

**JEAN BODIN'S THEORY OF SOVEREIGNTY: AN ANALYSIS OF ITS
ELEMENTS, CAUSES AND EFFECTS**

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Abstract: The aim of a happy and secure life in a community has led mankind to think about sovereignty and questions based on sovereignty since the day it has existed. In the pre-modern period, political structures based on sovereignty existed, but sovereignty in its present sense emerged with the birth of the modern state. The name that brought sovereignty to the field of political science is Jean Bodin. Bodin led to the development and influence of the concept of sovereignty both in theory and practice. He is regarded as the "father" of the theory of sovereignty as he paved the way for many thinkers who came after him. With today's developments, it is predicted that the concept of sovereignty will occupy the political science literature today and tomorrow. In order to understand and follow the development, erosion and transformation that will be experienced on the theory of sovereignty, it is necessary to know and understand Bodin's theory of sovereignty. Accordingly, this study aims to analyse Bodin's understanding of sovereignty in depth.

Keywords: Sovereign, Sovereignty, Sovereignty Theory, Jean Bodin

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JEAN BODİN'İN EGEMENLİK TEORİSİ: ELEMENTLERİ, SEBEPLERİ VE SONUÇLARINA YÖNELİK BİR ANALİZ

Öz: *Toplum içerisinde mutlu ve güvenli bir yaşam gayesi güden insanoğlu, siyasal düzenin temelinde yer alan temel kavramlardan biri olan egemenlik ve egemenliğe dayalı sorular sorgulamıştır. Modern öncesi dönemde egemenliğe dayalı siyasal yapılar var olmuştur ancak çağdaş anlamda egemenlik, modern devletin doğuşuyla ortaya çıkmıştır. Egemenlik kavramını sarıh olarak siyaset bilimi literatürüne kazandıran isim Jean Bodin'dir. Bodin düşünceleriyle egemenlik kavramının gerek teoride gerekse pratikte gelişmesine ve etki uyandırmasına yol açmıştır. Kendinden sonra gelen birçok düşünürde de zemin hazırlaması sebebiyle egemenlik teorisinin "babası" olarak kabul edilmektedir. Günümüzde yaşanan gelişmelerle egemenlik kavramının bugün ve yarın siyaset bilimi literatürünü meşgul edeceği öngörülmektedir. Egemenlik teorisi üzerinde yaşanacak olan gelişme, aşınım ve dönüşümü anlayabilmek ve takip edebilmek Bodin'in egemenlik teorisini bilmeyi ve anlamayı gerekli kılmaktadır. Bu doğrultuda, çalışmada Bodin'in öngördüğü egemenlik anlayışının derinlemesine analiz edilmesi amaçlanmıştır.*

Anahtar Kelimeler: *Egemen, Egemenlik, Egemenlik Teorisi, Jean Bodin*

INTRODUCTION

Humanity has always felt the need to live in a community and has endeavoured to ensure the happiness and security of this community. This endeavour has led many thinkers to think about the question of how sovereignty should be in an ideal state and to write and draw on it. However, it was Jean Bodin who introduced the concept of sovereignty to modern political theory. Bodin, who differed from all the thinkers who came before him by claiming that sovereignty is inherent to the state, based the existence of sovereignty on the principles of "absolute, permanent and indivisible". The secular perspective he brought to sovereignty has been a source of inspiration for many thinkers who came after him.

This study aims to analyse Jean Bodin's theory of sovereignty in the context of definition, elements, criticisms and events. At the end of the analysis, it will be tried to determine whether this first conceptualisation of sovereignty is still

valid today. For this reason, after analysing the conceptual framework and historical development of sovereignty in the first stage of the study, Bodin's understanding of state and sovereignty will be analysed conceptually and critically to reach the conclusion. In the conclusion, it is expected to reach whether the theory is still valid or not.

There are studies on the development of sovereignty theory in the literature. Considering that today's sovereignty conflicts have reached beyond the world, it is important to analyse the concept in depth in all its dimensions. Considering that theories of sovereignty are still shaped and criticised on the basis of Bodin's conceptualisation, it can be said that this study is important in terms of being prepared for new perspectives that will emerge in the context of sovereignty.

In addition to the literature study, textual analysis, critical and historical analysis methods were used in the study and primary and secondary sources were used.

I. THE CONCEPT OF SOVEREIGNTY: DEFINITIONS AND HISTORICAL DEVELOPMENT

The concept of "sovereignty", which means "*absolute and unlimited power*", derives from the French word "souverainete". In Latin, the concept is also translated by the word "*superanus*" (the highest) (Hakyemez, 2004: 52; Koçak, 2006: 66).

The Merriam-Webster Law Dictionary defines sovereignty as "*supreme power, especially over a political structure; independence from external control; autonomy*" (Dictionary M. W.); *The Cambridge Dictionary* defines the same term as "*the power of a country to control its own government*" (Dictionary C.).

