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# Beyond the Legacy of Absolutism: Re-examining Jean Bodin's Idea of Anti-Tyranny Violence

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## ABSTRACT

The longstanding debate over Jean Bodin's (1530–1596) *Six Books of a Commonweale*—whether it championed an ideology of absolutism or pioneered a normative doctrine of the modern sovereign state—has profoundly influenced our understanding of Bodin's intellectual legacy. This article challenges the influential absolutist reading by re-examining Bodin's ideas of violence against tyrants. Proponents of the absolutist interpretation often view Bodin's rejection of resistance against the tyrant as compelling evidence of his defense of absolutism, suggesting that this stance negates the constitutional constraints imposed by fundamental and natural laws on the sovereign. However, this article contends that such a reading is overly simplistic. A closer analysis of Bodin's nuanced perspective reveals that he does not remove the constitutional limitations established by both fundamental and natural laws. Instead, Bodin posits that sovereigns who violate these higher laws could face either domestic resistance or a just war of punishment. Thus, labeling Bodin merely as an absolutist ideologue is inappropriate, as it risks overshadowing the profound intellectual legacy he offers as a serious political thinker, jurist, and the father of modern state theory.

## KEYWORDS

Jean Bodin; natural law; fundamental law; violence; tyrants

## Introduction

Jean Bodin's (1530–1596) identity and intellectual legacy—whether as an ideological writer of political absolutism or as a serious political theorist and jurist concerned with state norms—largely depend on how we interpret his works. For the past half-century, Julian Franklin's interpretation of Bodin as a proponent of absolutism, a perspective endorsed by scholars such as Quentin Skinner, has prevailed in the English-speaking world. They argue that Bodin underwent “a sudden and dramatic shift”<sup>1</sup> from a constitutionalist stance in his earlier work, *Method for the Easy Comprehension of History* (1566), to “a virtually unyielding defender of absolutism”<sup>2</sup> in *The Six Books of a Commonweale* following the St. Bartholomew's Day Massacre of 1572. According to this view, Bodin's *Six Books of a Commonweale* (1576) is an ideological defense of the French king's unlimited power, countering the challenges of new constitutionalism,<sup>3</sup> monarchomachs,<sup>4</sup> the Huguenot revolutionaries,<sup>5</sup> and skepticism.<sup>6</sup> While the absolutist

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interpretation emerged mainly in the 1970s, as Richard Tuck points out, it still dominates the “conventional interpretation of Bodin’s political theory.”<sup>7</sup> This interpretation remains influential to this day and is widely cited by scholars such as Martin Loughlin, Gavin Rae, Sophie Nicholls, Doyeeta Majumder, and Claire Vergerio.<sup>8</sup>

However, the absolutist interpretation faces increasing challenges. Mario Turchetti, one of the leading Bodin specialists, argues that “some historians have ascribed a doctrine [of absolutism] to Bodin that was foreign to him.”<sup>9</sup> Similarly, Daniel Lee, who has recently emerged as a prominent specialist advocating a non-absolutist reading of Bodin, contends that “[w]hile it is true that Bodin, famously, spoke of ‘absolute’ power in defining sovereignty, this cannot be taken as conclusive evidence that Bodin therefore belonged to a supposed tradition of political ‘absolutism’ that emerged in early modern Europe, aligning the authority of the state with the personal arbitrary and discretionary will of the ruling prince.”<sup>10</sup> In addition, both Tuck and Preston King stress the absence of a significant turn between *Method* and *Commonweale* and suggest that the absolutist interpretation “will meet with predictable objections.”<sup>11</sup>

At the heart of these objections is Bodin’s explicit acknowledgment of the limitations imposed on the absolute sovereign by fundamental and natural laws. John Allen asserts that “it is not true that [Bodin] conceived of sovereignty as an unlimited right. . . . He thought of all political sovereignty as necessarily and absolutely limited by the law of nature.”<sup>12</sup> In his *Six Books of a Commonweale*, Bodin vehemently rejects the portrayal of him as an advocate for the king’s unlimited power,<sup>13</sup> enumerating a range of constraints on sovereigns derived from fundamental and natural laws (1.8.92–113). Given these undeniable facts, John Lewis notes that natural laws and fundamental laws give rise to the “restrictions that he places upon the sovereign’s power”;<sup>14</sup> Ellen Meiksins Wood similarly suggests that “[t]o speak of Bodin as an advocate of ‘absolutism’ may be misleading if we take that to mean that he favoured monarchical power without limitation.”<sup>15</sup>

Despite these challenges, there is still room for the absolutist interpretation. Proponents of this interpretation, including Franklin, Skinner, Loughlin, Charles Merriam, and Nannerl Keohane, acknowledge the constraints on sovereigns arising from fundamental and natural laws. However, they argue that these limitations are merely moral or verbal in nature, binding only the conscience of the sovereign and lacking any substantial or institutional constraints in Bodin’s theory.<sup>16</sup>

The crux of their argument hinges on Bodin’s rejection of resistance. Franklin posits that Bodin’s denial of resistance effectively removes any potential constitutional checks from natural or fundamental laws. He argues that “even if he [the sovereign] overstepped the bounds of higher law, he could not be lawfully resisted or deposed.”<sup>17</sup> For Franklin, Bodin’s anti-resistance stance demonstrates that “neither the law of nature nor fundamental law could justify a challenge to absolute authority, or resistance to a sitting king.”<sup>18</sup> Echoing Franklin, Loughlin asserts that Bodin “denies any power to subjects legitimately to resist their sovereign,” thereby suggesting that Bodin strips “of their [natural and fundamental laws’] binding character restraints that had evolved through the practices of medieval constitutionalism.”<sup>19</sup> Thus, the absolutist interpretation perceives Bodin’s rejection of violence against tyrants as “the implicit starting point on which Bodin’s enterprise [of absolutism] was founded.”<sup>20</sup>

However, the absolutist interpretation may oversimplify Bodin’s nuanced stance on violence against tyrants, potentially missing other crucial aspects. For example, Luke

Glanville and Lee point out that “while denying a right of resistance. . . [Bodin] granted princes a right to intervene when other princes failed to carry out their sovereign responsibilities and oppressed their own people.”<sup>21</sup> Additionally, in his “Introduction” to the *Six Books of a Commonweale*, Kenneth Douglas McRae notes that Bodin “allows an unlimited right of resistance to usurped authority.”<sup>22</sup>

Although Franklin and Skinner briefly mention these counterarguments, they do not fully explore their potential to challenge the absolutist interpretation.<sup>23</sup> Instead, they suggest that “[t]he counter-arguments are touched on here and there, but almost always in peripheral settings,”<sup>24</sup> which do not weaken Bodin’s main arguments for absolutism.<sup>25</sup>

These debates prompt crucial questions: What are Bodin’s authentic views on violence against tyrants who breach higher laws? Do they really represent Bodin’s removal of institutional limitations derived from fundamental and natural laws? Can they truly strongly support the absolutist interpretation? Although the scholars mentioned above have briefly touched upon these questions, they have not systematically delved into them.

In this article, I therefore thoroughly re-examine Bodin’s views on violence against tyrants, arguing that his perspectives not only fall short of endorsing the absolutist interpretation but actively oppose it. To my knowledge, this study represents the first systematic analysis of the critical evidence purportedly supporting the absolutist interpretation—specifically Bodin’s views on violence against tyrants—to directly challenge that interpretation and promote the non-absolutist reading advocated by Lee and Turchetti. I aim to demonstrate that Bodin’s views on violence against tyrants do not suggest the absence of fundamental and natural laws’ institutional constraints on sovereigns. Rather, they offer the most compelling evidence for the existence of these constraints. The tyrants who violate these higher laws may face either legitimate resistance from their citizens or just wars of punishment from foreigners.

