DISCUSSING DAUCHY'S MONTESQUIEU

Context, reception and the representation of powers

Discussant notes for Serge Dauchy
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HOW THE SLIDES SPEAK

DAUCHY — Your manuscript, quoted verbatim; ¶ numbers follow its order (¶1–14).

MONTESQUIEU — *De l'esprit des lois*, 1777 text, quoted verbatim.

OTHER SOURCE — Constitutions of 1824 and 1891; Watson and Legrand as you present them.

MY READING — My interpretation, set below the blue line on every slide. Translations marked [tr. AVVM].

MONTESQUIEU, IN HIS OWN WORDS

XIX.4 · SLIDE 2

« Plusieurs choses gouvernent les hommes, le climat, la religion, les lois, les maximes du gouvernement, les exemples des choses passées, les mœurs, les manieres ; d'où il se forme un esprit général qui en résulte. »

Many things govern men: climate, religion, laws, the maxims of government, examples of past things, mores, manners; from which a general spirit is formed as a result. [tr. AVVM]

XI.6 · SLIDE 5

« Des trois puissances dont nous avons parlé, celle de juger est en quelque façon nulle. »

Of the three powers we have spoken of, that of judging is in some fashion null. [tr. AVVM]

I.3 · SLIDE 6 · QUOTED IN YOUR ¶10

« Elles doivent être tellement propres au peuple pour lequel elles sont faites, que c'est un très-grand hasard si celles d'une nation peuvent convenir à une autre. »

They must be so proper to the people for whom they are made that it is a very great chance if those of one nation can suit another. [tr. AVVM]

¶7 · THE SENTENCE I BUILD ON

« Enfermer Montesquieu dans une vision purement "constitutionnaliste" serait toutefois réducteur. »

To confine Montesquieu within a purely 'constitutionalist' vision would, however, be reductive. [tr. AVVM]

YOUR PAPER, AS I MAP IT

¶6 · slides 3–4
BRAZIL · 1824
Circulation, the 1823 Assembly, four powers « une évolution voire une correction » of the tripartition.

¶7 · slides 2, 4, 5
LIBERTY BEYOND THE CONSTITUTION
Civil and criminal laws, and an institutional frame « (surtout judiciaire) ».

¶8–10 · slide 2
THE SPIRIT OF THE LAWS
Natural and historical determinants; the « esprit général ».

¶11–12 · slide 6
WATSON · LEGRAND
Transplants that "grow in a new body"; transplants as « impossibles ».

¶13–14 · slides 6–7
HYBRIDITY · CODE OF 1916
« transplantations imposées, … réceptions assumées »; your question on Beviláqua's Code.

TWO QUESTIONS FOR THE DISCUSSION

1 When a legal form acquires a different meaning in another setting, how should we describe that transformation? At what point does contextual difference become an objection to transplantation, and when does it instead identify the process we need to study?

2 In the Brazilian examples you raise, what evidence would allow us to move between the circulation of Montesquieu's writings, the appropriation of his arguments and the organisation of political authority? Could institutional ceremonies and images help identify that appropriation, provided that their connection to the texts is documented?

Cases on screen. Aurélio de Figueiredo, *Compromisso Constitucional*, 1896, oil on canvas, 330 × 257 cm, Museu da República (Deodoro's oath, 26 Feb. 1891; Constitution of 1891, arts. 15 and 44). Alfredo Ceschiatti, *A Justiça*, 1961, stone, Supreme Federal Court, Brasília (photo Fellipe Sampaio/STF). Neither image is offered as evidence of a direct reception of Montesquieu.

References

DAUCHY, Serge. **Montesquieu, *De l'esprit des lois* (1748)**. 2026. Manuscrito inédito, 14 parágrafos.

MONTESQUIEU. **Esprit des lois (1777)**. Livro I, cap. 3; livro XI, cap. 6; livro XIX, cap. 4. In: WIKISOURCE. [*S. l.*]: Wikimedia Foundation, [20--]. Disponível em: https://fr.wikisource.org/wiki/Esprit_des_lois_(1777)/L1/C3, .../L11/C6, .../L19/C4. Acesso em: 5 nov. 2026.