Sovereignty basically means "*absolute and unlimited power*", but the differences in the definition of the concept are striking. The differences are undoubtedly due to the fact that the concept of sovereignty has internal and external dimensions. It is unclear what constitutes absolute power; sovereignty may be based on "*superior legal authority*" or it may refer to "*indisputable political power*". This debate on the concept stems from the distinction between '*legal sovereignty*' and '*political sovereignty*' made by the nineteenth-century constitutional theorist A.V. Dicey ([1885] 1939). Internal sovereignty *refers to "the distribution of power within the state and raises questions about the need for supreme power and its position within the political system"*. External sovereignty discusses "*the role of the state within the international order and*

whether it can act as an independent and autonomous actor" (Heywood, 2004: 90).

However, the concept of sovereignty can be expressed in various ways since it is a concept discussed in fields such as political philosophy, classical political science, public law and private law. For example, according to *Robert Derathé* (1905-1992), in the legal language of the eighteenth century, the concepts of public power, empire, sovereign authority and sovereignty were synonyms (Beaud, 2003, s. 271). Sovereignty as a systematised concept means "supreme power" derived from the word "superanus" (Kapani, 2002, s. 56).

The concept of sovereignty is an artefact of a process spanning hundreds of years of political developments. Sovereignty was not considered as a concept before the modern period. *Plato* (427 BC- 347 BC) considered sovereignty as "*ensuring justice*" under the authority of the philosopher king; *Aristotle* (384 BC- 322 BC) considered it as "division of *labour*" with the idea of "*superior power of the state*" (Hakyemez, 2004: 20). In ancient Greece, there is no concept of sovereignty, and in Rome, the word "*imperium*", which means sovereignty, does not correspond to the concept of sovereignty since it means "*the power of the king of divine origin*" (Aybudak, 2017: 233).

Sovereignty was not a recognised concept until the establishment of modern states in the 16th century. The historical origins of sovereignty can be traced back to the struggles between the Kingdom of France and the aristocratic lords, the papacy (the Church) and its political structure, the Roman Germanic Empire, from the end of the Middle Ages until the early modern period. Sovereignty is the political supremacy gained by the King of France over those on the other side of the struggle, and the independence gained over other actors, both internally and externally (Kapani, 2002: 56).

However, even before the establishment of modern states, there have existed powers with superior commanding power. "*autocritas*", which is the principle of power, and "*potestas*", which symbolises the use of power, are the two basic elements that constitute sovereignty. Before the modern period, the understanding that power comes from a divine source is the most important feature of the political structure of the period. For this reason, political struggles in the classical period are related to who will exercise sovereignty (*potestas*) (Kaya, 2022: 220). Therefore, in the Middle Ages, the political struggle was about who belonged to sovereignty between the church and the secular power. The theory of sovereignty developed within the framework of these debates.

However, over time, debates have emerged about the source of sovereignty, i.e. autocrity. Jesus Christ (4 BC - 30/33 AD) was not interested in worldly power and favoured a politically passive attitude on the part of Christianity (Çetin & Görüşük, 2016: 226). *St Paul*, who was to live a hundred years after Jesus, contradicts Jesus' position with the statement "*All power comes from God*" (Omnis potestas a Deo) (Uygun, 2019: 152). Accordingly, Paul argued that the source of all political power is divine, and therefore it is obligatory to obey it, regardless of one's beliefs (Çetin & Görüşük, 2016: 226-228). The main purpose of Paul's defence of this understanding, which led to a struggle between earthly power and divine power that would last until the modern period and changed Christian political thought, was to prevent Christians from being perceived as a threat by the Roman empire (Ağaoğulları, 2015: 215-216).

Thus, Christianity has gained the characteristic of being an element influencing the political sphere (Mairet, 2013: 215-230). This concept, called theocratic sovereignty, formed the basis of political structures not only in early Christianity but also in Islam, the ancient Turks, ancient Egypt and China (Kaya, 2022: 221).

The choice of Christianity as the official religion of the Roman Empire in 378 AD initiated a struggle between the church and the empire over who would exercise sovereignty (Tenenbaum et al., 2005: 108). By the 4th century, the Western Roman Empire had collapsed and the Eastern Roman Emperor claimed that both the worldly and the church were subject to him. These developments led Pope Gelasius I to put forward the "*Theory of the Two Swords*". One of the swords symbolises religious and the other secular power, and the source of all power comes from a divine source. For this reason, the Church, the owner of both swords, gave one to the kings to rule the earthly power. Since the Church is God's representative on earth, the source of the king's power is the Church (Tenenbaum et al., 2005: 122). In line with this understanding, the church gained great power in the Middle Ages.