The arguments unfold in two main sections. The first section delves into Bodin’s advocacy of unlimited resistance to the *tyrannus ex defectu tituli*, who gains sovereignty by usurpation, highlighting the constitutional constraints imposed by the fundamental laws of succession. The second section examines Bodin’s rejection of domestic violence and his endorsement of just war against the *tyrannus ab exercitio*, who, despite being the *de jure* sovereign, grievously violates natural laws. This reveals that Bodin perceives natural laws not merely as moral rules, but also as the genuine binding laws, possessing the authority to sanction the sovereigns who transgress them.

## **Violence against Tyrants Who Transgress Fundamental Succession Laws**

### ***The fundamental law of succession: no limitations?***

In Book 1, Chapter 8 of *Six Books of a Commonweale*, Bodin asserts that the sovereign cannot repeal or derogate from the *leges imperii*—the fundamental laws which “concern the state of the realm, and the establishing thereof; forasmuch as they are annexed & united to the crown” (1.8.95). In Bodin’s theory, the fundamental laws to which the sovereign must adhere can be roughly categorized into two types: the law of domain, and the law of succession.<sup>26</sup> The fundamental law of domain prohibits the sovereign from arbitrarily alienating the commonwealth’s public property (6.2.650–55).

What merits our particular attention is the fundamental law of succession, the focus of this section. This law delineates the legal avenues for gaining the sovereign position. In its most specific and frequently referenced sense, Bodin refers to the *Salic Law*, practiced in France, which stipulates that only males, particularly the closest and eldest male like the eldest son, are entitled to the crown (1.8.95; 6.5.721–54).<sup>27</sup> While Bodin holds the *Salic Law* in high regard, he also acknowledges the existence of other forms of fundamental succession laws practiced across various states.<sup>28</sup> Bodin recognizes that the fundamental law of succession can also encompass alternative hereditary systems in monarchies (6.5.735–43), elections in aristocratic, popular commonwealths and certain monarchies such as in Tartar (1.8.88), Poland, and Denmark (6.1.413–14, 434–25). He also notes the practice of casting lots (1.8.113; 2.5.223; 6.5.734–35) and other established constitutional laws that regulate the legal means of ascending to sovereignty.

In the absolutist interpretation, the fundamental law of succession imposes no restrictions on the absolute sovereign.<sup>29</sup> Loughlin suggests that “[t]hese fundamental rules do not impose limitations on the sovereign. . . . [Bodin] argued that these rules guaranteeing the continuity and resources of the crown do not touch on the sovereign’s absolute authority to rule.”<sup>30</sup> Similarly, Franklin also contends that “these rules were not only basic for political stability but were also fully compatible with absolutism.”<sup>31</sup> He further suggests that “[o]ne test of absolute authority is its immunity from legitimate resistance. But the law of succession to the throne need not give rise, legitimately, to a preventive act of the community directed against the actual incumbent.”<sup>32</sup>

However, the absolutist interpretation is only partially correct. On the one hand, it accurately identifies that the fundamental law of succession is crucial for political stability. As Bodin emphasizes, “so always when men would force and violate this natural successive right, great troubles and civil wars have thereof ensued” (6.5.735). Without a stable system of succession, many contenders for sovereign power could plunge the country into internal strife.

On the other hand, Franklin’s claim that the violation of the fundamental law of succession “was simply a legal nullity and could not justify preventive action on the part of the community” is mistaken.<sup>33</sup> Contrary to the absolutist interpretation, Bodin argues that individuals who ascend to power by violating the fundamental law of succession are considered illegitimate. He thereby justifies unlimited resistance, advocating the extermination of the usurpers by any means necessary. To fully grasp this point, it is necessary to delve into Bodin’s idea of resistance against the usurping tyrant.

### ***Unlimited violence against tyrannus ex defectu tituli***

In Book 2, Chapter 5 of *Six Books of a Commonweale*, Bodin discusses two categories of tyrants and the question of using violence against them. The first category refers to the tyrant who ascends to power through usurpation, thus lacking a legitimate claim to sovereignty. The second category, which I discuss in the following section, describes the tyrant who, despite having a lawful claim to sovereignty, egregiously violates natural laws by abusing his sovereign power (2.5.219–25).

The first type of tyrant, as defined by Bodin, is the man who “of his own authority taketh upon him the sovereignty, against the will of the people, without election, or right of succession, neither by lot, by will, nor just war, nor special

calling of God" (2.5.218). Such a tyrant has gained sovereign power through mere fraud or violence, bypassing the legal means. Franklin accurately uses the term *tyrannus ex defectu tituli*—the tyrant who “has no title to exercise authority”—to refer to this type of tyrant.<sup>34</sup> Bodin views the usurper as merely a *de facto* sovereign, lacking any legitimate authority and, essentially, not sovereign at all (A20).

Nevertheless, Franklin overlooks that it is the fundamental law of succession that in most cases determines whether a sovereign is the *tyrannus ex defectu tituli*. According to Bodin, only those who ascend to sovereign power through legal methods are entitled to the rightful sovereign title. The principal methods he cites are anchored in the fundamental laws of succession, such as election, heredity, or lot. Beyond these, Bodin recognizes two additional legitimate means to acquire the title of sovereign (2.5.219). One is the acquisition of despotic sovereignty through a just war, a practice sanctioned by the law of nations in Bodin’s era (1.3.204). The other is a divine calling, as exemplified by the biblical account of Samuel anointing Saul (6.5.734). For Bodin, barring exceptional cases like a just war or a divine calling, the linchpin of a sovereign’s legitimacy is his unwavering adherence to the fundamental law of succession. Bodin therefore deems the citizen in a popular or aristocratic state who elevates his status from that of a fellow citizen to a master, or the subject in a monarchical state who attempts to “invade or take upon him the state of his king by any means” to be a tyrant (2.5.219).

For Bodin, violating the fundamental law of succession not only delegitimizes a tyrant but also casts a shadow over their entire reign. He posits that only after a prolonged period of just rule, such as one hundred years, may the descendants of a tyrant seek to legitimize their rule (1.5.220). With this exception noted, the intrinsic illegitimacy of the *tyrannus ex defectu tituli* remains unalterable, irrespective of any personal virtues, subsequent elections, or legislative measures. Bodin asserts that a tyrant’s wisdom or virtues do not confer legitimacy: “Neither in this case make they any difference between a good and a virtuous prince; or a wicked man and a villain. For it is not lawful for any man living, of himself to invade the sovereignty, and to make himself master of his fellows, what color of virtue or justice soever they pretend” (1.5.219).

He also stresses that a tyrant’s rule cannot be legitimized through a subsequent election. He contends that an election conducted under the influence of a tyrant “cannot be thought to be done by the free consent of the people, which they do by constraint, being by the Tyrants despoiled of their authority and power.” To illustrate this principle, Bodin references the case of Cosimo de Medici. He interprets the senate’s decision as being driven by fears of Medici’s military strength, which potentially endangered the safety of both the senators themselves and the citizens. He suggests that such a forced election cannot change the usurper’s illegal status (1.5.220).

Furthermore, Bodin refutes the notion that subsequent legal enactments can bestow legitimacy on the usurping tyrant. He maintains that any laws established by such a tyrant are intrinsically invalid, drawing on Cicero’s statement—“it was no law at all”—to emphasize his argument. To support his perspective, Bodin references historical examples such as Sulla and Caesar, who, according to his analysis, sought to legitimize their dictatorships through legislation after their ascent to power. But these legislative efforts, he asserts, cannot confer legitimacy upon their status (1.5.220).

