

**THE EMPLOYMENT OF THE  
PLEBISCITE IN THE  
DETERMINATION OF  
SOVEREIGNTY. A DISSERTATION**

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The Employment of the Plebiscite in the Determination of Sovereignty. A Dissertation by  
Johannes Mattern

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A DISSERTATION  
Submitted to the Board of University Studies of The Johns  
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## PREFACE

The employment of the plebiscite in the determination of sovereignty was proclaimed as a government policy by revolutionary France. Since that time the advocates of the doctrine of popular consent as the *sine qua non* of territorial settlements involving changes of sovereignty have endeavored to secure its universal recognition in theory as well as in practice. In the course of the nineteenth century plebiscites have been held in a number of territorial transfers, resulting in changes of sovereignty without, however, establishing the resort to such popular votes as a general practice in international law.

In the attempt to form an opinion as to the justification of the employment of a plebiscite in the determination of sovereignty, either as a general principle or as a proper mode of settlement in individual cases, we turn instinctively to the past in search of its precedents illustrating the practice of the nations, and for records of opinions of leading statesmen and international jurists.

The present study aims to estimate the evolutionary momentum of the doctrine actually applied, in so far as it is traceable through the mass of alleged or genuine precedents of ancient, feudal, and modern times, and to consider the theoretical and practical aspect of the subject from the point of view of international and constitutional law in the light of more recent developments.

The most complete collection of precedents which a review of the bibliography of the subject seems to offer is found in F. Freudenthal's *Die Volksabstimmung bei Gebietsabtretungen und Eroberungen . . .* Erlangen, 1891, and E. Solière's *Le Plébiscite dans l'annexion, étude historique et critique de droit des gens*, Paris, 1901.

The international legal aspect of the question is treated