John of Salisbury (1120-1180) argued that the king would become a tyrant as a result of his ungodly judgements and that it would be legitimate to kill him; in the case of the tyranny of the church, he institutionalised the power of the church by claiming that the church should not be reacted to (Ağaoğulları., 2015: 250). *St Augustine* (354-430), on the other hand, argued that the state was a necessity, but that people needed the Church to purify them from evil, and placed the Church above worldly power (Ağaoğulları, 2015: 220). According to Augustine, sovereignty is "*a power of government that aims to reflect the divine will*" (Augustine, 2003).

As can be seen, in the absence of political power in the modern sense, in other words, the state, God and the Papacy were recognised as the supreme authority over princes and kings. In this case, we can say that authority was divided between spiritual and temporal sources of authority, and the concept of sovereignty was commonly used as "*summa potestas*", meaning "*the highest power of the state*", or "*plenitudo potestatis*", meaning the supreme authority of the state (Hakyemez, 2004: 20).

By the 13th century, the kings, who had become stronger militarily and politically, were able to gain power over the church and even tax the clergy. The struggle between temporal and spiritual power turned in favour of the emperors, which led to the institutionalisation of new understandings that limited the church. For example, *Dante Alighieri* (1265-1321) and *Marsilius of Padua* (1275-1343) were prominent figures in this regard. In his work "On the State of the World", in which he rejects the Two Swords Theory, Dante refutes the church's claim to power, arguing that "*the church falls under the jurisdiction of the Roman Empire*" and that "worldly power derives its legitimacy directly from God". Similar to Dante, Marsilius rejects the Two Swords Theory (Tenenbaum vd., 2005: 139-142). According to Marsilius, "the church has no authority to appoint the monarch", on the contrary, "the monarch derives his legitimacy from the people". Shaping the social order around justice, Marsilius associated the source of justice with the law by removing the religious dimension and argued that the basis of the law was the people (Çelik & Kara, 2018: 337). Thus, the foundations of the issues discussed in the modern period, such as the relationship between power and people, and the limits of spiritual and secular power, were laid in this period.

As can be seen, pre-modern theories of sovereignty have generally developed in line with the "*theocratic understanding of sovereignty*". The theocratic theories of sovereignty can be analysed under the headings of "*Doctrine of Supernatural Divine Law*" and "*Doctrine of Providential Divine Law*". The Doctrine of Supernatural Law argues that "God has chosen representatives to exercise His sovereignty in the world and that these representatives are responsible only to God". For this reason, the person who will exercise power is chosen by God (Gözler, 2013: 116). The underlying aim of this doctrine was to legitimise the king and his dynasty and to reduce the influence of the pope on the kingdom.

The doctrine of Providential Divine Law, on the other hand, argues that "*sovereignty comes from God, but those who are authorised to exercise this sovereignty are not chosen by God*". The rulers are chosen by society through God's will (Gözler, 2013; Kabaoğlu, 2011: 82). This understanding, which

focuses on the source of sovereignty, namely *autocritas*, legitimises the removal of rulers who do not respond to the wishes and needs of the people. This understanding was realised by *Thomas of Aquino*, who lived in the 13th century, in his statement "*All power comes from God through the people*" (*Omnis potestas a Deo per populum*). The society that chooses power in the name of God also has the right to choose the form of government (Çelik & Kara, 2018: 221).

The dual power of the Middle Ages, consisting of the pope and the empire, came to an end with the emergence of kings as a single, absolute and indivisible power. The weakening of feudalism in the fifteenth and sixteenth centuries weakened supranational institutions such as the Catholic Church and the Holy Roman Empire, leading to the emergence of centralised monarchies. The *Tudors* in England, the *Bourbons* in France and the *Habsburgs* in Spain are important examples of centralising monarchies (Heywood, 2004: 90). At this stage, "*rational and natural resources*" began to replace the religious, mythological and traditional laws of legitimacy of the past. The concept of sovereignty, which existed in the Middle Ages as "*the privilege of different powers to impose their superiority on others*", gained the meaning of "*the supreme among powers*" when this privilege passed to monarchies as a result of long conflicts (Heywood, 2004: 90).

These changes shaped Machiavelli's ideas on the concept of sovereignty. He clearly revealed his views on sovereignty in his work *II Principe*² and determined the general boundaries of the theory of sovereignty, but did not name it as sovereignty. According to Machiavelli, who abstracted the field of politics from religion and metaphysics, the source of power is not religion. Power is the owner of legitimacy, which he defines as a result of the establishment and implementation of politics since its foundation. Political power must belong to a single sovereign authority, in other words, the sovereign, in unity and integrity. Machiavelli's theory of sovereignty is integrated with the king rather than the state (Mairet, 2013: 232). In his views on sovereignty, "*power, power and management strategies*" have an important place. Because Machiavelli rejected the power of the church and the papacy that fragmented sovereignty and defended the existence of a "*whole, absolute and unlimited*" power. Sovereignty is a tool for the political power to establish the society unilaterally and to impose the will of the sovereign on the society. For this reason, everything that ensures the unity and integrity of the political power