Most crucially, the fundamental law of succession is a superior law that authorizes violence against a non-compliant sovereign. If the function of this law was only to assess a ruler's legitimacy, Franklin's absolutist interpretation, which argues that violating the fundamental law "was simply a legal nullity and could not justify preventive action on the part of the community,"<sup>35</sup> might have some merit. However, the law of succession goes beyond simple legitimacy assessment: it explicitly sanctions the execution of the usurping tyrant. As Bodin writes:

[I]n law he is guilty of death, that wrongfully takes upon him any [of] the marks proper unto sovereign majesty. If then the subject will invade or take upon him the state of his king by any means whatsoever; or in a popular or Aristocratic state, does of a companion make himself a sovereign, he deserves death: So that our question in this respect hath in it no difficulty, but that such aspirers may of all the people, or any of them, be lawfully slain. (2.5.219)

Bodin praises those who kill the tyrant, referring to them as the "true liberators of the fatherland" who deserve to receive great rewards and honors (1.5.219).

As McRae accurately observes, "Bodin allows an unlimited right of resistance to usurped authority."<sup>36</sup> In Bodin's theory, this unlimited resistance manifests in four main aspects. Firstly, its scope is unlimited: in any form of commonwealth—democratic, aristocratic, or monarchic—anyone attempting to ascend to a sovereign position through illicit means is deemed deserving of death.

Secondly, violating the fundamental law of succession triggers justifiable punishment or resistance that cannot be easily countered. Bodin contends that any remedial actions by the tyrant—such as showcasing exemplary virtue, conducting a subsequent election, or implementing legislation—are ineffective in negating the legitimate legal action against him, unless the tyrant's just rule extends over a hundred years without opposition (2.5.219–20).

Thirdly, executing a tyrant is a lawful act that can be undertaken by the collective populace or an individual citizen. It can be inferred that this stance stems from the tyrant's lack of legitimate sovereign authority. Citizens, despite possibly being coerced into obedience to a *tyrannus ex defectu tituli*, are not his *de jure* subjects. Hence, there exists no real obligation for the citizens to obey the usurping tyrant. Instead, by violating the fundamental law of succession, the usurper essentially becomes a criminal, a thief, and an enemy of the commonwealth. Consequently, Bodin posits that every citizen has the right to execute him (1.5.219).

Lastly, Bodin advocates that both punishments and resistance—the "way of justice" and the "way of fact"—are legitimate means to eliminate a usurping tyrant. He argues that punishment is appropriate when the tyrant "hath not as yet possessed the castles or strong places, seduced the people, nor armed himself with strong garrison." And resistance becomes necessary once the tyrant "hath openly declared himself a Tyrant, seized upon the castles and citadels, and strengthened himself with garrisons" (1.5.219).

In conclusion, this analysis demonstrates that the absolutist interpretation is not quite precise. Bodin's advocacy of unlimited violence against the *tyrannus ex defectu tituli* underscores the dual constitutional roles of the fundamental law of succession in his theory. Firstly, this law acts as the benchmark for sovereign legitimacy, barring tyrants who usurp power from achieving legitimate authority. His position stands in sharp contrast to later English *de facto* royalists, who argue that "possession of *de facto* power is by itself sufficient for *de jure* authority."<sup>37</sup>



Secondly, the fundamental law of succession legitimizes unlimited violence against the *tyrannus ex defectu tituli*. Here, Bodin aligns himself with monarchomach theorists, traditionally viewed as his staunch opponents, in accepting tyrannicide as legally defensible. As Lee astutely notes, Bodin is “notably in limited agreement with Monarchomach resistance theorists against whom Bodin is so often juxtaposed—that tyrannicidal resistance is always legally permissible.”<sup>38</sup>

## Violence against Tyrants Who Transgress Natural Laws

I now turn to consider how Bodin’s view of violence against the second type of tyrant—the one who, despite being a *de jure* sovereign, grievously violates natural laws—reveals the binding power of natural laws. But before exploring this, let me provide an overview of the constraints that natural laws impose on sovereigns in Bodin’s theory and the ensuing debates.

### *Is natural law merely a moral principle or a genuine law?*

Bodin strongly stresses the limits imposed by natural laws. He argues that “if we say that only he has absolute power who is subject to no law, then there is no sovereign prince in the world, seeing that all the princes of the earth are subject unto the laws of God, of nature, and of nations” (1.8.90). He further stresses that “as for the laws of God and nature, all princes and people of the world are unto them subject. ... Wherefore in that we said the sovereign power in a Commonwealth to be free from all laws, concerns nothing the laws of God and nature” (1.8.93). Expanding on this, Bodin posits that sovereigns are “more stringently bound by divine and natural law than those subject to their rule” (Preface, A71). This sentiment might stem from Bodin’s portrayal of sovereigns as God’s “lieutenants for the welfare of other men” (1.10.153), indicating that “God taketh a stricter account of princes than of others” (1.8.104). Thus, the sovereign, as God’s earthly representative, must strictly adhere to natural law to implement natural equity and promote the common good.

Bodin clearly delineates two significant laws of nature that a sovereign must obey. The first is the obligation to honor contracts, where Bodin states that a sovereign prince is obliged to “keep the faith and promise by himself given and made to others.” He emphasizes that a sovereign “is bound unto the contracts by him made, be it with his subject, or with a stranger” (1.8.106–7, cf. 92–95).<sup>39</sup> The second natural law concerns the inviolability of private property rights. Bodin asserts that a sovereign cannot arbitrarily seize or dispose of a citizen’s private property. Particularly, the sovereign cannot levy taxes at will without the consent of the citizens (1.8.109–11; 6.1–3.637–700).<sup>40</sup>

Besides these pronounced limitations, Bodin also suggests softer constraints derived from natural laws. For example, although he asserts the sovereign right to make and repeal laws without the consent of others (1.8.92), he insists that civil law should conform to natural law as much as possible (1.8.105, 114).<sup>41</sup> While acknowledging the legitimacy of lordly or despotic monarchy established through lawful wars, as recognized by the law of nations, Bodin expresses a particular admiration for royal monarchies that adhere to natural laws (2.2–3.200–14).<sup>42</sup> Furthermore, despite



acknowledging that slavery is recognized under the law of nations, he argues that it contravenes natural law and should be prohibited by the commonwealth (1.5.32–46; 1.8.113).<sup>43</sup>

Given that Bodin seriously acknowledges the extensive limitations imposed by natural laws, he is deeply angered by critics who label him as an apologist for the arbitrary power of kings. In the preface to the French version of *Six Books of a Commonweale*, he writes:

Nevertheless I am amazed that there are people who think that I concede somewhat more to the power of one man than befits a worthy citizen of a Commonweal. For specifically in Book 1 chapter 8 of my *Republique*, and frequently elsewhere, I have been the very first, even in the most perilous times, to refute unhesitatingly the opinions of those who write of enlarging the rights of the treasury and the royal prerogative, on the ground that these men grant to kings an unlimited power, superior to divine and natural law. (A71)

Yet despite Bodin's firm stance on the limitations that natural law imposes on sovereigns, a significant question arises: Does Bodin perceive natural laws solely as moral principles that oblige the conscience only, or does he also regard them as genuine higher laws, constitutionally binding with sanctions for non-compliance? The answer to this question is crucial in determining whether Bodin can be categorized as an absolutist. As Ralph E. Giesey notes, "If one reads Bodin's usage of *ius naturale* as meaning mere morality, then almost all meaningful checks upon the sovereign disappear, leaving him indeed *legibus solutus*, truly absolute."<sup>44</sup>

Regarding this question, specialists such as Franklin, Merriam, Roger Chauviré, and Stéphane Beaulac suggest that Bodin views natural laws merely as moral principles, rather than as genuine enforceable laws. Merriam argues that the natural law limitations are "ethical rather than political in character, and could at best bind only the conscience of the ruler."<sup>45</sup> Beaulac posits that natural laws in Bodin's theory refer to "principles of reason and justice, to a superior moral (and non-temporal) order, not strictly enforceable."<sup>46</sup> Similarly, Franklin contends that Bodin's concept of natural law "was essentially a moral obligation binding solely on the ruler's conscience."<sup>47</sup> Therefore, "they were in no way binding obligations. They were mere recommendations of humanity and prudence."<sup>48</sup>

