

Study Material

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Module - 4

Topic - Jean Bodin's Theory of Sovereignty

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Book resources:

Understanding political theory : Concept, P. Kumar De & S.K. Sahu

JEAN BODIN

INTRODUCTION

Jean Bodin (1529/30-1596) was a lawyer, economist, natural philosopher, historian, and one of the major political theorists of the sixteenth century. There are two reasons why Bodin remains both fascinating and enigmatic: on the one hand, aspects of his life remain shrouded in legend; on the other, misunderstandings about his thought and political positions have engendered contradictions and discrepancies amongst historians which have been attributed mistakenly to Bodin himself. His most significant work, ***The Six Books of the Commonwealth*** (1576), represents the sum total of legal and political thought of the French Renaissance. His ***Method for the Easy Comprehension of History*** (1566) is at the pinnacle of early-modern European humanism. He wrote during the Reformation, against the background of religious and civil conflict, particularly the conflict in his native France between the (Calvinist) Huguenots and the state-supported Catholic Church. However, Bodin's primary contribution to political science of his day is his definition of sovereignty. It was Bodin's analyses of sovereignty that significantly influenced the development of political theory in Europe.

BODIN'S THEORY OF SOVEREIGNTY

As important as his methodological innovations were to the field of jurisprudence, Bodin's most memorable achievement was his account of sovereignty, developed in his most important work, the ***Six Books on the Commonwealth*** (1576). The aim of the work was ambitious: to provide a methodical account of the ends, structure, and policies of the state, and defend a conception of sovereignty as the absolute and indivisible power to enact laws binding on each and every subject of a realm, without such power being subject to any prior legal or institutional constraint. This thesis, while not completely unprecedented in its time, was nonetheless never as forcefully or systematically presented before Bodin.

Definition of Sovereignty:

Bodin was concerned with the problem of how to secure order and authority in a state. He believed that this could be achieved through recognizing the sovereignty of the state as the supreme power. The presence of sovereign power is taken by Bodin to be the mark which distinguishes the state from all other groupings. Accordingly, he began the development of his theory of sovereignty by defining citizenship as a subjection to a sovereign. Then he proceeds on to define what constitutes sovereignty. **Bodin's biggest contribution to sovereignty was that he was the first to define to the word.**

This sovereign power, according to Bodin, is a power unique and absolute; no limitations of time or competence could be placed on it, and it did not depend on the consent of its subjects. Bodin assumed that government was put into place by providence to ensure the well-being of humanity, and therefore commanded the people by divine right. He defined sovereignty as ***"Supreme power over citizens and subjects, unrestrained by law"***. Bodin's definition of sovereignty goes as such: ***"Majesty or sovereignty is the most high, absolute, and perpetual power over the citizens and subjects in a Commonwealth"***. Here, for Bodin a sovereign is ***"not bound"*** by the civil or positive laws which he or his predecessors had promulgated. Nevertheless a sovereign is always bound to natural and divine law.

Characteristics of Sovereignty

Bodin provided the description of the characteristics of sovereignty. According to Bodin, sovereignty is undelegated and perpetual. It is inalienable and not subject to prescription. Bodin recognises sovereign as the source of law; and once it is unrestrained, the law of the land is simply the command of the sovereign. Thus, Bodin elucidated sovereignty as a perpetual, unlimited and unconditional right to make, interpret and execute law. He stressed that the existence of such a right as essential for any well ordered state. Bodin also held that the sovereign has the power to declare war and conclude peace, to commission magistrates, to act as a court of last resort, to grant dispensation, to coin money and to tax. To elucidate further, the following constituted some of the major characteristics of sovereignty as conceived by Bodin:

1. **Sovereignty is Undelegated**: According to Bodin, sovereign power is undelegated. Since the essence of the state lies in its sovereignty, the delegation of sovereignty would lead to the destruction of the state itself.
2. **Sovereignty is Perpetual**: According to Bodin, another important feature of sovereignty is its perpetuality. Sovereignty exists so long as the state exists.
3. **Sovereignty is Inalienable**: Sovereignty, for Bodin, is inalienable. It is not subject to any prescription. Any alienation of sovereignty is tantamount to committing suicide by the state.
4. **Sovereignty is Unlimited**: The quality of unlimitedness of sovereignty means that the power of the state is unlimited. The sovereign state can make and act upon any foreign or domestic policy of its choice. By arguing that sovereignty is absolute and unlimited, Bodin rejects the claim of Pope to exercise authority over secular affairs and also rejects the claims of feudal lords to inalienable rights and immunities.

