

Determining the Sovereignty on the Ground of State-Citizen Relations in Cicero and Bodin's Works

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Abstract

At the every period in historical evolutions of societies, the individual or public use of power in the name of public, the order in the society and its maintenance encounter every society as a highly controversial issue in the scope of political structure. In relation to the entire principles as the ground for right and limits of the use of power and to the presentation of the transformation of discussions on "sovereignty", the comparison of Roman Republic thinker Cicero's "understanding of sovereignty as based on the citizen", with 17th century French thinker and lawmaker Bodin's "understanding of sovereignty as based on the state", is significant in the sense of understanding modern period discussions on sovereignty. Since, on one hand Cicero, in a period where individual honor and virtue is considered as very important, had grounded and legitimated the sovereignty relations between the state and the citizen on the awareness of citizenship and reciprocal responsibilities, in order for the maintenance of state's stability and perpetuity. This kind of legitimization of sovereignty, after Cicero, is seen only in the Enlightenment and following periods. On the other hand, Bodin, after a period where sovereignty unconditionally depended on the divine obedience, had tried to legitimate the sovereignty under worldly conditions in a rational way. Bodin's conceptualization of sovereignty as such is considered as an initiative for taking the mind and individuality to the stage again in terms of legitimacy of the sovereignty. From this point of view, this emergent situation; it should be noted that it is not a new kind of understanding; can be regarded as significant in the sense of providing the ground for modern period understanding of the politics in the scope of legitimizing the sovereignty.

Keywords: Sovereignty, Citizenship, Legitimacy, State, Society

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Introduction

Since people started to live in associations, there have been developed a governing power and the question of who will manage this power or what will be the source of legitimacy, even if it is not mentioned literally, has become the focal point of theoretical discussions in political philosophy from the First Age. In the threshold of modernity, the issue of sovereignty considered as a concept, has encountered us as a fundamental problem. In that regard, determining both the fundamentals of the sovereignty and the limits of rights, responsibilities and duties of citizens, present itself as an important phenomenon.

While the roots of "sovereignty" as a concept is regarded as power and puissance in French (*souveraineté*), in German (*staatsgewalt*) it has been regarded as equal to the "public power" acquired through violence. Thereby, we can say that sovereignty is a concept which determines the limits of state's power with its use and legitimacy. As having capacity of expanding or narrowing down in relation to the legitimacy and limits of use of power, sovereignty may turn into a power which glorifies, sanctifies the one who holds it and also in relation to its use of reason it may become an individual-centered or state-centric power (the individual as the owner of the state, dynasty or elite-centered). Sovereignty, with its unstable and dynamic character, has been regarded as a reason behind the indistinct approach to the power in Machiavelli, Bodin and Grotius' works on law and the political (Beaud, 2003: 271). The necessity to define the phenomenon of sovereignty appears more often when the political and social changes take place intensively. By modern era when considered as a concept, the phenomenon of sovereignty is a concept which is started to be used in 17th century as a result of the emergence of nation-states in Europe. In that period, sovereignty was meant to be the absolute and limitless power. At that period the discussions about the need to take the power from religious structures and give it to the secular structures had been started and also became one of the fundamental concerns of the political philosophy in the arguments about the modern citizenship (Heywood, 2011: 110). At this point, we need to analyze the nature of the concepts of the citizenship and the sovereignty. The citizenship and the duties and rights of the citizens are shaped or defined in accordance to the use, limits and legitimacy of sovereign power. These two elements can be regarded as different balance points equalizing each other. In this way, change in nature of the one will affect the other's nature as well. Defining the citizenship will always be in relation to the sovereignty and also defining sovereignty will be about defining the citizenship.

France is presented as the origin behind the reflection of the idea of absolute state in legal, political, economic and social terms on the modern period. However, there is an ongoing debate about a general consent which remarks that we have to divide the pre-modern and post-modern periods while we are discussing about the sovereignty. It is a fact that the understanding of sovereignty in the religious periods can only be completed by the new state understanding in modern era (Kocak, 2006: 27). In this regard, the pre-modern period covers the First and Middle Age and also the renaissance period. This reveals a systematic mistake in the approaches to the sovereignty and citizenship in the history of western political thought. Citizenship as based on rationality is not of course a middle age understanding, however it would be a mistake to generalize it with first age within the scope of pre-modern period. The notions of reason and virtue are the dominant elements in political philosophy of the First Age and at that time, the idea of citizenship-based State had been explained in the grounds of reason and virtue. In the Middle Age we see the replacement of reason and virtue with the religious content and by emphasizing the supremacy of worldly governments over the individuals; the notion of citizenship is considered on the ground of religious beliefs which charges people with duties (Tannenbaum ve Schultz, 2011: 119-124).

It should be noted that from this point of view we can deduce that the notion of sovereignty as a theory and an idea was present in the pre-modern period, however the phases it went through within the dominant paradigm then had to be known. In this work, the historical and intellectual transformation of the concept of sovereignty in political theory around the notion of citizenship will be examined through the works of two important thinkers whose works is seen as appropriate with regards to the focus of the subject. The idea of sovereignty, not named as such yet³, but could be regarded around the conceptualization of citizenship in the works of Cicero, who was a thinker and statesman in Rome, where we be seen as an acceptable first great political organization in a western sense, is thought to be appropriate for further concern considering its powerful influence on subsequent thinkers. On the other hand, since the beginning of modern period, France is considered as the first unitary, powerful and monist State after Rome in Europe and regarded as its hereditary.

