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Sovereignty in the Philosophy of Jean Bodin: A Critical Study

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ABSTRACT

This paper examines the concept of sovereignty in Jean Bodin's philosophy, as developed in *Les Six Livres de la République* (1576). It situates Bodin's theory within the turmoil of sixteenth-century France, where religious civil war and a weakened monarchy prompted his defence of a supreme, absolute, and perpetual power vested in the commonwealth. The work expounds the central features of Bodinian sovereignty, its location in a single ruler, its indivisibility, its unlimited character with respect to citizens, and its grounding in the family model of the state. It further examines Bodin's insistence that, although sovereign power is unrestrained by positive law, it remains answerable to God, to natural law, and to the fundamental laws of the realm (*leges imperii*), thereby permitting disobedience but not armed resistance. Using an expository and analytical approach, the paper interrogates the theory's internal tensions, highlighting contradictions between absolutism and natural law and between indivisibility and the delegation of power, while also assessing its strengths and weaknesses. It argues that while Bodin's conception of indivisible, unlimited sovereignty is difficult to reconcile with modern three-tier democratic governance, his theory remains the first systematic account and a foundational step toward contemporary ideas of internal and external sovereignty.

1. Introduction

In his work, *Les Six Livres de la République* (1576),ⁱ Jean Bodin engaged in a scientific treatise on public law and policy in which the theory of sovereignty served as a framework. For most scholars, Jean Bodin's theory of sovereignty is among his most celebrated achievements, as it introduced a new dimension to the study of public law. In context, it responded to the major political issues of his time. Vidya Mahajan corroborates:

The prevailing chaos in France at that time demanded the exposition of a philosophy which would give all powers into the hands of an authority whom everybody would obey. The civil war in France had practically ruined the country. It was against this background that Bodin defined sovereignty as supreme power over citizens and subjects unrestrained by law. He emphasized the perpetual nature of sovereignty.ⁱⁱ

Bodin had sought to show that the king of France was absolute in a bid to forestall the widespread corruption and laxity that weakened and undermined the monarchy. It was a cautious attempt to support religious toleration and introduce administrative reform against the party that pressed the king to impose religious uniformity. In its time, Bodin's theory helped to shape the policies of the early Bourbon dynasty established by Henry IV.ⁱⁱⁱ In analysing

Bodin's concept of sovereignty, this essay aims to present a clear exposition of the concept, highlighting its contradictions, strengths, and weaknesses.

2. The meaning of Sovereignty in the Philosophy of Jean Bodin

Jean Bodin defines sovereignty as the right of the king to rule over all his subjects and institutions, and this right is accorded to him by the fact that the state has a supreme and perpetual power over its citizens, so much so that this power is unrestrained by laws. In the words of Bodin: "Sovereignty is that absolute and perpetual power vested in a commonwealth...."^{iv} Stephane Beaulac's translation clarifies further: "Majesty or Sovereignty is the most high, absolute, and perpetual power over the citizens and subjects in a Commonwealth."^v This notion that governments have broad powers over citizens became a central element in the theory of absolutism.^{vi} Bodin, however, limited this power by arguing that rulers must be constrained by social customs and natural law. In a bid to anchor the supreme right of kings on natural laws, Bodin attempts to model the commonwealth or state on the natural society of the family, and in this respect, he argued that no father is appointed by his children to rule over them, and so a father reserves an unqualified right to command. This unqualified right to command is thus understood as the sovereign power which distinguishes kings in Bodin's theory. One can say that Bodin mistakenly equated "the family" with "the polity." Bodin understood political society (the state) as an aggregate of families.^{vii}

It has to be noted that Bodin agrees that the exercise of jurisdiction by the king is mainly by delegation, yet all jurisdiction is derived from the king, and he also insists that the distinctive mark of the sovereign is to make law. Hence, law is simply the command of the sovereign. In a translated version of *Les Six Livre de la Republique*, M. J. Tooley identifies Bodin's attributes of sovereignty as those powers which the king must not delegate but should personally attend to. He writes:

There are however certain matters which the sovereign must attend to himself in virtue of his office and not delegate to the subject, as he delegates rights of jurisdiction, and these powers Bodin calls the attributes of sovereignty. Firstly, there is included what Locke called the federative power, or sole right of making war and peace, and concluding alliances. Second, there is the right to authorize all appointments to public office, whatever the actual procedure in use. Again, as the source of all rights of jurisdiction, the sovereign is the final resort of appeal for all his subjects and in all cases. Finally, he has the exclusive right to demand unqualified oaths of submission These rights are inseparable from sovereignty, for the alienation or delegation of any one of them destroys the sovereign.^{viii}

