

Duplicity of Meaning : The “Civil” Concept in Montesquieu’s *The Spirit of the Laws* Compared with Harrington’s *The Commonwealth of Oceana*

Ryo Sadamori

In *The Spirit of the Laws* Montesquieu discusses two important regimes from the perspective of the historical formation of the realm of the “civil”: on the one hand England, and on the other, the French monarchy. In the case of the former, with regard to the formation of the “civil,” he recognizes the emergence of republican government through the development of commercial society from the end of the 15th to the latter half of the 17th century. In the case of the French monarchy, the “civil” developed in context of the formation of feudal society itself, principally from the decline of the Roman Empire to the end of the 10th century; it was this period that gave birth to the class of nobility that sustained the juridical system and constituted the intermediate power in this regime. Here, present a clear, explicit statement of the objectives and argument of the paper.

In this context, a comparison between Montesquieu and James Harrington appears to have crucial meaning for the reconsideration of republicanism, which is usually thought to be inherited from Greco-Roman tradition. Harrington, in *The Commonwealth*

of Oceana, wants to revive ancient republics in the modern world and presents a theoretical model for contemporary 17th-century England. In contrast to Harrington, Montesquieu, in a more strictly historical approach, traces the foundations of both the contemporary English and French regimes back to feudal society and there finds the origin of institutions such as the representation system and independent judicial power, which form the basis of moderate government in both countries. In this context, Montesquieu situates the German tribes especially as described by Caesar and Tacitus at the starting point of feudalism.

Montesquieu attempts to demonstrate that modern Europe was formed after the decline of Roman Empire through a process of historical contamination from both Roman and German inheritances, and it is through this perspective that we can reconsider the above-mentioned republicanism, whose genealogy until now has been limited to the Greco-Roman tradition.

JEL classification numbers: B 31, N 01.