³The reason behind the expression of sovereignty as “not named as such yet” comes from the idea that the concept of sovereignty occurred in 17th century. In Cicero’s time, the authority to of the use of power is legitimated through citizenship and this use of power or authority to govern by a ruler who is selected by the citizens is taken as the ground.

On that regard, it is important to take into consideration the works of Bodin, who is an important French thinker, jurist and also political consultant of the king at that period, especially his works on sovereignty, in order to see the transformation of political philosophy in the West in relation to the citizenship and determine the limits of the idea of sovereignty in today's world. In this work, the scope of sovereignty and the discussions of citizenship in thoughts of both thinkers will be examined by trying to determine their role in political philosophy in order to contribute to the discussions on contemporary conceptualization of the sovereignty. Besides, comparing Cicero and Bodin's thoughts on that issue, defining their differences and similarities, their approaches and their reasons to emphasize these issues are important in the sense that they give us opportunity to see the First Age as rediscovered and construed in the Modern period.

In this work, in the first place, the idea of sovereignty will be discussed around the notion of the status of the citizen in the face of the State, as described by Roman philosopher Cicero, which is considered in the scope of ensuring people's trust and commitments to State and thus the unity and power of the State. In the following section, Bodin's thoughts on sovereignty, which is thought to be very influential in modern period state-society relations, are treated in the scope of his time and the problems, environmental/periodical effects that his State had encountered. In the name of reaching to a meaningful result in this study, with an analysis of their similarities and differences on citizenship discussions on the third sections, the issue is approached in a comparative manner and afterwards with their influences on contemporary understanding of sovereignty, regarding both thinkers' considerations in relation to their own time periods, this study will be brought to conclusion.

A. Legitimization of the State, Sovereign and the Sovereignty in the Scope of Reciprocal Duties – Cicero's Understanding of Citizen- Oriented Sovereignty

Cicero (106 BC – 43 BC)'s political thoughts are sometimes considered as a recurrence of Greek thinkers and criticized for having "subjective remarks" on the purpose of maintaining the Rome as a State. Cicero also comments that his own political works can be regarded as "collections" composed of re-compilation of previous thoughts. His works are considered as valuable in the sense that they include some important Greek thinkers' forgotten ideas and this is important as they are reachable in today's world. For that reason, Cicero is a highly quoted thinker in western political philosophy discussions.

Further, the Romans had used Cicero's political thoughts in the pursuit of defining citizens' rights and responsibilities for many years even after his period and in accordance with his ideas, they tried to develop a unique "citizen" profile which will glorify Rome's political system. Cicero had contributed to the development of Stoic doctrine in Rome which was one of the most important philosophical streams at that period. In the Republican Rome period, Cicero's works were regarded as a source of Stoic philosophy doctrines. We can also see significant influence of Stoic philosophy in his political philosophy. His works on politics, law and morality, respectively *De Republica*, *De Legibus* and *De Officiis*, which include discussions on "universal" rights and responsibilities, were effective in the composition of aristocrats' political opinions in Republican Rome period, like the western conservatives in our contemporary world. These works also provide us access today to the important philosophical and social knowledge on Cicero's political thoughts considered as "universal" in the scope of Stoic philosophy. Cicero had written these works in dialogues and in that regard, his mode of writing also brings light to the political in Rome, where he admires (Sabine, 1969: 156-157).

Cicero tried to shape the understanding of "citizenship", developed through society, as based on individual rights and duties with his admiration for Rome. He states that a society is not composed of people who get together coincidentally; rather they are together in order to profit from reciprocal benefits and also he notes that those benefits are regulated through the laws. According to Cicero, this association is not originated from the weaknesses of people, rather he argues that collectivism is a natural character of people and thus by nature, people cannot live in solitude (Cicero, 2008: 12-13). In Cicero's and stoic philosophical terms (particularly Polybius), everything that exists in the world are for the use of people and even the mankind is to serve mankind's needs. On this basis, Cicero views the "reason" as a condition of existence for the "justice" and states that for people, this is the foundation of the wisdom. As reason to the justice, righteousness and the sense of duty are also important in that sense. A structure founded on reason, wisdom and sense of duty can only be achieved in time and by putting justice to the center. This provides people with "equality" in human relations (Pocock, 1975; Sabine, 1969: 158-159), which is a natural right for them. This point is important in the sense that it presents us that Cicero both adopts stoic natural law doctrine which is based on providence and anthropocentric theology and also he is consistent in its own doctrines (Strauss, 2011: 181).

At that point, we can regard them as a resume for Cicero's understanding of government, society, republic, constitution, dictator, leadership and also the social and political points of view as grounded in Stoic moral philosophy (Cicero, 1998).

It is known that Cicero's conception of justice shares some similarities with its contemporary meaning which regards the righteousness and justice as equals. In that way, there are claims about Cicero's thoughts, on the difference between equality and inequality, are closer to Aristotle's morality. Cicero's regards lead to the development of the idea that everything done for the common good is functionally grounded on "equality for the equals" and prepared the base to search for new ways to correct the inequality. This kind of well-ordered society, as described by Cicero and stoic thinkers, is the key where people feel themselves natural. Cicero emphasizes that people become socialized by the nature, however it does not follow that the nature will provide them with "freedom" and "equality". This point is the fundamental element of Cicero's regard on the citizenship (Strauss, 2011: 180-183, 360-361).