Bodin rejects the idea that subjects possess a right to rebel against or violently resist the sovereign. Since sovereign authority is grounded in divine and natural law, subjects are generally bound to obey the sovereign and cannot claim a right to take up arms against him, even when his rule is unjust. However, Bodin distinguishes between resistance and disobedience. While subjects have no right to violently resist the sovereign, they may refuse to obey commands that directly contradict the laws of God and nature. Thus, Bodin's conception of sovereignty establishes a strong obligation of obedience without making the sovereign entirely free from higher divine and natural law. Hence, while earlier conceptions of kingship could associate the obligation to obey with the justice of the ruler's commands, Bodin's conception of sovereignty significantly weakened the legitimacy of resistance to the sovereign. His theory of absolute sovereignty established a strong political obligation to obey the ruler, even when the ruler's government was unjust or oppressive. Bodin grounded political authority in divine and natural law and maintained that subjects were generally required to obey the sovereign whom they were placed under. Although he condemned tyranny, he did not regard tyranny or unjust government as sufficient grounds for subjects to rebel against or violently resist the sovereign. In this sense, obedience remained a central virtue of the citizen. However, Bodin did not place the sovereign entirely beyond divine and natural law; his absolutism concerned the supremacy of sovereign authority within the political order rather than unlimited freedom from all higher moral and legal constraints.

3. Some Contradictions of Bodin's Concept of Sovereignty

The concept of sovereignty in Jean Bodin's theory is plagued by certain contradictions. This is due to the contextual circumstances that informed it, since it responds, at least in part, to the great political issues of the time rather than to a purely intellectual abstraction. A few of these contradictory views can be discussed as follows:

Absolute Sovereignty and Natural Laws

Against the doctrines of popular sovereignty and the right of resistance advanced by the Huguenots during the religious wars, Bodin sought to show that the king of France was absolute. His arguments for absolute sovereignty were claimed to be rooted in natural law, drawing on the family model in which the “father-figure” reserves the sovereign right as head. Put side by side with the givens of natural law, Bodin’s absolute sovereignty appears to be contradictory because, in a bid to maintain the absolute sovereignty of the king, Bodin upturned such natural givens as the right to justified resistance. The king, moreover, was limited, morally at least, by the law of nature as well as by certain fundamental laws on the organization of the crown and its domain. For instance, the king has no power to modify the succession. These laws he captioned: *leges imperii* which apparently implies that sovereignty itself would vanish with their violation.^{ix} The law of nature, furthermore, was rigorously interpreted and it even prohibited, at least in Bodin’s reasoning, the imposition of new taxes without consent. How then do we resolve these contradictions?

One way out is to argue that ‘absolute’ for Bodin is with respect to the citizens, as the king is not subject to any human superior or to any positive law while remaining answerable to God, to inalienable natural givens and to the constitutional fundamentals. These limits do not strictly contradict the meaning of ‘absoluteness’ of the king in Bodin’s concept to the extent we apply it within the bounds of the distinctive relation between the sovereign and the citizenry. Thus, the critical point for him was that a king’s obligation to the law of nature was owed to God alone. Resistance by subjects was thus excluded, for according to contemporary notions, resistance to an authority that was absolute in the sense of not responsible to human agents was forbidden by the law of God.

Delegation of Power and Indivisibility of Sovereignty

Jean Bodin did maintain that sovereignty is indivisible, but it is quite impossible in his logic to retain this indivisibility in the exercise of power and so he succumbed to a limited delegation of certain functions which he, however, considers as not constituting essential characteristics of the sovereign. Such functions that can be delegated, however, must not include the making of laws but could only be those functions that have to do with the exercise of jurisdiction.

Absolutism and Tyrannism with Respect to Bodin’s “Sovereignty”

Bodin’s rejection of the mixed constitution ultimately led him to an absolutist interpretation of the French and other Western monarchies. He concluded that sovereign authority was absolute and indivisible. He reflected on the logic of undivided power, and he feared the volatility of imminent anarchy arising from challenges to royal authority in the renewed religious wars of the time. Although he offered a conservative reply to existing doctrines of resistance, he did not support arbitrary governance in the sense of tyranny. For him, although a proper king was absolute and enjoyed an indivisible sovereignty, prudence and decency required that he seek advice of the Estates and respect the judgments of the “Parliaments.”

4. The Strengths of Bodin’s Concept of Sovereignty

Natural Law-Bound Absolutism

The French Renaissance philosopher, Jean Bodin, was one of the first thinkers to defend absolutism^x without relying on religious arguments. He asserted that kings should not be under the power of the Holy Roman Empire,^{xi} which governed much of Europe from the 9th century until early in the 19th century. At the same time, Bodin recognizes the limits which spring from the same natural law guaranteeing the right of kings to rule over all of their subjects and their political institutions. In *Six Livres de la Republique*, he claimed that a state has “supreme power over citizens and subjects,” and he defined a state as a group of families governed by a “supreme and perpetual power.”

