

Jean Bodin (c. 1529-1596)

The humanist philosopher and jurist Jean Bodin was one of the most prominent political thinkers of the sixteenth century. His reputation is largely based on his account of sovereignty which he formulated in the *Six Books of the Commonwealth*. Bodin lived at a time of great upheaval, when France was ravaged by the wars of religion between the Catholics and the Huguenots. He was convinced that peace could be restored only if the sovereign prince was given absolute and indivisible power of the state. Bodin believed that different religions could coexist within the commonwealth. His tolerance in religious matters has often been emphasized. He was also one of the first men to have opposed slavery. Bodin was extremely scholarly, and his works discuss a wide variety of topics, extending from natural philosophy and religion to education, political economy, and historical methodology. Furthermore, he sought to reform the judicial system of France.

He was born in 1529. He joined the Carmelite brotherhood at an early age. He studied, and later, taught law at the University of Toulouse during the 1550s. Bodin's first major work, the *Method for the Easy Understanding of History* was published in 1566. His most famous work, the *Six Books of the Commonwealth* was published ten years later, in 1576. Bodin wrote two notable works toward the end of his life; his *Colloquium of the Seven about Secrets of the Sublime* is an engaging dialogue in favor of religious tolerance. Bodin's main contribution in the field of natural philosophy, the *Theater of Nature* was first published in 1596.

Doctrine of Sovereignty

Bodin's real contribution to political philosophy is his conception of sovereignty. For the first time Bodin tried to give systematic and tangible idea of what sovereignty was and under what limitations it should work. Sovereignty originally vested in the people who had an authority to exercise that but it had become customary for the people to delegate their authority to a single person, called sovereign. This sovereign is thus the highest authority in the state which governs both the individuals and other societies which exist in a state. It is the symbol of the legality of the state and as such above all other laws except those which it imposes upon itself of its own. He defined sovereignty as the supreme power over citizens and subjects unrestrained by the law. Sole object of giving such a definition was unity of purpose and integration of state authority.

According to Bodin sovereignty has certain characteristics. In the first place it is perpetual and not meant for any specific period. Sovereignty cannot be delegated and thus is inalienable. The sovereign is the source of law and as such sovereignty is unrestrained by law. By virtue of his legal authority the sovereign is competent to impose and collect taxes. The sovereign is the head of the state and as such the head of all corporate associations. Corporate bodies exist only at the will of the state. The sovereign is not bound by his advisers but advice rendered by them is simple request and that it was purely at the discretion of the sovereign either to accept that or not.

Bodin however did not plead that the sovereign authority was unlimited and unrestricted. The sovereign must obey the laws of God and nature. The sovereign must respect the institution of private property and must not confiscate that without valid reasons. The sovereign is bound by certain laws called the constitution of the state.

Definition of Law

Bodin writes there is a great difference between *law* and *right*. Law is the command of a sovereign prince, that makes use of his power, while right implies that which is equitable. A right connotes something with a normative content; law, on the other hand, has no moral content or normative implications. Bodin writes: We must presuppose that this word *Law*, without any other addition, signified *the right command of him or them, which have sovereign power above others, without exception of person. A law is the command of a Sovereign concerning all his subjects in general.*

On Law Of Nature

According to Bodin law of nature essentially distinguished between the right and wrong. Law of nature controlled affairs of the nation and as such even a sovereign need not venture to violate the law of nature. The law of nature alone differentiates state from other societies and raises the state to a superior status. He differed from Machiavelli when he said that state should upkeep the morality of the subjects through a code based on laws of nature.

Limitations upon the Authority of the Sovereign Prince

Although the sovereign prince is not bound by civil law—neither by the laws of his predecessors, nor by his own laws—he is not free to do as he pleases. Because all earthly princes have the obligation to follow the law of God and of nature. Absolute power is power to override ordinary law, but all earthly princes are subject to divine and natural laws, Bodin writes. To contravene the laws of God, “under the greatness of whom all monarchs of the world ought to bear the burden, and to bow their heads in all fear and reverence”, and nature mean treason and rebellion.

Difference between Form of State and Form of Government

Bodin holds that sovereignty cannot be divided – it must necessarily reside in one person or group of persons. Having shown that sovereignty is indivisible, Bodin moves on to refute the widely accepted political myth of the Renaissance that the Polybian model of a mixed state was the optimal form of state. Contrary to the opinions of Polybius, Aristotle, and Cicero, Bodin writes that there are only three types of state or commonwealth: monarchy, where sovereignty is vested with one person, aristocracy, where sovereignty is vested with a minority, and democracy, where sovereignty is vested in all of the people or a majority among them. Bodin’s denial of the possibility of dividing sovereignty directly results in the impossibility of a mixed state in the form that most Renaissance political theorists conceived it. It is with the

help of historical and modern examples, most notably of Rome and Venice, that Bodin shows that the states that were generally believed to possess a mixed regime were not really so.

Even though Bodin refuses the idea that there be more than three types of commonwealth, he is willing to accept that there is a variety of governments – that is, different ways to govern the state. The way that the state is governed in no way alters its form nor its structure. Discussion concerning the difference between the form of state and government is found in his work (Book Two). Bodin remarks that despite the importance of the question, no one before him has ever addressed it. All monarchies, aristocracies and popular states are either tyrannical, despotic, or legitimate (*i.e.* royal). These are not different species of commonwealth, Bodin observes, but diverse ways of governing the state. Tyrannical monarchy is one in which the sovereign ruler violates the laws of God, oppresses his subjects and treats their private property as his own. Bodin holds that there is nothing unfitting in a prince who has defeated his enemies in a just war, and who governs them under the laws of war and the law of nations. Royal or legitimate monarchy is one in which the subjects obey the laws of the sovereign prince, and the prince in his turn obeys the laws of God and of nature; natural liberty and the right to private property are secured to all citizens.

On Revolution

Bodin was very clear that the society was always undergoing constant changes. A revolution could take place either slowly or violently but in all circumstances it was bound to change not only laws and religion but also location of the sovereignty. There is no revolution in technical sense, if the sovereignty remain unchanged. If the sovereignty has changed its location there is real revolution no matter the laws remain intact or not. The revolution can come by human, natural or divine reasons. The human reasons which can be inducive for promoting revolution are unlimited freedom of expression, non-censorship of news and injudicious right to wear arms. He believed that physical environments have great influence on the retardation or acceleration of revolutions. The social problems, more particularly of confiscation of property and religious intolerance are the general cause of revolution. He believed in the equality of wealth and its distribution to the extent possible. According to Bodin religion inculcate a spirit of obedience, and respect for laws and as such it should be treated with respect. There should be no religious intolerance and the sovereign should not use force for conversion of religion.