It is natural that people, who are in need of exterior power to provide themselves with freedom and equality, will have some obligations to this power. By saying that there are people's obligations to the sovereign and also the sovereign's obligations to the people, Cicero had a great influence on subsequent theories of state (Mairet, 2005: 237). The foundation of Cicero's theory of state is grounded on the "power" relations in society. Cicero emphasizes the importance of the harmony between the social power groups in roman constitutional order and the ways of using the power by the power elites and this is something that they should never disregard, which is a point that Cicero puts in the center of his moral and pragmatic critics on politics (Cicero, 1998). In that way, where the nature does not provide people with the freedom and equality, laws based on reason will be able to guarantee this equality and freedom and at the same time, this will accompany the sustainability of the state and the society.

Starting from this point of view, we can say that the idea of people-centered nature in stoic philosophy grounded in sustaining the state and the society is to be reconsidered in modern era. While Cicero contributes to the development of the Stoic philosophy and its future, he also informs us today on the state government and political philosophy in Rome.

As shaped by Cicero's thoughts, the Roman period stoic thinking has pointed out as a reference point in modern political thought, with the vertical organization of heaven, hell and nature in Christianity of middle age period (Cassirer, 1984:165-176). In that regard, Cicero is a highly referred thinker also in the enlightenment period, where the Christianity and contra-religious ideas were started to develop, especially in grounding the idea of the sovereignty based on citizenship.

In his works and the analyses based upon his political thoughts, the assertion of a state (d'Entreves, 2005: 194) as representing the "political union" with legal universal power in the scope of "res publica" attracts our attention. We see that Cicero deliberately stands apart from the concepts like authority, and sovereignty, while he emphasizes on a model where there are virtuous people who work for the "common good". It is a fact that there were some deviations regarding the elements of sovereignty over the state in Cicero's period in Rome governed by an aristocratic republican regime for more than five hundred years after the dismissal of the king. The political conditions in Cicero's time in Rome had also influence on his thoughts about the sovereignty, freedom, equality and citizenship. At that period, the declaration of great Commander Silla as the *dictator reipublicae constituendae* (constitutional dictator of the republic) in 82 BC and also the dictatorship of Caesar starting from 48 BC and ends with his death show that the issue of sovereignty even in Rome at that period was standing on a fragile balance (Linz, 2008: 29).

The unpredictability of the forms of a government, as regarded constitutionally and based on the society on a discursive level, had always been a problem for the stability of the Roman Republic. In relation to these developments at that period, the concept of citizen as libertarian, but also sensitive to both interior and exterior threats by adopting the loyalty to country as a "duty" has affected the fundamentals of Cicero's understanding of the sovereign. This kind of conceptualization of a citizen implies the idea of an individual who is *for* the state, living for the state and conscious of his citizenship depends on the existence of the state. In that regard, it follows that the citizen is for the state. Hence, on one hand we see honoring the republican society and its individual citizens, on the other hand citizens' duties towards the state is prioritized over the state's responsibilities for them. Besides, there was always an emphasis on the requirement for an individual to become citizen or an individual in that country to accept the authority of the political government.

At that point, Cicero moves a step forward and asks himself to whom we, as citizens, have more responsibility. He remarks that our responsibilities to the state have supremacy over our commitments to our parents even we receive more from our families. This proves that Cicero sees this relation between the state and the citizen as a natural process. When we put responsibilities in order, we have the state, parents, household, close friends, friends, people who were kind to us and this situation had become a virtue in his philosophy. According to Cicero, the origin of virtuous life comes from the obedience to the authority, namely the state; hence this is the only condition for the citizenship (Cicero, 2013). In this way, state becomes a structure which creates the virtuous free individual and also maintains its existence through its own creations. State is the only institution which creates the society and people who are going to take responsibility in this institution have to decide first if they will be able to perform their public service. From this point of view, Cicero points out that people who will take the responsibility of public service in the state, have to obey Plato's two advices; one is that those people have to pay high attention to what will be the best for the citizens of the state, so that they should not pursue their own interest. His second advice is that they should not just embrace one part of the society, rather they should seek always an integrated society embracing all people and they should realize that their duty is temporal; some other will replace them in their jobs in future. As state officers will move in accordance to the integration of the society and work for maintaining this situation, obedience and commitment to them will be the most important conscious state (Cicero, 2013: 33-39). Customs as formed by such social consciousness and the rights and responsibilities of the state and citizens as shaped by these customs will guarantee both the future of the state and the equality and freedom of citizens.

Cicero's model of a virtuous citizen who regards the public service as his debt to the state, who acquires his freedom by the Roman justice is considered and used as an important model in the threshold of modernity. In the search for answers to the questions about the sovereignty like whose power is this, what is it for, against whom and for whom, the concept of virtue, named as "virtus" by Cicero, following him we see the name "virtu" by Italian thinkers and as described by "republican" English thinkers at the beginning of the modern era as "virtue of citizenship" or "public spirit", had played important role.

The emphasis on the supremacy of the state in state-citizen relations, with regards to the reciprocal commitments between them, had continued in the pre-modern period and the concept of the state in its evolution had become an apparatus which has to exist with all its elements for the society and which maintains its legitimacy by way of protecting individual freedom (Audier, 2006).

Some authors accept that Cicero had influence on many thinkers over the course of Middle Age⁴ till the time of Rousseau. Specifically the issue that, in order for the sovereign state to be the state completely, it has to be “res publica” and for that reason to be “equipped with publicity” is still an issue of discussion today (Agaogulları, 2006: 73).