² Its original name is "De Principatibus" and was written in 1513. However, it was not published until 1532, five years after Machiavelli's death.

must be accepted as legitimate. Whether through fear and violence or persuasion, the important thing is to ensure the obedience of the society. Machiavelli considers it legitimate for the ruler to ignore moral values and freedoms in order to retain such power. According to Machiavelli, all power belongs to the sovereign without any distinction of powers that would fragment sovereignty, and the origin of this sovereignty is the concept of "*common good*". The sovereign is the sole guide of the people and the guarantor of the unity and integrity of power (Machiavelli, 2021).

Hobbes, on the other hand, in *Leviathan* (1651)³ defines the concept of sovereignty as "*the power of the sovereign to use the sum of individual powers according to his own will*" (Türköne, 2003: 61). His conception of sovereignty is a fundamental reference for understanding the nature of the state and social order and is directly linked to his theory of the social contract. According to Hobbes, sovereignty is the result of the "social contract". In order to put an end to the natural state of affairs and to ensure stability and order in society, people come together to form the state and give up their individual freedoms and authorise a sovereign authority. This person is sovereign, and everyone else is his subject. According to Hobbes, the most fundamental characteristics of sovereignty are that it is "*absolute*", "*one*", "*continuous*" and "*indivisible*". The sovereign authority must possess all the power, authority and powers necessary to ensure social order and these powers cannot be divided in any way. This power of the sovereign is used to regulate society and to defend it against any internal or external threat. The legitimacy of political power is based on "ensuring the security of the people". The sovereign is bound to this task by natural law and is accountable only to the creator of natural law, God.

Machiavelli and Hobbes brought a classical perspective to the understanding of sovereignty. The most fundamental characteristic of the classical understanding of sovereignty is to "*perceive society as a whole and to define this unity as an abstract will*". Sovereignty is a reflection of this abstract will and the responsibility of representing the will is reduced to *a single person*. The legitimacy of the political will is left to the arbitrary will of the sovereign. The biggest difference of classical sovereignty from contemporary theories of sovereignty is that it lacks the principle of "*limiting political power*". (Türköne, 2003: 62). While the concept was described with words such as "unlimited" and "absolute", etc., today it has a "*limited*" capacity. Since the 1789 French

³ London: printed [by Thomas Warren and Richard Cotes] for Andrew Crooke, at the Green Dragon in St. Pauls Church-yard, 1651. First Edition, First Issue.

Revolution, sovereignty has also been used as "*popular sovereignty*" or "*national sovereignty*" (Kaya, 2022: 216).

Jean Bodin is the name who presented sovereignty from a classical perspective like Machiavelli and Hobbes and introduced the concept to the political science literature. Bodin shares his ideas on sovereignty in his work "On Sovereignty: Six Books of Commonwealth"⁴.

II. JEAN BODIN'S GENERAL UNDERSTANDING OF POLITICS AND STATE

The strengthening of the monarchies and establishing supremacy over the church; weakening the double-headed structure that prevents the political power from being single, indivisible and absolute is considered as the beginning of the modern understanding of sovereignty (Türküne, 2003: 40). Sovereignty has acquired its current meaning under the influence of various processes over the centuries. Many modern political theorists such as Machiavelli, Bodin, Hobbes, Rousseau and Locke have made important contributions to the conceptualisation of sovereignty (Beriş H. , 2006: 17-18). *Machiavelli* was the first to use the concepts of sovereignty and the state (stato) as "*the highest of powers*" at the factual level. However, Machiavelli emphasised the seizure and maintenance of power and did not question the source of the state and sovereignty (Arslanel & Eryücel, 2011: 5). Bodin, on the other hand, started his studies by investigating the origins of the state and conceptualised the sovereignty element introduced by Machiavelli and used the theory of sovereignty for the first time in the political field and was considered the "father" of the theory of sovereignty (Kapani, 2002).

Bodin discusses ideas on the state and sovereignty extensively in *Les Six Livres de la République*. Bodin's main reason for writing this work was to criticise Machiavelli's immoral approach, which placed irreligion and injustice at the foundation of states. According to Bodin, his contemporaries were far from the moral principles and the concept of justice that politics should have, and Machiavelli "*encouraged the Princes to commit all kinds of injustice in order to preserve their power*", fuelling social crises and placing irreligion and injustice at the foundation of the state (Saygılı, 2014: 187). The way to solve this problem is to adapt the existing order to politics. In other words, the moral dimension of politics should be increased by establishing "*an order in which citizens obey the ruler in accordance with a hierarchical structure, rulers are*

⁴ The work was written by Jean Bodin in 1576 under the title *Les Six Livres de la République*.

loyal to the prince, and the prince rules in accordance with the laws of God" (Şamlı, 2020: 455).