However, another group of Bodin experts, including Lee, Lewis, and McRae, put forth a contrasting view. They argue that Bodin perceives natural laws not merely as moral principles, but also as genuine laws set by God for humankind.<sup>49</sup> Lee offers textual evidence to support this interpretation. He points out that in Bodin's earlier works, *Distributio* and *Method*, Bodin adopts the conventional term of '*ius*' to describe natural laws. However, in *Six Books of a Commonweale*, Bodin "deliberately adopts the vocabulary of positive legislation"—'*lex*'—to describe them. This shift suggests that Bodin regards natural laws as genuine laws made by God.<sup>50</sup>

Drawing from the historical context, Lewis and McRae contend that interpreting Bodin's natural law as law made by God aligns more closely with the spirit of his time. Lewis posits that "[n]atural law was not in his mind the vague, unintelligible 'moral obligation' of today but the manifestation to men of God's will."<sup>51</sup> McRae argues that "Bodin could not treat the laws of God and nature as merely moral obligations, as might the jurist of today. Like most of his contemporaries, he firmly believed that the sovereign is directly responsible to God, and he had an unquestioning faith in divine retribution for actions which contravened the higher law."<sup>52</sup>

Despite these ongoing debates, Bodin's precise stance on the character of natural laws remains elusive. My aim in this section is to present another crucial piece of evidence that challenges the absolutist interpretation of Bodin's natural laws as mere moral principles and advances the interpretation of Bodin's natural laws as genuine laws. My analysis is specifically anchored in Bodin's views on violence against the *de jure* sovereign who violates natural laws.

### **Natural law as binding law: no right to resist tyrannus ab exercitio**

In Book 2, Chapter 5 of *The Six Books of a Commonweale*, Bodin discusses the issue of violence against the second type of tyrant, aptly termed by Franklin as "*tyrannus ab exercitio*."<sup>53</sup> This type of tyrant is a *de jure* sovereign, having acquired the legitimate sovereign title by legal means (2.5.220). However, he becomes a tyrant due to his gross violation of natural laws in exercising the sovereign rights. Unlike the royal monarch who "conforms himself onto the laws of nature" and ensures the "subjects enjoying their natural liberty, and property of their goods," this tyrant, by "treading underfoot the laws of God and nature, abuses his free born subjects as his slaves, and other men's goods as his own" (2.4.210–13).

As Turchetti points out, such a tyrant is also different from the despotic monarch.<sup>54</sup> "Despotism is a legitimate judicial condition, a situation resulting from conquest founded on a *justum bellum*."<sup>55</sup> The despotic monarch becomes the "lord of the goods and persons of his subjects, by law of arms and lawful war, governing them as the master of a family does his slaves" (2.2.200). Although his actions deviate from natural laws, the law of nations grants him the right to treat the conquered people and their possessions in this manner. Bodin explains: "it was indeed against the law of nature to make free men slaves, and to possess himself of other men's goods: but if the consent of all nations will, that that which is gotten by just war should be the conquerors own, and that the vanquished should be slaves unto the victorious, as a man cannot well say that a Monarchy so established is tyrannical" (2.2.204). In contrast, a tyrant, "contemning the laws of nature and nations" (2.2.200), treats free people as slaves and appropriates their property without any legal justification.

With respect to such a tyrant, was it also lawful to kill him? On this matter, Bodin argues that "it is great difference to say that a Tyrant may lawfully be slain by a prince a stranger; or by his own subject" (2.5.221). When it comes to domestic violence against a tyrannical king, it is widely known that Bodin denies the legitimacy of resisting such a tyrant. Bodin contends that

if the prince be an absolute Sovereign, as are the true Monarchs of Fraunce, of Spain, of England; Scotland, Turkie, Moschouie, Tartarie, Persia, Aethiopia, India, and of almost all the kingdomes of Affricke, and Asia, where the kings themselves have the sovereignty without all doubt or question; not divided with their subjects: in this case it is not lawfull for any one of the subjects in particular, or all of them in generall, to attempt any thing either by way of fact, or of justice against the honour, life, or dignity of the sovereign: albeit that he had committed all the wickedness, impiety, and cruelty that could be spoken. (2.5.222–26)

This paragraph is often highlighted by the proponents of the absolutist interpretation as the key evidence supporting their view. Yet this interpretation may be overly simplistic.

A deeper analysis of Bodin's stance on resistance to tyranny shows that his aim was not to advocate for absolutism per se. Moreover, such an analysis reveals that Bodin views natural laws not merely as moral guidelines but as genuine, binding laws. To fully understand this subtlety, it is essential to examine Bodin's detailed reasons for denying the right to resist the *tyrannus ab exercitio*.

We can roughly summarize the reasons under three main points. The first is that resistance inherently contradicts the core juridical relationship between the sovereign and the subjects. This relationship, central to Bodin's conception of a sovereign state, is defined by rule and subordination. As Bodin emphasizes, "so long as they are subject to the authority of a single sovereign, and the laws and ordinances made by it, they constitute a commonwealth" (1.6.20). This implies that a political entity can only be termed a state if all members are subject to the same sovereign, who in turn is subject to none (1.8.86).<sup>56</sup> In Annabel Brett's words, Bodin's commonwealth is "defined by common subjection to a sovereign power."<sup>57</sup>

The established juridical relationship between sovereign and subjects defines the sovereign's right to punish the subjects, but not the other way around. The *tyrannus ab exercitio*, who holds *de jure* sovereign authority, is endowed with jurisdiction over his subjects, which includes the power to punish them. In contrast, the subjects have no jurisdiction over the sovereign and lack the right to inflict violence upon him. Consequently, any subject who seeks to harm or even considers harming the sovereign directly violates this fundamental relationship. Such actions are considered treason, a crime sufficiently serious to jeopardize the sovereignty of the commonwealth (1.5.222–23).

The second reason is practical and stems from Bodin's concerns that granting subjects the right to kill those they deem tyrants could lead to widespread civil war.

O how many Tyrants should there be; if it should be lawfull for subjects to kill Tyrants? how many good and innocent princes should as Tyrants perish, by the conspiracy of their subjects against them? He that should of his subjects exact subsidies, should be then (as the vulgar people accompt him) a Tyrant: he that should rule and command contrary to the good liking of the people, should be a Tyrant: (as Aristotle in his Politiques says him to be) he that should keep strong grades and garrisons for the safety of his person, should be a Tyrant: he that should put to death traitors and conspirators against his state should be also counted a Tyrant. And in deed how should good princes be assured of their lives, if under the colour of tyranny they might be slain of their subjects, by whom they ought to be defended? (2.5.225–26)

Bodin fully understands how difficult it is for subjects to judge their sovereign fairly, and how easily civil war can be ignited by arbitrarily accusing the sovereign of being a tyrant. He states: "[U]nder the pretext of an exemption from charges, and popular liberty, they induce the subjects to rebel against their natural princes, opening the door to a licentious anarchy, which is worse than the harshest tyranny in the world" (A70). Having experienced the turmoil of civil wars, Bodin concludes that even an imperfect state is preferable to the devastation of internal conflict. Thus, he also rejects the legitimacy of resistance for this practical reason.