Cicero expressed his thoughts in terms of the Republican regime because he regards it as the best regime in implementing the overall public duties. According to him, republican regime is a right through which society can acquire the status of the community of citizens. For him, a citizen is a “free being”. When we consider the citizenship as a totality of duties which can be acquired a posteriori, we can see that Cicero’s thoughts are not in line with modern conceptualization of the freedom. The reason behind this difference is that Cicero did not consider the freedom as a given human right; rather his conception of it is regarded as a guaranteed individuality provided to the society under Roman law (Wood, 1991: 162). In Cicero, the guarantee of the stability and sustainability is the “rule of law”. In this kind of state, free citizens may build a moral society. In his terms, the law generates the state and this state provides people with the opportunity to be free citizens.

Rule of law, in terms of its being a warrant for the free citizenship, is the legitimate and sovereign power. Cicero remarks that as the sovereign can be neither the king, the traditions, nor the society, as he experienced these situations at his own period. In his terms, the sovereign power is the universal rational “natural law (*summa lex*)”. Universal reason is the fundamental element of the truth and it covers all social and divine aspects of an individual.

⁴ In the Middle Age, Augustine states that the sovereignty belongs to the God absolutely and worldly power holders are only capable having sovereignty over people if and only if God charges them of this sovereignty. So, in that regard, people’s first duty is obedience to the God. Hence, there we see an understanding of citizenship based on faith. While a Christian is a member of God’s state, one who does not have faith will not have this citizenship. Faith or religion based concept of citizenship brings out unconditional obedience (Viroli, 1997).

Only with these principles can provide a regular life in the world. These principles constitute the law. The state which is shaped by this law is the only provider of this rule of law (Moatti, 2003: 155).

By this way, Cicero implies that the natural law is the divine rule and this law never conflicts with reason. The God has written the universal law on the all people's minds and thus living in accordance with those rules is the ground for individual freedom because it will provide them with a regular life through which they can fulfill their duties. From this kind of conceptualization of the "free citizen", as Cicero sometimes implies, and sometimes says explicitly that the sovereignty of the people can only be provided to them with the State they constitute by themselves (Cicero, 2012b: 311-321).

Cicero's conceptualization of the State is developed in accordance with his notion of natural law as part of his ideas on the political, social and legal. He points that a State which is established in line with the rules determined by him and old Greek thinkers will also need a well systematized government. According to him, it is indispensable for the State holding group to have the sovereignty. By this way of thinking, he asserts that the problem of instability in Greek city states stems from the sovereign or the sovereigns' use of their power not for the social requirements, but for their own interests. Cicero also made some changes in the Greek model government regimes composed of democracy, aristocracy and monarchy. He points out that all of those regimes have their own limits and there is no such regime called as arbitrary regime which would be destroyed indispensably (Cicero, 1998). However, while abstaining himself from differentiating his favorite regimes approved by him, he puts forward his understanding of "mixed regime" whose fundamentals are partly from Polybus and Roman government. Through describing this regime he develops an understanding with regards to the concepts of freedom, society and equality as we see often in his political writings (Cicero, 1998).

The limits of the sovereign in Cicero's terms are determined in relation to the understanding of "arbitrary" regime. According to him, arbitrary treatments are regarded as beyond the sovereignty and they may cause disturbance in social order. It is known that Cicero's ideas with regards to the order and stability guides Enlightenment period English thinker Burke's understanding of political order which "searches for the stability" (Akkas, 2004: 161).

While Cicero continues to give importance to the citizens' rights in his thought on sovereignty, he states that the citizen have to have qualifications which would make him risk death (Kantorowicz, 2005: 122) in case of an issue about the "country" in a way of influencing many subsequent western thinkers, especially the modern period conservative theory. This kind of understanding, which can be regarded as a paradox in the grounding of nation-states, makes difficult to determine the limits in terms of responsibilities of citizens. Cicero integrates the unity in society, the social association with the loyalty to the legislation, the state as established by this unity and he converts the protection of this unity to principle of "patriotism" (Viroli, 1997: 30).

B. Legitimization of the State, Sovereign and Sovereignty in Pre-Modern Period Philosopher Bodin's Works – "State-Centered" Approach to the Sovereignty in Bodin

The perception of citizenship and sovereignty has experienced a big change in European political life since the times of Cicero until Bodin. Throughout the Middle Age as starting with Augustine's work "City of God", the hegemony of religion and hence the Church over almost all aspects of life had completely changed the understanding of the society and political in the First Age. Changing economic and social conditions required changes in political life as well. In that regard, we see "Policraticus" written in 12th century by John of Salisbury, which re-determines the qualifications and duties of the sovereign. In 13th century, Thomas Aquinas had presented the problem of redefining Christian political thought by giving authority at a certain level to the worldly sovereignty. Regarding the redefinition of political thoughts, in 14th century, Dante and Marsilius of Padua had remarked that religion/Church should be subjected to worldly, secular authority. When we come to Machiavelli, we see that the discussion about the necessity of worldly authority to be over sovereign Church had been started. On the other hand, in the context of social structure, we see a decrease in feudal system 12th century onwards and from a unitary state point of view, the citizenship issue took different forms by the development of the understanding of nation-states (Tannenbaum and Schultz, 2011).

Particularly the changes in trade routes and geographic discoveries had resulted in establishments of powerful political structures and a different bourgeoisie. These developments had forced significant city states of Renaissance period and limited political authorities of communes.