Bodin defines the state as "*the government of many families and their common things by the sovereign power in accordance with the law (justly)*". Accordingly, the basic elements of government are "*family, common things (publicness) and justice*". The state is an organisation where the people come together and social order is maintained under a sovereign authority. (Bodin, 1992: 89). Bodin identified paternal authority in the family with sovereign authority in the state (Ağaoğulları & Köker, 2004: 20-21). The family, which has the right to private property and unites under the authority of the father, is the first unit that constitutes the state. The king's sovereignty and authority are as absolute as the father's right to rule (Ağaoğulları & Köker, 2004: 20-21). Accordingly, it can be stated that power relations in the state derive from power relations in the family. Just as *the pater familias* has the right to make decisions over the lives of family members "derived from divine and natural laws", the king has the same right over his citizens (Saygılı, 2014).

The fact that the state is the rule of families means that when each *pater familias* steps out of the house he rules, "he is *deprived of the titles of master, president, senator, and takes the name of citizen and enters the jurisdiction of the sovereign*". Thus, all citizens are in an equal position vis-à-vis the sovereign, but citizens are not socially equal among themselves. For example, within society there are clergy, nobles, commoners and even unfree slaves. However, a nobleman and a commoner must obey the sovereign absolutely. In the face of obedient citizens, the sovereign must fulfil the citizens' needs for justice, help and protection. More precisely, *what makes a person a citizen is, on the one hand, the free subject's recognition of and obedience to the sovereign prince, and on the other hand, the prince's protection, justice and defence for the subject.*" (Şamlı, 2020: 456).

The third element of the definition of the state is "*common things*", in other words, publicness, which corresponds to the term *res publique*. Bodin claims that in the absence of some common or public things, the state cannot exist. However, the principle of commonness advocated by Bodin is quite contrary to the understanding of *commonness* proposed by Plato. By stating that the existence of private things is necessary for the existence of public things, Bodin excludes the state and private or personal things that are peculiar to families, especially property, from the sphere of interest of the sovereign power (Ağaoğulları, 2015). This understanding put forward by Bodin is considered as

the first fire lit for the "*separation of state and civil society*", which is the basic element of the state theory of the bourgeoisie (Şamlı, 2020: 457).

Unlike Machiavelli, Bodin's understanding of politics is not based on actions and facts (*de facto*) but on the sphere of law (*de jure*), which emphasises legitimacy. This distinction reflects the distinction between authority and power. *De jure sovereignty* reflects the understanding of legal sovereignty. This understanding is based on the belief that the ultimate and final authority lies in the laws of the state. Therefore, *de jure sovereignty* is the supreme power defined in terms of legal authority. In other words, it is based on the right to demand obedience from someone, as defined by law. In contrast, *de facto* sovereignty is in no way based on a claim of legal authority, but is concerned only with the *de facto* distribution of power. Political sovereignty implies the existence of a superior political power capable of commanding obedience because it holds coercive power (Heywood, 2004: 92).

Bodin opposed the divinity of the state by linking the origin of the state to power and violence. However, it should not be thought that the origin in question here includes tyranny and banditry. Because the purpose of the state is essentially to make people happy by ensuring social order and justice. (Saygılı, 2014: 189). Bodin's defence that "*the sovereign must dispense justice without the consent of his subjects if necessary*" shows the importance he attached to the principle of justice (Hardt & Negri, 2023). The state is therefore authoritarian but not totalitarian.

III. JEAN BODIN'S THEORY OF SOVEREIGNTY

In line with the information above, it can be said that Bodin's understanding of the state shaped the understanding of sovereignty in modern political thought by adding many dimensions to the concept of sovereignty. Bodin, who distinguished the state from other forms of society and argued that sovereignty, which is the basic element of the state, is inherent in political society, achieved what no political scientist before him could do. For Bodin, who shaped modern political thought by conceptualising sovereignty, it is not possible to talk about the existence of the state where there is no sovereignty (Şamlı, 2020).

Bodin defines sovereignty in a state in the broadest sense as "*the highest, absolute and most permanent power over citizens and subjects*". According to this definition, sovereignty is shaped around three elements: "*absolute, permanent and indivisible*" (Bodin, 1992).