This notion that governments have broad powers over citizens became, as already noted, a central element in the theory of absolutism. Bodin limited this power, however, by arguing that rulers must be constrained by social customs and natural law. Later theorists of absolutism^{xii} accepted Bodin’s claim that governments had sweeping powers, but they rejected his claim that custom and natural law should limit those powers. The rejection of Bodin’s absolutism in contemporary societies led to the misconception of absolutism as a political system in which there is no legal, customary, or moral limit on the government’s power. In its distorted form, absolutism has become synonymous with political systems ruled by a single dictator, and even in seemingly democratic systems, this misconstrued version of absolutism grants sweeping powers to the legislature or executive.

Distorted forms of absolutism such as military dictatorships in Latin America, authoritarian communism in the Union of Soviet Socialist Republics (USSR) and Eastern Europe, and dictatorships in Africa

characterized most 20th-century absolutist regimes. Characteristically, these forms of absolutism depart from Jean Bodin's theory and share a few basic traits: centralization of power, close control of social groups, the absence of competing political parties, and the outward appearance of representation. These traits do not constitute the strengths of absolutism; rather, they weaken the very claims of Jean Bodin's theory of sovereignty in maintaining the political stability of the commonwealth.

Indivisibility of Sovereignty

For Jean Bodin, the idea of sovereignty is absolutist and he could not conceive of a sovereign power being shared between constituent authorities. In this instance, Bodin reaches the same conclusion that, a century later, Hobbes will accentuate. Perhaps Bodin's distinction between sovereign and citizen clarifies this point. Among citizens, "there may be, with respect to one another, an infinite variety of rights, privileges and immunities of individuals; but with respect to the sovereign, all stand in precisely the same relation, namely, subjection."^{xiii}

Unlimitedness of Sovereignty

In Bodin's idea of sovereignty, a sovereign who was accountable to someone else would not really be sovereign, so no one can have the right to impose limitations on the power of the sovereign or to resist them by force of arms. Though Bodin held that people have no right to rebel against the sovereign, he argued that we ought not to obey sovereigns if they command things that are contrary to the law of God or the law of nature. He however holds that if a sovereign commands us to break the rules, we would have to disobey him but meekly accept whatever punishment he inflicts on us or take refuge in flight. Bodin's insistence on the absolute power of the sovereign, who is answerable to no one, whether the papacy or any external power, served to salvage and restore the peace and nationhood of France, which was threatened by a series of religious civil wars. Though a state should tilt toward the welfare of its citizens, in Bodin's view, a state must first live for its citizens to live well; hence the unlimitedness of the sovereign's power. The time is ripe to consider a few weaknesses of Bodin's "sovereignty."

5. The Weaknesses (Flaws) of Bodin's Concept of Sovereignty

Bodin's Errors Concerning the Indivisibility of Sovereignty

A major flaw in Bodin's theory of sovereignty is his stance on the indivisibility of sovereignty. He believed that all the powers of the state had ultimately to be concentrated in a single individual or group. This, we repeat, was presented not only as a recommendation of political prudence but as the analytic condition of a coherent and coordinated legal system. For him, sovereignty was that of the ruler, who also reserves the sole right to legislate for the state; hence his definition of sovereignty as "supreme power over citizens and subjects, unrestrained by law." This concept of sovereignty implies that the king's right to legislate is perpetual, as distinguished from any grant of power that is limited to a specific period of time, but more strikingly, it is undelegated, as it is inalienable and not subject to prescription. Bodin's intent was to insist on a unified legal headship as the mark of a true state and so the indivisibility of sovereignty as the sole maker of laws has to be maintained in whichever form of government that retains that character of a "well-ordered state" within his theory. The major confusion here, however, derives from the possibility of applying Bodin's character of indivisibility of sovereignty in all forms of "well-ordered" government. It is obvious that whereas this indivisibility (undelegeteness) could pass for a monarchy as was the context of Bodin's time, it will certainly be unacceptable in a democracy as practiced in contemporary times.