As a result of this situation, trade and industrial sectors, whose rules are determined by cities, became dominated by the States. Traditional structures, which have important role in the formation of city states around a certain kind of understanding of citizenship, critically resisted this process. However, after all city states had become satellites of monarchic unitary states. This situation brought along significant changes, transformations and developments in the improvement of political thought and its practical applications (Febvre, 1995: 82). The formation of political and economic power centers besides the Church had provided anti-traditional groups with protection and financial support by different centers than the Church; thus religious man like Luther (1483-1546), by questioning Papa's authority in the sense that making Christianity free from Papa and genius religious men, had considered the religion as a relation only between the God and the individual. It means political authority and right to sovereignty will become independent from religion (Schmitt, 2002: 50-53, 61).

Jean Bodin (1530-1596), as a philosopher and jurist, can be regarded as an influential thinker in the formation of theory of State and Sovereignty who live at that period. Regarding political thoughts in the threshold of modernity, Bodin has an important role with his critical approaches to Machiavelli's thoughts on government and with his book "Six Books of the Commonwealth" which includes discussions on who is going to hold the sovereignty (Allen, 1925-26: 43).

The most important characteristic of Bodin's thoughts in the name of political theory is his reconsideration of kings' rights to the sovereignty and his points on its legitimization. In that regard, for the first time in history he criticized the idea which says that the right to sovereignty for the kings comes from divine sources; rather he provides with a "secular" structure thorough grounding this right in legal foundations (Agaogulları and Köker, 2000: 9). According to Bodin, the country and the people who constitute this country constructs its own identity through its own culture and morality as developed in historical process and finally the country becomes a nation.

This national existence and the State based upon it and the right to sovereignty of the State over its people is regarded as absolute. By this way, when the governor uses the sovereignty in the name of public, he would express a legitimate government (Lewis, 2006: 8-9). The concept of sovereignty in Bodin's works is considered as absolute, continuous, indivisible and untransferable as the political reflection of government. In this kind of consideration, he defines the republic as "governing many families and spaces of common problems by a sovereign body" (Schmitt, 2002: 16).

Even when defining the republic which can be seen as a result of a collectivist understanding, the “father” image of the State and its role as a unique and inclusive body in Bodin’s works and his emphasis on the ruler on behalf of the State should have certain reasons related to his own time period behind it. The perception of religion in the time of Bodin has encountered an important problem on European level. For the first time in Europe, there appeared a critical separation in the name of religion and according to Bodin; “establishing a supreme sovereignty” had become indispensable upon the quarrel between Catholics and Protestants. Bodin’s life has passed through the period of religious wars in France. In Bodin’s terms, in relation to having peace in society and the legitimacy of king’s sovereignty, the religious tolerance had to be taken as a ground (Remer, 1994: 321). According to him, the “ruler prince” should not support one party over the other in wars of religion. He remarks that having such religious discussions are not the business of the “ruler prince”; rather those discussions on religion, for him, should be prohibited and this prohibition should not be applied under the dominance of a certain group, but in the scope of unity in the State, by way of expressing the State as a supra-religious institution to whom all citizens respect (Sacerdoti, 2007: 215). In that regard about the separation of religious affairs, *Six Books of the Commonwealth* is used as a reference in the explanation of sovereignty to be used by the king in the presence of the society. Bodin emphasized the concept of State generally and tried to give meaning to the important concepts concerning the State’s existence, progression and its responsibilities to the citizens being in the first place, the whole country in a modern sense (Brancourt, 2005: 185).

The Republic (or the Commonwealth) had always been regarded as the opposite of monarchy by all the political thinkers till the time of Roman Republican thinker Bodin, who for the first time considered the Republic in a different way. Though this situation is regarded as a result of a conceptualization of the republic as state affairs as we see in Cicero from time to time, it is seen that Bodin’s approach can be considered as a contrary approach (Audier, 2006: 28). In essence, we can see that Bodin reveals an understanding of “integrative” sovereignty, seen as “a mix” which represents the monarchy, aristocracy that are considered as “constitutional” by Bodin and the “self-government” with the emphasis on government system in Rome (Bodin, Chapters II-V, Concerning The Family, page: 7-8, <http://www.constitution.org/liberlib.htm>).

This kind of understanding of the State as Bodin presents us is regarded as the beginning of the unitary modern State. Bodin is considered as among the group of thinkers named as *politiques* in the sense that he conducts conceptualizations seen as necessary conducts for the formation of modern state and he tries to prepare universal norms with his suggestions for “country problems” towards a “consistent” State structure (Agaogulları and Köker, 2000: 10-12).

In Bodin’s approach to the consistent stabilized state system, his emphasis on the temporality of the statuses and of the people who hold them has an important place. While giving importance to the sovereignty as well, he highlights not the power which takes hold of the sovereignty, but the limits of the ruler, the sovereign who has been captured by this power. It is not important the name of the sovereign or the ruler; it may be a council or suzerain, or a king, it does not matter; but what matter is the limits provided to these authorities and according to Bodin this is what provides the sovereignty. In that regard, we can say that according to Bodin while the sovereign itself is changing, the sovereignty does not change; while the holder of the power itself changes by time, however the power, the hegemony does not change (Bodin, Chapters II-V, Concerning The Family, page: 24-26, <http://www.constitution.org/liberlib.htm>).