Absoluteness: The absoluteness of sovereignty from Bodin's perspective means that it cannot be limited. Sovereign power cannot be limited by custom, law or any other institution. (Uygun, 2019: 189). In other words, "*the will of the sovereign is superior to justice*" and "*the sovereign makes laws independently*", but even the laws he makes do not limit sovereignty (Sabine, 1969: 82). This expression can also be interpreted as "*it is unthinkable that the sovereign should be deprived of sovereign power*". (Çetin H. , 2002). A law is only what the sovereign commands, independent of the law; laws reflect the sovereign's command (Sabine, 1969: 82). Laws are capable of changing tradition, but tradition cannot change laws. (Koç, 2019: 338). Deciding on war and peace, imposing taxes, printing money, appointing administrators, issuing amnesties, acting as the highest judicial body are all under the sovereign's authority. (Sabine, 1969: 82). Sovereignty is absolute not only because it is above all others as an absolute and supreme power, but also because it is unconditional and free from responsibility (Raynaud, 2003: 44).

The principle of absoluteness stipulates that sovereignty should not be limited by any power. Although the sovereign is not obliged to consult anyone in its decisions, the source of other power centres is the sovereign. While Bodin defines *law* as the command of the sovereign, *law* means justice and equity. This understanding separates law and law and places law above law (Saygılı, 2014: 190).

However, from Bodin's perspective, the principle of absolutism does not mean that the sovereign is unlimited. These limits that prevent the king from turning into a tyrant are called "*Leges imperii*". The first of these are "divine and natural" laws; the sovereign is obliged to obey these laws no matter what (Kaya, 2022: 225). In this case, Bodin's political power is earthly; its source is not divine, but he must answer to God for his mistakes (there is no legal sanction). This limitation constitutes its source of legitimacy. Bodin, unlike Machiavelli, removed the state from the divine sphere and based his theory to a certain extent on a secular understanding. Accordingly, Bodin prevented the emergence of a tyrannical monarchy and seriously weakened the doctrine of divine rights of kings (Tunçay, 2009: 178). Bodin's portrait of sovereignty designed the structure of the French monarchy by ending the claims of supremacy of power centres such as religious powers and the Roman Germanic Empire. (Göze, 2009: 134).

The second limitation is *the "right to property"*. The sovereign cannot usurp the private property rights of families, and the consent of taxpayers must be obtained for taxation, which is seen as an interference with the right to private

property. However, the promises made by the sovereign have a limiting effect on the sovereign. The sovereign must honour and abide by its agreements with its subjects and other countries (Kaya, 2022: 225).

The principle of absolutism, which is one of the building blocks of Bodin's theory of sovereignty, faces various criticisms because it does not coincide with the principle of "*rule of law*" in modern states. The sovereignty of modern states is based on the rule of law: families, clubs, trade unions, etc. may make rules that confer authority, but these rules are limited by law (Heywood, 2004: 92). However, with the process of constitutionalism, states go beyond being a rule of law and limit their sovereignty through international law. Especially after World War II, the "absolute" character of sovereignty started to disappear. The need to protect human rights and global security led to the emergence of a mechanism such as the United Nations, which limits the sovereignty of states. States have voluntarily limited their sovereignty by signing supranational (regional or universal) treaties (Beriş, 2006).

The removal of Serbian forces from Kosovo in 1999 and the overthrow of the Taliban regime in Afghanistan in 2001 demonstrate that humanitarian intervention and a commitment to human rights go far beyond the "absoluteness" of sovereignty (Heywood, 2004: 96).

He is among those who criticise the absolute role of sovereignty in this respect. According to him, the existence of an absolute and unlimited power is completely contrary to today's understanding of the rule of law. The concept of "*limited power*", which is a result of the rule of law, is an indication that the concept of absolute sovereignty cannot be valid today (Kapani, 2002: 63-66).

In her work "*On Revolution*", Hannah Arendt, in addition to a holistic criticism of the concept of sovereignty, examines the "*absoluteness*" dimension of sovereignty. Sovereignty has been defined as "*absolute*" from the first moment it was conceptualised. This means that the sovereign cannot be limited by any norm other than its own will. Therefore, the notion of sovereignty creates a "*spiral of absoluteness*"; an absolute power is born from an absolute beginning. Thus, politics rises above this absolute power. In the context of public freedom, action cannot survive in the shadow of such an absolute power that has the quality of "*commanding*" and "*commanding*". For its existence contradicts "*the argumentative and persuasive nature of the political relationship between plural equals*". The representation of sovereign power within a person or authority does not eliminate this problem and continues to threaten the possibility of politics. This is because, on the one hand, absolutism eliminates

the "openness" and "contingency" required by politics due to its "imperious nature"; on the other hand, the existence of an absolute power is opposed to politics due to its potential for "instability" as a will that can override the laws and institutions that observe the rules of political life at any time. Therefore, the "absoluteness" of sovereignty defended by Bodin is recognised by Arendt as "a threat to the existence of politics" (Türk, 2018: 195-196).

However, it is a matter of debate whether the concept of "sovereign state" is still valid in the globalised world. Especially after 1945, in the period called the Cold War, the world was ruled by the USA and the Soviet Union, which were characterised as "superpowers". The existence of two superpowers led both to reject each other's sovereignty. After the collapse of the Soviet Union, it is not a correct approach to talk about the existence of a world dominated by the United States. The difficulties faced by the US in many areas, such as combating terrorist attacks and controlling nuclear-armed states, draw attention to the limitations of the US on a global scale (Heywood, 2004: 97).