Bodin's Failure to Recognize the Gains of Democratic Three-Tier System of Government as a Guard against Tyrannism

It must be noted that Bodin struggled to forestall seditions, factions, civil wars, and agitations against the ruler; hence his rigorous logic on the absolute sovereignty of the king. Even to the near admittance of the justifiability of tyrannism, since for him, the king is answerable to no other superior authority. Whereas Bodin identifies the forms of government as monarchy, aristocracy, and democracy, he least favoured democracy, even in a representative form. As the powers of sovereignty reside in one person, a selected group can only advise the king in whom alone resides the power to command. Bodin's theory would not admit of a shared power of governance as we champion today in most parts of the world. This is clear if one considers that a three-tier system of government (executive, legislative, and judiciary), as practiced in Nigeria, would jeopardize the major characteristics of Bodin's concept of sovereignty: unlimitedness and indivisibility. Bodin would readily sacrifice the need to forestall the ruler's excesses on the altar of sovereignty; hence, whatever gains a representative democracy may portend, it remains paramount for him

to insist that stability of government can be achieved only when sovereignty is concentrated in one man rather than distributed among many men.

6. Conclusion

From the above examination of sovereignty in the light of Jean Bodin, this paper has clearly exposed what Bodin meant by sovereignty in his *Les Six Livres de la République* (*Six Books of the Common Wealth*). Contextually, Bodin was reacting to the major political issues of his time. In fact, his “philosophy of sovereignty” aimed to reinforce the central authority of the French monarchy to quell the social, political, and religious crisis in 16th-century France. That is to say that Bodin’s construct is solution-oriented. Little wonder, the tension and inconsistency in the logic of his theory of sovereignty.^{xiv}

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Notes

ⁱ Jean Bodin published *Les Six Livres de la République* in 1576; and his own expanded Latin version (*De Republica Libri Sex*) appeared in 1586; and then the English translation by Richard Knolles, *The Six Bookes of a Commonweale*, appeared in 1606. A more contemporary translation by M. J. Tooley is published by Oxford Blackwell in 1955. In this paper, the citations from this work will rather be sourced from this more recent English edition, even when the earlier original editions are given.

ⁱⁱ V.D. Mahajan, *Political Theory*, 5th ed. (New Delhi: S. Chad & Company PVT. Ltd., 2013), 250.

ⁱⁱⁱ See Paul Lawrence Rose, “Bodin and the Bourbon Succession to the French Throne, 1583-1594” in *Sixteenth Century Journal*, vol. 9, no.2, *France in the Sixteenth Century*, (July 1978), 75-98; see also F. J. Baumgartner, *Radical Reactionaries: The Political Thought of the French Catholic League* (Geneva: Droz, 1976), 161ff.

^{iv} J. Bodin, *Les Six Livres de la République*, trans. M. J. Tooley. (New York: Basil Blackwell Oxford, 1955), 77.

^v S. Beaulac, “The Social Power of Bodin’s ‘Sovereignty’ and International Law”, *Melbourne Journal of International Law*, vol. 4, 2003, 11.

^{vi} See Germano Bellusi, “L’absolutisme politique et la tolerance religieuse dans l’oeuvre de Jean Bodin et de Thomas Hobbes” in *Actes du Colloque interdisciplinaire d’Angers*, 24-27 mai 1984, (43-47). Angers: Presses de l’Université d’Angers; see also Julian Franklin, *Jean Bodin and the Rise of Absolutist Theory*, (Cambridge: Cambridge University Press, 1973), 107.

^{vii} See Book 1, Chapter 1 of Jean Bodin’s *Les Six Livres de la République*, trans. M. J. Tooley, 47; where he defined the Commonwealth (the State) as the rightly ordered government of families, and those things which are their common concern, by a sovereign power.

^{viii} Bodin, *Les Six Livres de la République*, trans. M. J. Tooley, 26. Also see G.H. Sabine and T. L. Thorson. *A History of Political Theory*, 4th ed. (New Deihi: Rinehart and Winston inc., 1973), 378.

^{ix} Sabine and Thorson, *A History of Political Theory*, 380.

^x Philosophers of ancient Greece such as Aristotle, Plato, and Socrates wrote about forms of government similar to absolutism, but the concept of absolutism itself was not developed extensively until much later. The modern theory of absolutism developed in the 15th century, when many European countries created unified states. During this period, some political thinkers attempted to defend the divine right of kings with the assertion that kings and queens represent God’s authority and that they are not subject to the laws that govern ordinary people.

^{xi} Dramatic political changes occurred in Europe during the Renaissance. For many centuries after the collapse of the Western Roman Empire around 500, the only strong unifying force in Europe was the Roman Catholic Church.

^{xii} See D. Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, Stanford: Stanford University Press, 1995.

^{xiii} Wm. A. Dunning, “Jean Bodin on Sovereignty” *Political Science Quarterly*, vol. 11, no. 1 (March, 1896): 82-104, esp. 91.

^{xiv} T. Mautner, *The Penguin Dictionary of Philosophy*, (London: Penguin Books Ltd., 1999), 71.

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