The State, which is conceptualized and predicted by Bodin as a complete political subject, is regarded by him as a “moderate monarchy” and became the most important support for his own theory. In relation to this issue, he points out the republic as a respectful regime to the traditions, customs and the religion. Under the rule of this regime, necessary opportunities are provided to the families who have different interests in order for them to continue their lives under the same state. According to Bodin, while this situation makes easier to determine the owner of the sovereignty, it also fills the gap in determining the actions of the sovereign and its responsibilities to the citizens as well. His emphasis on the formation of the “unitary modern State” tradition and on the presence of determined rights and responsibilities is what makes Bodin’s works significant in the name of history of political thoughts (Ashworth, 2003: 120). This remark is the definition of the “sovereignty” which points out the capacity of making laws and also the capacity of removing this law-making power. It is seen that Bodin endeavors to improve the State like Machiavelli and also he shares some parallel ideas with Machiavelli on saving the political power from religious, traditional and aristocratic powers.

While their thoughts does not match in relation to the owner or holder of this power, Bodin seems closer to him regarding the necessity of subjecting the sovereign, the power holder to inspection, to control and in a way to limit this power (Pocock, 1975: 30). Machiavelli's reputation in the history of political thought comes from his hereditary approach to the political "power" as against his predecessors. Machiavelli puts the ruler, as he calls "*the prince*" to the top and describes him as "founder" and "new". In this way he presents the sovereign as its own reason. From this point of view, the source of legitimization in politics was neither the religion, nor nature. At this point, the conceptualization of the origin of legitimization as changed by Machiavelli is used to determine the owner of the sovereignty in Bodin, who takes the issue a step forward. Afterwards putting the state into action and determining and examining the properties of the power the sovereign uses in the State can be regarded as Bodin's mark in history of political thought (Mairet, 2005: 233).

While Bodin lays the foundation for the modern thought through the triangle of sovereignty, state and power, he secures his unique and pioneer position with his ideas on governing models for the State in the name of political theory. Contrary to many thinkers who often quotes Machiavelli and have remarks on the republic and who follows Polybius and Cicero lines, Bodin proposes different regards about "mixed regime". On that matter he attracts attention as being different from his processors. Bodin did not placed the mixed regime in the thought of sovereignty as different from usual classifications, because his understanding of the sovereignty is constituted by two features; "indivisibility" and "perpetuity". While the "perpetuity" makes him important in contemporary political power thought, this situation makes him also away from his own "mixed regime" perspective (Akal, 1998: 65-66).

Bodin remarks the republican regime can be applied under either a monarchic or an aristocratic government. Since, according to Bodin, it is impossible to have a mixed regime constituted by three of them. A share of power between many institutions cannot ever provide stability and equilibrium for him, but only serves to chaos. Bodin regarded the "mixed" regimes as the shown public form of the sovereignty of an individual or a group. There appear many allegations about Bodin's contributions/influences on the modern period political thought. For example, at some points Bodin's thoughts are criticized for legitimating the king's sovereignty and legality and they argue that Bodin has influenced many subsequent thinkers. Especially some critics remarks that Hobbes and Rousseau were using fact which are conceptualized by Bodin.

Since the sovereignty can only be explained through a “unique” entity. It would be very difficult to determine the sovereign ruler if government were in the hands of many and even this would not be regarded as a reality. This reality had resulted in many consequences which make Bodin right on the issue of who may be the sovereign ruler in modern period. Since, modern governments, who asserts that they are established with regards to the rights of citizens, may be announced as pluralist or populist, however when we consider tangible data, we see that modern sovereignty had been explained mostly by one political object or transcendent powers (Hardt ve Negri, 2002: 107-108).

C. Comparison of Cicero and Bodin’s Approaches to the Sovereignty in terms of Discussions on Citizenship

As the societies and their political structures change, the extent of sovereignty also experiences specific transformations day by day. By disengaging with the religious collectivity towards the end of the Middle Age, the emerging importance of the individual autonomy in that period which starts with Renaissance, there appeared a necessity in itself to disclose the issue of sovereignty, when the struggle for powers had become an issue of worldly affairs. Bodin is the first thinker after Marsilius of Padua and Machiavelli, who discusses this issue as a significant problem. After Bodin, these discussions had become a fundamental problem in Modern State discussions.

In relation to the concepts of sovereignty, citizenship and the legitimacy, both the thinkers of Renaissance period, transition period and the Enlightenment period had used references generally from the works of Ancient Greek thinkers and Cicero in their own works (Strauss, 2011: 169-171). Rome is the only civilization whose legal, political and governmental influences on the modern period in western sense cannot be denied and still is the focal point of attraction. Romans had practiced the perpetuity of a State’s existence depends on justice and liberty even it is based on citizenship through their own experiences. According to them, among all the others in the world, Rome is a unique state which has a free society in it, while the other contemporary States’ rulers could not go beyond having slaves (Dawson, 1997: 39). As Cicero tried to secure Rome’s perpetuity with his citizenship-based understanding of sovereignty, Bodin, with his state-based understanding of sovereignty, also tried to secure France which is regarded as the only unitary State at that time and as pretending to be the hereditary of the civilization of Rome at those times.

The holders of the power in both periods when these two thinkers were living had experienced the problem of legitimacy on political, social and legal grounds. In this sense, though they had fifteen centuries time difference, their concerns have similarities and from this point of view it is seen that their regards on sovereignty are considered as comparable to each other in discussions of citizenship.

Bodin brought the notion of sovereignty as a serious issue in modern political philosophy. Cicero, along with Plato, Aristotle and Augustine, is a thinker who is mostly quoted sometimes in a positive way and sometimes negatively by Bodin, his contemporaries and Enlightenment thinkers in their own theories (d'Entrèves, 2005: 193). Revealing the similar and different aspects of Cicero and Bodin's thoughts on sovereignty in the context of a search for perpetuity and consistency is important in the sense of determining the transformation political philosophy from the Ancient time to the Modern Age.