Continuity: According to Bodin, one of the fundamental characteristics of sovereignty is that it is a "permanent power". Bodin criticises his predecessors for not being able to distinguish between sovereignty and ruler. Sovereign and ruler are different things. For Bodin, the ruler, who is a temporarily appointed official, is temporary (*potestas*). (Çelik & Kara, 2018). Sovereignty is an institution rather than a personality and power that is limited in duration cannot be called sovereignty (Kaya, 2022: 225). For example, the "temporary power of command" vested in regents, commissars and other state officials is not sovereign power because the sovereign "recognises no limitations in time". Regardless of the regime of the republic, sovereignty remains the same beyond any temporal limitations (Raynaud, 2003: 144). Sovereignty is a permanent authority (*auctoritas*). This means that the sovereign transfers sovereignty after exercising it for life. Although kings are temporary in body, the public personality represented by kings is permanent (Beriş, 2006: 362-363). For example, in France, the concept of "the king is dead, long live the new king" is a good example to express the continuity of sovereignty (Saygılı, 2014: 190).

Thanks to this distinction made by Bodin between sovereign and sovereignty, state power becomes independent of the person or persons who exercise it and the state becomes a conceivable phenomenon (Şamlı, 2020: 457). The element of "continuity" is considered to be Bodin's most important contribution to the modern theory of the state as it shows that the state is not limited in time and is continuous (Saygılı, 2014: 190). With the principle of continuity of sovereignty, the centuries-old understanding of state power has come to an end.

However, when the events of the recent past are analysed, it is doubtful that the principle of "*continuity*" of sovereignty remains valid. Although forms of political sovereignty based on manipulation and coercion were once established, such as Nazi Germany, Stalinist Russia or Pol Pot's Cambodia, none of them have survived to the present day (Heywood, 2004).

Indivisibility Another building block of Bodin's theory of sovereignty is that it is "*indivisible*". He sought the cause of the turmoil and anarchy in the society in the understanding and practices of divided sovereignty. A fragmented sovereignty would lead the society to civil wars and conflicts. (Raynaud, 2003: 144). For this reason, sovereign rights cannot be transferred. The only thing that limits the sovereign is sovereignty. (Ağaoğulları & Köker, 2004: 31-33). One cannot speak of sovereignty where there is partition, and one cannot speak of a state where there is no sovereignty.

Although sovereignty, which is characterised as indivisible and inalienable, is inherent in the state, it must acquire a concrete form in *a person* (or persons) at the level of *potestas* (Şamlı, 2020: 457). The absolute and permanent nature of sovereignty requires the sovereign to be "*one*" as well as the sovereign to be "*one*". (Saygılı, 2014: 191). It is not contrary to the principle of indivisibility whether sovereignty resides in one person (such as *a king*) or in a minority (such as *a parliament*) or in the people as a whole (such as *a king* or *a parliament*) (Şamlı, 2020: 457).

Bodin recognises the existence of three types of state depending on who or over whom sovereignty is embodied (Bodin, Book II, Chapter I, 1992: 89-90). If sovereignty

- If it is in the hands of a single person; the form of state is *monarchy*,
- If it belongs to the people as a whole, it is a *people's state* or *democracy*,
- If it is in the hands of a minority; *it is aristocracy*.

However, Bodin's preference among these three forms of state is monarchy, and he explains his preference in this direction as follows:

"First of all, monarchy is the government that best suits the natural order. In the family, which is the model of the state, there is one chief... One sun in the sky... One god in the universe... One person sovereignty in ancient civilisations... For example, in Assyrians, Persians, Egyptians, Macedonians... Then, in the theoretical plan, the sovereignty of only one person is compatible with its indivisibility and absolute nature" (Bodin, Book I, Chapter 8, 1992: 42).

From Bodin's perspective, sovereignty is best embodied in the person of the king or prince (Hardt & Negri, 2023). Bodin expresses the main reason for this preference with the following words quoted from Cicero: "the *tyranny of a prince is harmful, the tyranny of a few is more harmful, but there is nothing more dangerous than the tyranny of a whole people*" (Tunçay, 2009; as cited in Koç, 2019: 338).

