the preservation of responsibility from the indefinite authority of every recorded classification (Silentii 2026b, Essay XXII). Applied to sovereignty, this distinction means that institutional succession must carry obligations without making every inherited decision immune to revision. A collective capable of acting across time is not therefore a single unchanging subject. Its continuity is organized through practices of attribution, record, reliance, and correction.

8. Objections from decisiveness, expertise, and necessity

The objection from decisiveness holds that bounded authority becomes too slow when circumstances demand action. This possibility cannot be ruled out conceptually. Procedures consume time, and delay can be consequential. Yet it does not follow that speed requires indefinite jurisdiction. The scope, duration, and review of a power can differ from the timing of its initial exercise. An institution may need to act before completing every inquiry while remaining required to explain what it did afterward.

A different objection invokes superior knowledge. Where one institution understands a problem better than others, dividing authority may allow misunderstanding to obstruct competent action. But expertise establishes a relation to a subject, not automatic authority over every consequence of action. Technical understanding of the building's structure might settle which loads it can support without settling how competing users should bear a closure. The need to connect epistemic and practical authority is not a reason to identify them.

The objection from necessity is more radical. In a genuine breakdown, someone may exercise control without prior authorization because the ordinary arrangements no longer function. Such a case establishes that action can precede settled institutional recognition. It does not establish that success retroactively justifies every act, or that the person who acts acquires permanent jurisdiction. An account of exceptional intervention would still need to distinguish immediate prevention of harm, later responsibility, and subsequent authority.

Finally, the proposal may seem to rely on standards that no final institution can guarantee. That is correct. Bounded finality is not a machine for removing uncertainty from collective life. It is a distinction that prevents uncertainty from being concealed by institutional vocabulary. A system's last word remains a human decision made under conditions that can be examined. The lack of an infallible external guarantee is a limitation shared by claims of unlimited authority, not a special defect of acknowledging limits.

9. Conclusion: settlement without a claim to totality

The problem of sovereignty cannot be resolved by choosing one meaning of the word and allowing it to govern all the others. Legal supremacy is not identical with effective control; collective authorship is not identical with an officeholder's decision; procedural finality is not identical with truth. Each relation answers a different question and creates a different burden of justification.

The argument from coordination explains why some decisions must become operative despite disagreement. It does not establish a universal decision-maker, unlimited competence, or immunity from criticism. Conversely, the recognition of limits does not eliminate the need for usable procedures connecting different authorities. A collection of vetoes is not yet an institutional order, and a right to object is not sufficient when no one can complete the task to which the objection relates.

Bounded finality names the coexistence of operative settlement and continuing answerability. It permits a procedure to end without claiming that judgment has ended, permits an institution to prevail within a domain without annexing every other domain, and permits continuity without making the past permanently sovereign. Its point is not to promise an order beyond conflict. It is to specify what follows, and what does not follow, when human beings must act together before their disagreements have disappeared.

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