Bodin was among important Roman law experts at his time and he also tried to analyze Roman Republican period. He described this period, with its citizenship rights and responsibilities, as "an institution where the humanism and naturalism integrates". With the religion-based politics' coming into prominence and with the appearance of great depressions shaking France – as we see the same situation with Cicero's time – Bodin was in search of a stable, consistent order. On that regard, he was about to reconsider a republican design, which would revive the public belongings, in order to present a model for France ruined by political deviations. In that regard, Bodin, who have found the fundamental reason behind the theory of sovereignty, tries to find the answer to the questions about the "power" which will hold the society together and the essence of the political society which can originate an understanding of a citizen who is conscious of his own responsibilities as we see in successful Roman Republican period. Bodin tries to explain that the political systems cannot have a promising consistent future and cannot be powerful, if the notion of sovereignty is not defined completely and the holder of this sovereignty cannot be determined. Bodin, by stating that "a Republic whose all individuals and all units, families, schools are devoid of a sovereign power in all sense, cannot be regarded as a republic", since he accepts the necessity of an existence of a powerful state in the name of order and unity of the society which is reached through an understanding of a political citizen. (Citation from Bodin by Goyard-Fabre, 2003: 143-144).

While Bodin with his thoughts can be regarded as the outside of social contract tradition, Cicero can be included in that tradition. With Cicero's strong emphasis on the public and his belief in necessitating social operation, action and rules for this aim, these both thinkers insist on the idea that the sovereignty can be legitimate as long as it provides "common utility (*utilitascommunis*)" for the society. We see this emphasis more explicitly in Cicero's works. According to him, a State acting in relation to the natural, true and universal norms would already satisfy these conditions in any case. In a sovereign state where everybody's interests are secured, we can say that this State had ensured social law. It would be natural in any case, if citizens encounter political inequalities in relation to their social status, functions and talents. From this point of view, only the inequality regarding the properties can be regarded as acceptable; a State which interprets this right and ensures the idea of "distributionalist justice" in other social and economic affairs would become successful and create a consistent society (Moatti, 2003: 156). Citizens' awareness of natural inequalities and a fair government in relation to the social status of citizens are regarded as the fundamental element of sovereign's legitimacy. By this way, Bodin had tried to support the ground of acceptability for State's right to use/be able to use of "power" with its area of dominance as a sovereign (Agaogulları, 2006: 352).

While a perception of a State adorned by the power constitutes the ground for the idea of sovereignty in Bodin's political theory, we see more idealist approaches in Cicero's works. In that regard, Bodin, as he sees it necessary, considers the state and the ruler who represents this State as the only provider of the sovereignty in the name of a consistent society, while Cicero thinks of the governed along with the ruler as the provider of sovereignty. According to him, the measure of being virtuous is the political. In his political thoughts, Cicero always expressed an understanding of a ruler and citizens who are responsible to each other. For him, the politics is a way to integrate the citizen and the sovereign. Through this way, by putting forward an "integral life proposal" as identified with republican regime by Cicero, he emphasizes that State's life is an issue which concerns of all society and from this kind of understanding he brings forward a mixed sovereignty composed of principles of authority, responsibility and duty (Moatti, 2003: 154). At certain points, Bodin, regarding the issues of concern for the society like Cicero, says that "in a good government, everybody should take his/her's due from the public good" and take the relation between the sovereign power and society into consideration within the frame of authority and duty concepts (Citation from Bodin by Goyard-Fabre, 2003: 145).

With these approaches, it is seen that both thinkers have a conceptualization of justice as acceptable in universal norms and which takes the sovereign's responsibilities towards the society as the ground. Bodin has an understanding of sovereign potency which presents the king as its State. However, while the use of sovereignty charges the government with some duties and limitations, in Cicero we see "loyalty to country", which points the State as governed through the tribunes and consuls selected by "equal citizens", and which is dominant in determining the parties of the notion of sovereignty. Both thinkers determine the limits of sovereignty around the notion of "public good" (Heater, 2007: 60-63, 92-93).

Though some of their differences are brought to forefront with some distinctions as mentioned above; for both thinkers, "state, social order, equality and liberties" are fundamental elements for perpetuity of citizens in relation to ensuring the justice. As the continuity of the State can only be real on the ground of liberty, cooperation and equality principles, their establishment is especially in the center of discussions. On that regard, a very known political scientist, Franz Oppenheimer, sees Cicero and Bodin on the same line among the thinkers who take the issue of the State, along with the reason behind its origin, its maintenance, on the center of their considerations. He states that both thinkers have regarded the State as a legal entity and also he detects a parallelism in the role of the citizen in their approaches to the State which is also considered as a "superstructure" that holds the society together (Oppenheimer, 1997: 35). According to these ideas, while duty of holding society together is regarded as it is belong to the State, there is another emphasis on one of State's other mission which will provide State with legitimacy in the eyes of citizens. Legitimacy of the State, commitment of people who constitutes the society to the State with the bonds of citizenship, equality, justice etc. and generation of the respect towards the State through these principles, is possible only by way of citizens' knowledge and recognition of their own responsibilities and by this way State's sovereignty becomes legitimate.

Conclusion

Still, in political philosophy discussions there is not any clear consensus on how to provide a better government in relation to the time and social conditions; what are the deficits of our current government regimes and also on how to ensure the order (Strauss, 2000).