However, a point to be emphasised in this regard is that "the Prince is sovereign, not sovereign". Although the king and sovereignty are confused with each other, it should not be forgotten that the king has two personalities, one private and the other public. From this perspective, the sovereign and the unlimitedness of sovereignty are differentiated from each other. Unlimitedness applies to sovereignty, i.e. *autocritas*. The sovereign, i.e. *potestas*, is limited by the sovereign's own conscience, even if not in practice, but there is no legal sanction for these limits. The king cannot be held responsible, judged and punished for any of his behaviours by any power on earth, neither *de facto* nor *de jure*. Accordingly, in the event of a king's transformation into a tyrant, there can be no question of the people's right to resist (Şamlı, 2020: 548)

The understanding of "*absolutist sovereignty*" advocated by Bodin was criticised by *Jean-Jacques Rousseau*, an eighteenth century thinker. Rousseau favoured popular sovereignty rather than monarchical rule, that is, the belief that the ultimate authority lies with the people themselves (*general will*). His doctrine of popular sovereignty is often seen as the basis of modern democratic theory (Heywood, 2004: 93).

The principle of "*indivisibility*", which Bodin defines as one of the fundamental elements of sovereignty, has been criticised in the literature and continues to weaken in reality. The belief that political administration should be embodied in a final authority is considered as the traditional doctrine of sovereignty. The main focus of debate in this understanding is on who or what is the ultimate authority. Bodin's acceptance of "*continuity*" as a fundamental element for sovereignty can be considered within the framework of this understanding. However, this aspect of sovereignty is subjected to various criticisms in an era of *pluralistic* and *democratic* governance, and the main focus of the criticisms is that sovereignty cannot be used in this aspect "*in modern systems of government that operate according to a network of checks and balances*". *Liberal democrats*, for example, are diametrically opposed to Bodin's indivisible sovereignty because of their belief that power should be distributed among various institutions that cannot meaningfully claim sovereignty (Heywood, 2004: 93).

However (Kapani, 2002) He argues that today's federal states contradict the indivisibility of sovereignty. For example, in federal states such as the USA, Canada, Australia and India, the government is divided into two tiers, each with autonomous powers (Heywood, 2004: 94).

In reality, the principle of indivisibility has been deformed to a great extent by the factor of "*globalisation*". The globalisation process has reshaped the form of the nation-state system. Under the influence of globalisation, the individual, society and international corporations have taken over the state's role as an actor in politics and international relations, thereby ending the determination of states over sovereignty. Many international and supranational organisations such as the EU and NATO have come to share the sovereignty of states under the influence of globalisation. Supranational treaties such as the European Convention on Human Rights and the Universal Declaration of Human Rights lead states to share their sovereignty (Özkaya, 2021: 58).

The proponents of the "*Complex Sovereignty*" approach argue that sovereignty has moved away from the principle of "indivisibility" in parallel with these changes. According to this view, national jurisdiction is shrinking and the exercise of sovereignty by central, regional and supranational organisations over the same society leads sovereignty to take a multi-centred, multi-level and multi-structured form (Sunay, 2012: 31)

CONCLUSION

Until the pre-modern state, sovereignty, which was based on the struggle for supremacy between different foci of power, emerged as a result of centralised monarchies after the struggle between the pope and the kingdom was won in favour of the kingdom. Jean Bodin's desire to find the origin of the state led him to conceptualise sovereignty and bring it into the political science literature. He added a partially secular perspective to sovereignty by building sovereignty on legal and philosophical foundations, overthrowing the medieval understanding of legitimacy that based power on theocratic principles. The most important point that distinguishes Bodin from his predecessors is his evaluation of sovereignty as a concept inherent to the state. A state without sovereignty cannot be called a state. Bodin bases the existence of sovereignty on whether it is absolute, continuous and indivisible.

However, these elements that Bodin attributed to sovereignty face various failures in the rapidly changing world order and are the target of criticism. In the age of democratic representation and pluralism, today's states based on

constitutionalism and the rule of law accept the concept of "limited sovereignty". The absoluteness of sovereignty put forward by Bodin cannot respond to the dependence of today's states on checks and balances. Nevertheless, the concerns that World War II imposed on individuals and communities globally led to the popularity of universal security policies and human rights discourses, which in turn led to supranational institutions and treaties limiting the sovereignty of nations. However, the principle of "indivisibility", which is one of the basic building blocks of Bodin's theory of sovereignty, loses its validity in the face of globalisation, developments in technology and economy, and political structures based on federal systems that produce new actors sharing sovereignty. Bodin's principle of "continuity", on the other hand, has been deeply wounded by the failure of political systems such as Nazi Germany, Stalinist Russia and Pol Pot's Cambodia to survive to the present day. Bodin's theory of sovereignty seems to have lost its validity in the face of today's rapidly changing conditions.

However, in today's world, where the sphere of sovereignty is not limited to the world, and sovereignty conflicts have spread to space and cyberspace (Şamlı, 2020). The nature of sovereignty is also constantly changing. Considering that Bodin's conceptualisation of sovereignty is the source of the distinctions between law and law, sovereignty and ruler, state and civil society, it is important to analyse his conception of sovereignty carefully in order to be prepared for new dimensions of sovereignty.

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