The third reason, central to our focus, is grounded in the laws of nature and God. Bodin argues that these laws command subjects to obey their sovereign and forbid them from inflicting harm on the sovereign:

Seeing that nothing upon earth is greater or higher, next unto God, than the majesty of kings and sovereign princes; for that they are in a sort created his lieutenants for the welfare of other men: it is meet diligently to consider of their majesty and power, as also who and of what sort they be; that so we may in all obedience respect and reverence their majesty, and not to think or speak of them otherwise than of the lieutenants of the most mighty and immortal God: for that he which speaks quill of his prince unto whom he owes all duty, does injury unto the majesty of God himself, whose lively image he is upon earth. (1.10.432)

In Bodin's theory of divine sovereignty, a sovereign prince, acting as the earthly representative of the almighty God, is bestowed with absolute, perpetual, and indivisible sovereign authority by God. Concurrently, citizens are divinely mandated to obey their sovereign, with any form of harm or disrespect towards the sovereign being strictly prohibited. Thus subjects have a prior obligation, rooted in the laws of nature and God, to refrain from resisting their sovereign.

However, Bodin's rejection of resistance does not equate to a rejection of disobedience. He clearly differentiates the right of disobedience from the right of resistance, endorsing the former while rejecting the latter:

I say therefore that the subject is never to be suffered to attempt any thing against his sovereign prince, how naughty & cruel soever he be lawful it is, not to obey him in things contrary unto the laws of God & nature: to fly and hide ourselves from him; but yet to suffer stripes, yea and death also rather than to attempt any thing against his life or honour. (2.4.225)

On the one hand, Bodin argues that the laws of nature and God permit citizens and magistrates to disobey the sovereign when his commands contradict these higher laws. As he stresses, "it is not only a law of nature, but also oftentimes repeated amongst the laws of God, That we should be obedient unto the laws and ordinances of such princes as it hath pleased God to set to rule and rain over us, if their laws and decrees be not directly repugnant unto the laws of God and nature, where unto all princes are as well bound as their subjects" (1.8.106; re disobedience of magistrates, see 3.4.313). Indeed, the laws of nature and God command subjects to obey the sovereign. However, this obedience is conditional, provided that the sovereign's commands do not contradict the laws of nature and God. People have a prior liberty and even a duty arising from natural laws to disobey unjust laws.

On the other hand, Bodin asserts that the laws of nature and God explicitly prohibit subjects from using violence against the sovereign, even if the sovereign flagrantly breaches these laws (2.5.224). To bolster this point, Bodin references several biblical examples of tyrants, including Nebuchadnezzar, Zedekiah, and Saul. Despite their tyrannical rules, Bodin argues that God commands their people not to harm them. He highlights this principle with a quote from 1 Samuel 24:6, where David states, "God forbid that I should do violence to him whom God has anointed" (2.5.224).

When examining Bodin's detailed reasons for rejecting resistance and endorsing disobedience, we can arrive at two conclusions that diverge markedly from Franklin's absolutist interpretation. The first conclusion addresses whether Bodin truly advocates absolutism, and the second pertains to the legal character of natural law.

First, while Bodin rejects the right of resistance against an absolute monarch, this does not mean his aim was to champion the ideology of absolutism. As Lee contends, "Bodin wasn't an absolutist, and his goal wasn't to promote an ideology of absolutism. Rather, it

was to elucidate what he regarded as the quintessential quality of statehood.<sup>58</sup> Bodin believes that resistance contradicts the laws of nature and God, as well as the juridical relationship between the king and subjects, which, in practice, would destroy the kingdom. Thus, to deny the right of resistance against the sovereign is not to defend the king's arbitrary power. Bodin's authentic aim is to protect the legitimate sovereignty exercised by the absolute king from being destroyed, which is essential to the very existence of the commonwealth. Only by understanding this logic can we comprehend why Bodin here once again emphasizes the necessity of resisting a tyrant in democracies and aristocracies: resistance in the two forms of regimes is justified because tyrants undermine the sovereignty vested in the people or the nobility (2.5.221).

Furthermore, Bodin's rejection of the right to resistance does not imply a denial of the right to disobedience. On the contrary, he strongly advocates the latter—a point that even Franklin and Skinner have reluctantly acknowledged as an embarrassing fact.<sup>59</sup> Bodin's stance reveals that he does not perceive citizens merely as passive subjects, slavishly subjecting themselves to the arbitrary will of the sovereign. Therefore, Skinner's assertion that "the fundamental aim of government must be to secure 'order' rather than 'liberty'"<sup>60</sup> might be inaccurate. Bodin recognizes the importance of the citizens' liberty, insisting that they have the right to disobey the sovereign's commands that contravene natural laws.

Second, both Bodin's rejection of the right to resistance and his endorsement of the right to disobedience reveal that he perceives natural laws not merely as moral principles but also as genuine higher laws. While traditional theories often justified resistance through natural law, Bodin uniquely employs this law to negate the right to resistance. However, this perspective does not necessitate Bodin's dismissal of the legal character of natural law. Instead, when he denies the right to resistance against the absolute sovereign, he underscores that such resistance is forbidden by the laws of nature and God. Similarly, when affirming the right to disobedience, he stresses that this right is sanctioned by natural law. Thus the laws of nature and God, as the supreme laws over humans and their institutions, transcend simple moral guidelines that 'oblige' our conscience. They act as binding higher laws that dictate, prohibit, or permit our actions and have the power to invalidate any civil law that conflicts with them.

### ***Just war of punishing tyrannus ab exercitio***

Even when acknowledging that Bodin considers natural laws as genuine laws, there is still room for the absolutist interpretation. It can be argued that since Bodin opposes resisting sovereigns who violate natural laws, these laws, despite being recognized as genuine laws, seem unenforceable because they lack the mechanism of imposing sanctions on sovereigns who ignore them.<sup>61</sup> For instance, Keohane argues that "natural law takes no institutional or public form, and in Bodin's commonwealth no human sanctions can be brought to bear on a prince who abuses power."<sup>62</sup> To a certain degree, it is this very line of thought that underpins Franklin's absolutist interpretation in arguing that "[e]ven if the sovereign should violate the law of nature and even if his violation should be blatant and habitual, his subjects were legally and morally enjoined from forcible resistance."<sup>63</sup> For Franklin, Bodin's natural laws thus cannot "justify a challenge to absolute authority, or resistance to a sitting king."<sup>64</sup>

However, this perspective captures only one facet of Bodin's view of violence against such a tyrant. While Bodin denies the legitimacy of domestic resistance, he concurrently introduces the concept of international intervention against a tyrant who violates natural law. As Bodin argues, "Not for that I would say it not to be lawful for other Princes by force of arms to prosecute tyrants (as I have before said) but for that it is not lawful for subjects so to do" (2.5.226). He further states:

For as of all noble acts, none is more honorable or glorious then by way of fact, to defend the honour, goods, and lives of such as are unjustly oppressed by the power of the more mighty, especially the gate of justice being shut against them: as did Moses seeing his brother the Israelite beaten and wronged by the Egyptian, and no means to have redress of his wrong; so is it a most fair and magnificent thing for a prince to take up arms to relieve a whole nation and people, unjustly oppressed by the cruelty of a tyrant: As did the great Hercules, who traveling over a great part of the world with wonderful prowess and valour destroyed many most horrible monsters, that is to say Tyrants. (2.5.220–21)

Bodin's endorsement of the use of international force suggests that his theory, contrary to the absolutist interpretation, recognizes the enforceable power of natural law in sanctioning non-compliant sovereigns. To some extent, Bodin envisions the world as a human society, with sovereign states (represented by their sovereigns) as its legal members under the rule of God. These sovereigns are obliged to obey natural laws—the commands of God. When sovereigns transgress these laws, Bodin considers it within the rights of virtuous sovereigns, acting as earthly vicars of God, to depose the tyrant and liberate the oppressed.