In this scope, we can say that almost all political philosophers had reflected the effects of their own time and social conditions in their thoughts. The play writers in Ancient time since Sophocles and Aristotle till today, the social and governmental problems have been expressed through different means, as sometimes by way of play scripts, sometimes by written texts or movements and at certain points they were all tried to propose solutions.

Cicero takes into consideration the important political problems of his period in his writings and by expressing the dangers threatening Roman Empire, he presents his ideas on how to deal with such problems. On that regard, by emphasizing the need for Rome to continue its existence as a "republic", Cicero states that a republic can only survive if and only if with the bond of citizenship. The notion of citizenship attributes responsibilities to the State, thus to the authority towards its citizens, as well as some other responsibilities to the citizens towards the State. The fulfillment of these responsibilities is presented as the only factor in reinforcing this bond between State and society. Cicero, on a totally rational ground, remarks that the State has the legitimacy to use its sovereignty and power as long as it fulfills its own responsibilities, as determined by the law, towards the citizens.

On the basis of legitimacy, there lies the idea of a State which exists for the citizens and belongs to citizens and there is a need for citizens to realize that the State is a public institution. In that regard, State as a public institution should not be close or impenetrable. The more citizens take places in governmental roles, the more they would be ready to accept its sovereignty. In this scope, Cicero points out that even the application of mercenary in Rome affected negatively this bond. According to him, an army composed of citizens, as they will be fighting in the name of the State that they own would be more successful than an army composed of mercenaries. By this way, Cicero thinks of the adoption of State by the citizens as fundamental for the sovereign State.

Another important problem field is about thinking of citizenship and sovereignty as interconnected. As a fundamental principle since people started to live in associations, there have been developed a governing power. The Government has always a tendency to use its power to maintain its existence. In that regard, submission to the power does not always occur under the citizenship principle.

However, the emphasis on this bond of citizenship has an important role in legitimization of sovereignty, thus the use of power and also in ensuring the persistence of the structure and the stability, because according to him, people are rational beings and they own the capacity to judge what is better or more useful for them.

Using the issue of citizenship in legitimating the sovereignty has evolved since Cicero's time until today. With Augustine, Cicero's concept of citizenship had taken a faith based form. According to him, the fundamental is the kingdom in heaven and the citizens of this kingdom will be the believers. Religious belief loads people with many duty and responsibilities. As it follows from this point, the legitimacy of the sovereign ruler in real world would be based on religion. Thus if Church consecrate/charges a worldly ruler, then this ruler will have to obey Church as based in religion. Any good action of this ruler, then, will be regarded as God's reward, but as well as the bad ones as God's anger and in both situations a religion-based obedience will take place. This idea had continued throughout the Middle Age. Cicero's ground for legitimization of rational sovereignty (Cicero, 2012a) had become a divine/meta-rational ground in Middle Age. Following this transformation, the ideas produced since 12th century in the scope of political philosophy are reflecting the efforts to place the reason to the primary position.

In relation to determining the qualification of sovereignty in a modern sense, Bodin encounters us as an important thinker. Primarily, Bodin starts with the idea that the sovereign is the highest and the absolute power in a State and regarding his own period, he remarks that necessity of the absolute power should be worldly rather than a divine power. From this point of view, he gives priority to remove the religious oppression and authority over the king and providing the legitimacy of the king by determining him as the absolute sovereign. Removal of religious holiness from the worldly ruler brings along the problem of legitimization. On the other side, we do not see such problem in Cicero's works. His concern is about ensuring the integration of people as a society to the State or the social integration. In relation to providing social integration, individuals' commitment to the State also implies the acceptance of the authority of State's ruler, from this point of view, this citizenship awareness or citizenship virtue will attach individuals to the State with this citizenship consciousness and thus will result in acceptance of the authority.

By this way, the understanding of sovereignty as occurred in New Age had developed in Middle Age with the idea of replacing the God with worldly rulers, hence with the ground of legitimization of worldly sovereignty.

Grounds of sovereignty in the First Age have evolved around the legitimacy of the ruler. If the ruler is honest and virtuous and treats people equally in the scope of traditions and/or laws, henceforth this ruler can be regarded as legitimate and his dominance as acceptable. On the other hand, the problems of State-society in Cicero's time are considered around the increase of society's commitment to the State and thus the maintenance of the State's existence. In order for this situation to be put into practice, people had to be bond to the State via citizenship, they will acquire the virtue and awareness of their existence depends on the State's being and maintenance, through this way they will submit themselves to the State and then become part of the State and then will accept the sovereignty of the rulers in the State which they are part of.

Regarding their origin, we can say that the problem of sovereignty in the New Age had proceeded differently from the First Age. The discussions on sovereignty in the New Age had arrived to the same line in the First Age after the removal of Church's absolute superiority over the worldly governments and with the development of the idea of nation-states. In that regard, Bodin, throughout the Middle Age, had to deal with taking the sovereignty which is assigned to the God, to the ground in the first place. On the other hand, though France is regarded as the hereditary of Rome, regarding the form of republic and hence in relation to inspection of the king by a Council or working them together, we can see that there is not any serious tradition like we see in Rome. In that regard, during his stay in England, Bodin had the opportunity to observe their political structure and see how a king maintains the sovereignty by working with a Council. Hence, Bodin, for the legitimacy of king's sovereignty, adopted the idea of a controlling mechanism as representing the society which would control, participate to or limit the decisions. Taking the time and social conditions into consideration, Bodin's thoughts, regarding the presence of a rational ground for citizenship based idea of sovereignty, stay behind Cicero's ideas. However, the important issue is the redefinition of the understanding of rational sovereignty.

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