5. **Sovereign is the Source of Law**: According to Bodin, sovereign is the source of law, and therefore, sovereignty is unrestrained by law and hence cannot be subjected to limitations by those laws.

Bodin argued that every state and every form of government must have sovereignty. However, in different forms of government, the location of sovereignty may vary. For instance, in a monarchy, sovereign power resides with the king; but in democratic governments, sovereignty is vested in popular bodies. Jean Bodin's definition of the sovereign, as a ruler beyond human law and subject only to divine or natural law, established the characteristics of the divine right of kings.

Factors Limiting Sovereign Powers

Bodin also pointed out some factors that limited the sovereign power. According to Bodin, everyone, and therefore, the sovereign, is subject to the **Divine Law** and the **Laws of Nature**. This is one of the important factors limiting sovereign power. Secondly, private property also limits sovereign power. Sovereign, according to Bodin, has no power over private property. Private property, according to Bodin, is the right of family given by **Natural Law**.

Contradictions in Bodin's Theory of Sovereignty

Bodin, although developed a comprehensive theory of sovereignty, is not free from criticisms. Scholars have shown contradictions limiting his theory of sovereignty. Whereas Bodin at one point outlines absoluteness as one of the important characteristics of sovereignty, yet at some other points discusses natural law and private property as factors limiting sovereignty. Absoluteness and limitations cannot go simultaneously. This is an incongruity observed in Bodin's theory of sovereignty.

BODIN'S CONTRIBUTION TO THE HISTORY OF WESTERN POLITICAL THOUGHT OR ESTIMATE OF BODIN/PLACE OF BODIN

Bodin is one of the pioneers of the historical schools of jurisprudence. He has introduced a systematic historical and comparative method in the study of political philosophy. Bodin brought back political theory to the form and method from which it had gone far astray since Aristotle. Bodin was not an entirely consistent thinker, and some of his most famous theses about sovereignty were seen, even by his contemporaries and early critics, to rest on misconceptions about the form and exercise of political power. His more famous argument—that sovereignty was indivisible and absolute in principle—has not survived the historical achievements of the constitutional separation of powers and the inherently pluralist order of federalist states. Yet for centuries after Bodin, these phenomena were observed with some puzzlement,

and no pluralist theory of sovereignty could dispel the presumption that sovereignty was in its essence an absolute and undivided authority, and that any deviations from this norm, however successful in practice, could not be justified in principle. Some of Bodin's mistakes have an ideological source: they reflect his desire for an elegant theory that secured order and promoted good government to overcome the factional strife that was tearing France apart. Other inconsistencies speak more to Bodin's intellectual formation. He had been educated in the best of medieval and Renaissance traditions, and still structured his social world around the categories of pre-modern France, a world of corporations, guilds, estates, and chartered cities. Bodin is standing at the threshold of early modernity; it is only with Hobbes that the threshold is crossed.

Bodin occupies an important place in the history of western political thought. He belonged to the class of philosophers who desired the reconstruction of peace and order. He justified toleration in religion. He is regarded as a versatile genius. History, jurisprudence and politics were the fields in which he left his marks. He also wrote famous essays on money and public finances. According to **Murray**, *'he was a scholar who strove to be a thinker; a lawyer who was also interested in origin of legal rules in themselves; a man of the world who brought all the resources of the shrewd common sense to the investigation of political problems; a sociologist who neither dealt in names nor played with words'*. **Janet**, who is not highly impressed by Bodin's philosophy, says that Bodin was ambitious, but was unsuccessful in his attempts to improve upon Aristotle's works. **Bluntschli** praises Bodin for his philosophy. **Sabine** says, *"Compared with any other work of the second half of the sixteenth century it was broadly conceived and impressively executed"*. Bodin's political thought had practical importance. He gave priority to national unity over all other things and ideas. Though he was sympathetic to individual liberty and right, he was forced to sacrifice them for national unity as a response to the political crisis of France of his times. Bodin favoured monarchy and his theory of sovereignty influenced **Thomas Hobbes** convincingly because Hobbes too found that the political turmoil in England could be remedied by only absolute monarchy with undisputed sovereign authority. Both Bodin and Hobbes recommend strong administration to save society from plunging into anarchy.