This point becomes especially clear when examining Bodin's specific view on the nature of this kind of international force. Bodin does not refer to it as the legal war between two equal sovereign states under the law of war. Instead, he views it as an unrestricted international punishment imposed by the virtuous sovereign upon the tyrant who is treated as a criminal:

Neither in this case is it material whether such a virtuous prince being a stranger proceeds against a Tyrant by open force, or fineness, or else by way of justice. True it is that a valiant and worthy prince hauing the tyrant in his power, shall gain more honour by bringing him unto his trial, to chastise him as a murderer, a manqueller, and a robber: rather then to use the law of arms against him. (2.5. 222)

Bodin thus suggests it is more honorable for foreign sovereigns to punish tyrants with the kind of unrestrained violence reserved for criminals, rather than to treat them as legal enemies under the constraints of the laws of war. In principle, the tyrant, as a *de jure* sovereign, would be a legal subject under the law of war, which Bodin refers to as "the law of arms."<sup>65</sup> This implies that if foreign sovereigns decide to wage war against this *de jure* sovereign, they should adhere to the law of war, respecting him as a legal enemy with the equal rights of war and peace.<sup>66</sup>

However, Bodin suggests that tyrants should not be afforded the protections and respect granted by the law of war. On the contrary, Bodin compares tyrants to criminals such as a "murderer, a manslayer, and a robber." The brigands are stripped "from all the benefits of the law of Arms," enjoying no rights of war and peace. Furthermore, in view of their violations of natural law, Bodin views them as criminals and as the common enemies of humankind, who must be

eradicated (1.1.2; cf. 1.7.74). Bodin now likens tyrants to these criminals. Because of the tyrant's flagrant breaches of natural laws, he is demoted from a *de jure* sovereign to the status of a criminal, described as "infamous, and notorious for the oppression, murder, and slaughter of his subjects and people" (2.5.221). As brigands are denied the rights of war and peace, Bodin argues that tyrants too should be stripped of such rights. Just as brigands are perceived as universal threats to humanity deserving of extermination, Bodin contends that tyrants should receive an unrestricted just war of punishment.<sup>67</sup>

In fact, Bodin's advocacy of a punitive war against the tyrant was not novel. This idea was prevalent during the medieval and early modern ages, and marked by a strong belief in a universal legal framework of natural laws. As Alexander Passerin D'Entreves accurately observes, the "first great achievement of natural law lies in the legal field proper, in the foundation, that is, of system of laws of universal validity."<sup>68</sup> To further understand this, one can refer to the perspective of Francisco Suárez, the great representative of the Second Scholasticism in Bodin's time. He contends that natural law is both demonstrative (*lex indicans*) in the moral sense, indicating what is intrinsically good and evil, and preceptive (*lex praecipiens*) in the legal sense, as it "contains its own prohibition of evil and command of good."<sup>69</sup>

Within this universal moral-legal system of natural law, Francisco de Vitoria justifies the punitive war against the "personal tyranny of the barbarians" who egregiously violates natural laws in acts such as "human sacrifice practised on innocent men or the killing of condemned criminals for Cannibalism."<sup>70</sup> Suárez proposes that a virtuous prince can wage a just war to punish an unjust prince who refuses to live in accordance with natural law.<sup>71</sup> Alberico Gentili, whose approach to war is "within the Protestant natural law tradition,"<sup>72</sup> asserts that a foreign prince can defend "the subjects of another against their sovereign," when "the subjects are treated cruelly and unjustly."<sup>73</sup> Hugo Grotius similarly contends that the sovereigns have the right to punish the wicked tyrants, as they "have a Right to exact Punishments" upon "any Persons whatsoever, grievous Violations of the Law of Nature or Nations."<sup>74</sup> Natural law, perceived by these thinkers as the universal and eternal law that is higher than civil law, offers a universal criterion for judging whether a king is a tyrant. Thus when a king grossly violated natural laws, it constituted a just cause for punishing him.

So, contrary to Franklin's absolutist reading of natural law as not law, Bodin, along with his contemporaries such as Suárez and Gentili, as well as with predecessors like Vitoria and successors like Grotius, recognizes natural law as a higher genuine law over the sovereigns and embraces the notion of a just punitive war upon tyrants who transgress it.

## Conclusion

By closely examining Bodin's ideas on violence against tyrants, I attempted to demonstrate that the constraints imposed on the sovereign by both the fundamental law of succession and natural laws extend beyond moral or verbal boundaries, and encompass constitutional and substantive limitations. Sovereigns who defy these higher laws may face the ultimate penalty of death, whether through domestic punishment,



resistance, or a just war of punishment. I argue that it is therefore incorrect and even misleading to label Bodin as an advocate of absolutism. Such a label may not only obscure the depth and significant normative components of his pioneering state theory but also hinder a fair evaluation of his intellectual legacy. Misrepresenting Bodin in this manner also risks diminishing the scholarly interest in Bodin, who is highly praised by Carl Schmitt as the founding father of state theory,<sup>75</sup> and revered by Eric Voegelin, who places Bodin alongside intellectual giants such as Aristotle and Thomas Aquinas.<sup>76</sup>

I do not deny that Bodin was profoundly influenced by his historical context, particularly the religious civil wars. Yet this very environment molded him into a serious political philosopher who reflected deeply on the nature, elements, and norms of the sovereign state, rather than an absolutist. In Bodin's time, factors like the religious civil wars and remnants of feudalism threatened the emerging European states, nudging them toward disintegration. These challenges compelled him to contemplate the essential qualities required for a commonwealth's existence and prosperity.

In Bodin's deliberations, he never ignores the importance of fundamental and natural laws. These higher laws play a dual role: they solidify the state's stability, ensuring its peace; and they protect against the misuse of sovereign power, guarding citizens from oppression. The fundamental law of succession prevents internal conflict over inheritance disputes, and deters ambitious citizens from pursuing tyrannical domination. Natural laws define the sovereign's right to rule and the subjects' obligation to obey—a cornerstone for the commonwealth. Concurrently, natural laws prescribe the sovereign's duties and the subjects' basic rights, such as private property, and protect them from oppression.

Given the important roles of the higher laws in ensuring a properly functioning commonwealth, Bodin does not diminish them to merely moral or verbal principles. Instead, he upholds their dignity, recognizing their legal character and enforceable power. He unequivocally supports the use of unrestrained force against the *tyrannus ex defectu tituli* who violates the fundamental law of succession. While Bodin refutes the resistance against the *tyrannus ab exercitio*—the *de jure* sovereign who transgresses natural laws—his stance is not to defend absolutism. His opposition stems from a belief that such resistance contravenes the regulation of natural laws, undermines the legitimate sovereignty of the monarch, and, in practice, could incite civil war, threatening the commonwealth's very existence.

More fundamentally, Bodin's rejection of resistance to the *tyrannus ab exercitio* does not equate to an endorsement of the citizens' slavish obedience to such a tyrant. On the contrary, Bodin staunchly defends their right to disobedience. Additionally, his opposition does not imply the absence of sanctions against the tyrant. Rather, Bodin suggests that the international community has the right to impose unrestrained punishment on such a tyrant.

## Notes

1. Franklin, *Rise of Absolutist Theory*, 41.
2. Skinner, *Foundations of Modern Political Thought*, vol. 2, 284.
3. Franklin, *Rise of Absolutist Theory*, 41; Franklin, "Introduction," xxiv–xxvi.
4. Salmon, "Bodin and the Monarchomachs," 119–35.

5. Skinner, *Foundations of Modern Political Thought*, vol. 2, 284–87.
6. Engster, “Bodin, Scepticism, and Absolute Sovereignty,” 469–99.
7. Tuck, *The Sleeping Sovereign*, 30.
8. Loughlin, *Foundations of Public Law*, 63–69; Rae, *Critiquing Sovereign Violence*, 6–7; Nicholls, “Sovereignty and Government,” 47–66; Majumder, *Tyranny and Usurpation*, 178; and Vergerio, *War, States, and International Order*, 68–69, who despite having read Lee’s latest critique of Franklin’s absolutist interpretation, primarily adopts his interpretation.
9. Turchetti, “Jean Bodin,” 4.
10. Lee, “Office Is a Thing Borrowed,” 429. Cf. Lee, *Right of Sovereignty*, ix.
11. King, *Ideology of Order*, ix, 270; Tuck, *The Sleeping Sovereign*, 33–35, 56–62.
12. Allen, *History of Political Thought*, 422.
13. Bodin, *Six Books of a Commonweale*, Preface, A71. I cite the 1962 reprinted version edited by Kenneth McRae, originally translated by Richard Knolles in 1606. I retain Bodin’s use of terms like ‘his’ or ‘man’, reflecting Bodin’s patriarchal views. Hereafter in-text references are to this edition, citing book, chapter, and page numbers.
14. Lewis, “Jean Bodin’s ‘Logic of Sovereignty,’” 215.
15. Wood, *Liberty and Property*, 162–63.
16. Franklin, *Rise of Absolutist Theory*, 54–92; Franklin, “Introduction,” xxiv–xxvi. Skinner, *Foundations of Modern Political Thought*, vol. 2, 293–301. Merriam, *History of Sovereignty*, 16. Keohane, *Philosophy and the State*, 72. Loughlin, *Foundations of Public Law*, 63–69.
17. Franklin, *Rise of Absolutist Theory*, 92.
18. Franklin, “Introduction,” xxv.
19. Loughlin, *Foundations of Public Law*, 66–68.
20. Franklin, *Rise of Absolutist Theory*, 93. Cf. Skinner, *Foundations of Modern Political Thought*, vol. 2, 286–87.
21. Glanville, *Sovereignty and the Responsibility*, 36; Lee, *Right of Sovereignty*, 220.
22. McRae, “Introduction,” A20; Lee, *Right of Sovereignty*, 210–11.
23. Franklin, *Rise of Absolutist Theory*, 95–96.
24. *Ibid.*, 54.
25. Skinner, *Foundations of Modern Political Thought*, vol. 2, 285–87.
26. Franklin, *Rise of Absolutist Theory*, 70.
27. Bodin, *Method*, 6, 253. For a detailed analysis of the juristic bases of the right to the French throne, including an examination of Bodin’s perspectives on this matter, see Giesey, “Juristic Basis of Dynastic Right,” 3–47.
28. Franklin, *Rise of Absolutist Theory*, 70. But Bodin has varying degrees of criticism of them. See *Commonweale*, 6.5.721–54; 6.2.219.
29. Franklin, *Rise of Absolutist Theory*, 70–79; Skinner, *Foundations of Modern Political Thought*, vol. 2, 293–301. For a similar view, see Nicholls, *Sovereignty and Government*, 57.
30. Loughlin, *Foundations of Public Law*, 67.
31. Franklin, *Rise of Absolutist Theory*, 70.
32. *Ibid.*, 70–71.
33. *Ibid.*, 74.
34. *Ibid.*, 95.
35. *Ibid.*, 74.
36. McRae, “Introduction,” A21.
37. Hoekstra, “The de facto Turn,” 50.
38. Lee, *Right of Sovereignty*, 206.
39. Cf. *ibid.*, 82–94.
40. Cf. Wolfe, “Jean Bodin on Taxes,” 268–84. For a refutation of Franklin’s absolutist interpretation of taxes, see Andrew, “Jean Bodin on Sovereignty,” 81. Wood, *Liberty and Property*, 166–69.
41. Lewis, “Jean Bodin’s ‘Logic of Sovereignty,’” esp. 217–22. Cf. King, *Ideology of Order*, 270.
42. Cf. Tooley, “Introduction,” xxvii–xxviii. In “Royal Monarchy,” 241–64, Wilson criticizes Franklin’s absolutist reading through the lens of Bodin’s idea of the royal monarch. In “Royalist Rhetoric,” 95–115, Sälävästru interprets “the so-called ‘royale’ monarchy as the ideal form

of the state—a monarchy where the absolute power of the king could coexist, without contradictions, with some limited constraints on royal authority derived from the respect for natural justice and the king’s own moral fortitude.”

43. Heller, “Bodin on Slavery,” 53–65. Cf. Lee, *Right of Sovereignty*, 119–35, eps. 128. Ramet, “Jean Bodin and Religious Toleration,” 88.
44. Giesey, “Medieval Jurisprudence,” 119.
45. Merriam, *History of Sovereignty*, 16.
46. Beaulac, *The Power of Language*, 110. Cf. Chauviré, *Jean Bodin*, 469–70.
47. Franklin, *Rise of Absolutist Theory*, 79.
48. McRae, “Introduction,” xxiv.
49. It is important to note that divine positive law and natural laws are not entirely synonymous. Bodin’s perspective on natural law incorporates a classical Stoic understanding of natural law as natural reason.
50. Lee, *Right of Sovereignty*, 13–14, n. 50; cf. 51–52, n. 54. Lee also provides the contextual analysis of Bodin’s participation in some of the ongoing debates about natural law in chap. 2.
51. Lewis, “Jean Bodin’s ‘Logic of Sovereignty,’” 216.
52. McRae, “Introduction,” A15, 21.
53. Franklin, *Rise of Absolutist Theory*, 95.
54. For a specific analysis of Bodin’s distinction between the despotic monarchy and tyrannical monarchy, see Turchetti, “Despotism and Tyranny,” 159–82.
55. *Ibid.*, 169.
56. The public sovereign-subject relationship is not the same as the private master-slave relationship, lord-vassal, patron-client relationship. Cf. Lee, *Right of Sovereignty*, 65–67, 115–41; Loughlin, *Idea of Public Law*, 61; Prokhovnik, *Sovereignty: History and Theory*, 41.
57. Brett, *Changes of State*, 132. Cf. Benton, *A Search for Sovereignty*, 287. Lee, *Right of Sovereignty*, 81, 241.
58. Lee, *Right of Sovereignty*, ix.
59. Franklin, *Rise of Absolutist Theory*, 96–97. Skinner, *Foundations of Modern Political Thought*, vol. 2, 295.
60. Skinner, *Foundations of Modern Political Thought*, vol. 2, 287.
61. For the distinction between the validity of natural law and enforcement of natural law, see Lee, *Right of Sovereignty*, chap. 2.
62. Keohane, *Philosophy and the State*, 72.
63. Franklin, *Rise of Absolutist Theory*, 93.
64. Franklin, “Introduction,” xxv. Cf. Franklin, *Rise of Absolutist Theory*, 92.
65. Cf. Lee, *Right of Sovereignty*, 40–41, 112–13.
66. For Bodin’s understanding of legal enemy, see *Commonweale*, 1.7.74. About the rights of war and peace the state sovereigns enjoy, see *Commonweale*, 1.1.1.
67. Cf. Lee, *Right of Sovereignty*, 181–221.
68. D’Entrevés, *Natural Law*, 22. Cf. Duke and George, eds., *Natural Law Jurisprudence*.
69. Suárez, *Selections*, 191.
70. Vitoria, *Political Writings*, 387–88.
71. Suárez, *Selections*, 827–28.
72. Vergerio, *War, States, and International Order*, 97.
73. Gentili, *De Jure Belli*, 74–78.
74. Grotius, *Rights of War and Peace*, vol. 2, 1021–22.
75. Schmitt, *Political Theology*, 8.
76. Voegelin, *History of Political Ideas*, 232.

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## Bibliography

- Allen, John William. *A History of Political Thought in the 16th Century*. London: Routledge, 2013.
- Andrew, Edward. "Jean Bodin on Sovereignty." *Republics of Letters* 2, no. 2 (2011): 76–84.
- Beaulac, Stéphan. *The Power of Language in the Making of International Law: The Word 'Sovereignty' in Bodin and Vattel and the Myth of 'Westphalia'*. Leiden: Brill, 2004.
- Benton, Lauren. *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900*. Cambridge: Cambridge University Press, 2009.
- Bodin, Jean. *Method for the Easy Comprehension of History*. 1566. Translated by Beatrice Reynolds. New York: W.W. Norton, 1945.
- Bodin, Jean. *The Six Books of a Commonweale*. 1576. Translated by Richard Knolles, edited by Kenneth McRae. Cambridge, MA: Harvard University Press, 1962.
- Brett, Annabel. *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. Princeton, NJ: Princeton University Press, 2011.
- Chauviré, Roger. *Jean Bodin, auteur de la République*. Paris: É. Champion, 1914.
- D'Entreves, Alexander Passerin. *Natural Law: An Introduction to Legal Philosophy*. London: Hutchinson, 1951.
- Duke, George, and Robert P. George, eds. *The Cambridge Companion to Natural Law Jurisprudence*. Cambridge: Cambridge University Press, 2017.
- Engster, Daniel. "Jean Bodin, Scepticism and Absolute Sovereignty." *History of Political Thought* 17, no. 4 (1996): 469–99.
- Franklin, Julian. *Jean Bodin and the Rise of Absolutist Theory*. Cambridge: Cambridge University Press, 1973.
- Franklin, Julian. "Introduction." In *Jean Bodin: On Sovereignty*, ix–xxxiv. Cambridge: Cambridge University Press, 1992.
- Gentili, Alberico. *De Jure Belli, Libri Tres*. Translated by John C. Rolfe, edited by Coleman Philips. 2 vols. Oxford: Clarendon Press, 1933.

- Giesey, Ralph E. "The Juristic Basis of Dynastic Right to the French Throne." *Transactions of the American Philosophical Society* 51, no. 5 (1961): 3–47.
- Giesey, Ralph E. "Medieval Jurisprudence in Bodin's Concept of Sovereignty." In *Jean Bodin*, edited by Julian Franklin, 105–22. London: Routledge, 2017.
- Glanville, Luke. *Sovereignty and the Responsibility to Protect: A New History*. Chicago, IL: University of Chicago Press, 2019.
- Grotius, Hugo. *The Rights of War and Peace*. 1625. Edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac. 3 vols. Indianapolis: Liberty Fund, 2005.
- Heller, Henry. "Bodin on Slavery and Primitive Accumulation." *The Sixteenth Century Journal* 25, no. 1 (1994): 53–65.
- Hoekstra, Kinch. "The de facto Turn in Hobbes's Political Philosophy." In *Leviathan after 350 Years*, edited by Tom Sorell and Luc Foisneau, 33–74. Oxford: Clarendon Press, 2004.
- Keohane, Nannerl. *Philosophy and the State in France: The Renaissance to the Enlightenment*. Princeton, NJ: Princeton University Press, 2017.
- King, Preston. *The Ideology of Order: A Comparative Analysis of Jean Bodin and Thomas Hobbes*. London: Routledge, 2013.
- Lee, Daniel. "'Office Is a Thing Borrowed': Jean Bodin on Offices and Seignorial Government." *Political Theory* 41, no. 3 (2013): 409–40.
- Lee, Daniel. *The Right of Sovereignty: Jean Bodin on the Sovereign State and the Law of Nations*. Oxford: Oxford University Press, 2021.
- Lewis, John. "Jean Bodin's 'Logic of Sovereignty'." *Political Studies* 16, no. 2 (1968): 206–22.
- Loughlin, Martin. *The Idea of Public Law*. Oxford: Oxford University Press, 2004.
- Loughlin, Martin. *Foundations of Public Law*. New York: Oxford University Press, 2010.
- Majumder, Doyeeta. *Tyranny and Usurpation: The New Prince and Lawmaking Violence in Early Modern Drama*. Vol. 5. Oxford: Oxford University Press, 2019.
- McRae, Kenneth Douglas. "Introduction." In *The Six Books of a Commonweale*, by Jean Bodin, translated by Richard Knolles, edited by Kenneth McRae, A3–A67. Cambridge, MA: Harvard University Press, 1962.
- Merriam, Charles E. Jr. *History of Sovereignty since Rousseau*. London: Macmillan, 1900.
- Nicholls, Sophie. "Sovereignty and Government in Jean Bodin's *Six Livres de la République* (1576)." *Journal of the History of Ideas* 80, no. 1 (2019): 47–66.
- Prokhovnik, Raia. *Sovereignty: History and Theory*. Luton: Andrews UK Ltd., 2013.
- Rae, Gavin. *Critiquing Sovereign Violence: Law, Biopolitics and Bio-Juridicalism*. Edinburgh: Edinburgh University Press, 2019.
- Ramet, Sabrina. "Jean Bodin and Religious Toleration." *Politics and Religion Journal* 13, no. 1 (2019): 81–95.
- Sălăvăstru, Andrei Constantin. "Royalist Rhetoric during the French Wars of Religion: Jean Bodin's 'Royale' Monarchy." *Argumentum: Journal of the Seminar of Discursive Logic, Argumentation Theory & Rhetoric* 17, no. 1 (2019): 95–115.
- Salmon, John. "Bodin and the Monarchomachs." In *Renaissance and Revolt: Essays in the Intellectual and Social History of Early Modern France*, 231–48. Cambridge: Cambridge University Press, 2003.
- Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by George Schwab. Chicago, IL: University of Chicago Press, 2007.
- Skinner, Quentin. *The Foundations of Modern Political Thought, Volume Two: The Age of Reformation*. Cambridge: Cambridge University Press, 1978.
- Suárez, Francisco. *Selections from Three Works*. Translated by Gladys L. Williams, Ammi Brown, and John Waldron. 2 vols. Oxford: Oxford University Press, 1944.
- Tooley, M. J. "Introduction." In *Six Books of the Commonwealth* (abridged edition), by Jean Bodin, translated by M. J. Tooley, vii–xxxix. Oxford: Blackwell, 1955.
- Tuck, Richard. *The Sleeping Sovereign: The Invention of Modern Democracy*. Cambridge: Cambridge University Press, 2016.
- Turchetti, Mario. "Despotism and Tyranny: Unmasking a Tenacious Confusion." *European Journal of Political Theory* 7, no.2 (2008): 159–82.

- Turchetti, Mario. "Jean Bodin." *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta (Fall 2018). <https://plato.stanford.edu/archives/fall2018/entries/bodin/>.
- Ulph, Owen. "Jean Bodin and the Estates-General of 1576." *The Journal of Modern History* 19, no. 4 (1947): 289–96.
- Vergerio, Claire. *War, States, and International Order: Alberico Gentili and the Foundational Myth of the Laws of War*. Cambridge: Cambridge University Press, 2022.
- Vitoria, Francisco de. *Political Writings*. Edited by Anthony Pagden and Jeremy Lawrance. Cambridge: Cambridge University Press, 1991.
- Voegelin, Eric. *History of Political Ideas, Volume I: Hellenism, Rome, and Early Christianity*. Edited by Athanasios Moulakis. Columbia: University of Missouri Press, 1997.
- Wilson, John F. "Royal Monarchy: 'Absolute' Sovereignty in Jean Bodin's Six Books of the 'Republic'." *Interpretation: A Journal of Political Philosophy* 35, no. 3 (2008): 241–64.
- Wolfe, Martin. "Jean Bodin on Taxes: The Sovereignty-Taxes Paradox." *Political Science Quarterly* 83, no. 2 (1968): 268–84.
- Wood, Ellen Meiksins. *Liberty and Property: A Social History of Western Political Thought from the Renaissance to Enlightenment*. London: Verso Books, 2012.