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Legislative Proceedings outside Parliament in Authoritarian States

The Case of the 1930 Italian and 1940 Brazilian Criminal Codes

This paper aims to study the experience of the criminal reforms carried out by the Italian fascist (1922/1943) and the Brazilian Estado Novo (1937/1945) authoritarian regimes by means of legislative delegation, procedure in which state authority achieves greater strength. The edition of such codes serves as a strategy to legitimize the regime by strengthening the government's authority imposing obedience of the new laws established by it. The analysis will examine the constitutional legality and legitimacy for the Parliament's dismissal in the procedures. In Italy, the Parliament itself has abdicated its competence by a delegation of powers to the government; in Brazil, the 1937 coup d'État imposed a new constitution in which the parliament became inactive, leaving the legislative competence fully to the Executive.

Most post-French Revolution Parliaments are considered by their constitutions as the "Legislative Branch" of their respective States. Such attribution of power, however, has not been without questioning. Therefore, legislating "outside of Parliament" or, more precisely, to give the law-making competence of Parliament to the Executive Branch (Government) is not entirely unheard of. Furthermore, such a move has its own density in authoritarian regimes.

Post-unification Italy, for instance, used the instrument of legislative delegation for creating their Codes[1] prolifically. The delegation carried out by the Fascist regime, though, has important particularities in the penal reform started in 1925. Likewise, in the Brazilian Penal Code of 1940, even though the previous Criminal Code[2] was not submitted to Congress, the method chosen for penal reform of the *Estado Novo* presents peculiarities to be explored.

In this sense, the present work plans to cover two fronts. First, it seeks to understand the mechanisms used by each of the regimes to legitimize the law-making by legal means – legislative delegation in Italy and a new constitution in Brazil. Then, it seeks to clarify the role of technical jurist-legislator in the formation of the new criminal legal systems, since both regimes availed themselves of the collaboration of renowned jurists for their codes, while not having definite control of popular representation.

Constitutional legitimacy for the removal of Parliament from law-making

Brazil and Italy took different paths to take their Criminal Codes away from the hands of Parliament. While in Italy there was a narrow and exceptional transfer of law-making competence from the Legislature to the Executive, on the other hand, the new order in Brazil turned it into the general rule. The means used to displace

[1] GHISALBERTI, La codificazione.
[2] *Decreto n. 847, de 11 de outubro de 1890.*

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the legislative competence from Parliament in each case was contingent to the structure of the State imposed by each regime. The goal in both, nevertheless, was the same: a demonstration of power through the reform of an important branch of law.

The different approaches were also due to the political moment of each regime during the legislative process of their criminal codes. Between 1925 and 1930, Fascism was still in a time of affirmation and the totalitarian State was in the process of transformation. It was precisely in this period that the "constitutional reforms"[3] occurred: giving the Executive the power to promulgate legal norms, extending the powers of the head of Government, and putting forth electoral reforms.[4] The *Estado Novo* between 1937 and 1940 was at its peak strength. Vargas was able to annul the 1934 Constitution and impose the 1937 Constitution upon the country, shunning Congress from the political scene to a mere formal existence. Thus, law-making was completely on Vargas's hands, with the counsel of the ministries.

Italy: *ad hoc* legislative delegation

Formally, the acts of fascist "revolution" were all legal. However, such legality did not extend to the material sense. Fascism saw on the principle of legality a means of strengthening the authority of the State precisely by obedience to the legal rules, different from the Soviet Union under Stalin and Nazi Germany, which derogated the principle of legality from their legal systems. The present work presents the differences between the concept of legality in the aforementioned regimes: on the one hand as a means to enforce the legal norms (rigidly applied as an affirmation of State authority) and, on the other, legality in the legislative process (flexible to give authoritarian meaning to the instruments of liberal democracy). In other words, norms should be enforced strictly after promulgated, but expedients who disrespected the *Statuto Albertino* through unconstitutional laws[5] could be used in their creation.

As much as there was need for an update of the 1890 Italian Criminal Code (*Codice Zanardelli*), reform met resistance because of its significance, both political[6] and in terms of legal science and criminal policy.[7] Fascist desire to place itself as the antithesis of the liberal tradition increased its intention to intervene in an encompassing manner.

Legislative delegation[8] had been established as the traditional method of writing legal codes in post-Unification Italy and so Minister of Justice Alfredo Rocco demanded such a process for the Criminal Code and the Criminal Procedure Code,[9] with, nevertheless, an innovation first applied in the delegation of private law codes.[10] No draft bill was presented, which meant that the parameters of the legislation were set only by the discussions in the voting sessions. Therefore, the delegation was overly broad both in its subject matter and in the possibilities of change. Any excesses from the Executive could not be remedied by Parliament, relegated to perform at most an advisory role.[11]

Rocco made a point to defend the mode of delegation employed in the Chamber of Deputies.

[3] SALTELLI, Potere esecutivo.

[4] BIGNAMI, Costituzione flessibile 68.

[5] TRENTIN, Dallo Statuto 142–143; CALAMANDREI, La funzione legislativa 270–271.

[6] ROMANO-DI FALCO, Gli elementi politici 433.

[7] SBRICCOLI, La penalistica civile.

[8] Regarding technical aspects of this mode of delegation, see SALTELLI, Potere esecutivo 212.

[9] SALTELLI, ROMANO-DI FALCO, Commento teorico-pratico 6.

[10] *Legge 30 dicembre 1923, n. 2814*.

[11] NEPPI MODONA, PELISSERO, La politica criminale 778–779.

There he argued that the complexity of the code's reform showed that the government needed a great deal of power to manoeuvre. He insisted that this delegation was similar to prior delegations, including the one for the 1890 Criminal Code.[12] Furthermore, he resorted to the argument of the impossibility of discussing a code article by article in Parliament, because most members did not had the necessary technical knowledge on the subject, and particularly, for its time-consuming nature, since such activity all but paralyse House[13] activity.

Rocco's speeches show that he was aware of the importance of penal reform, which would have motivated an even more incisive reform, either by the radicalism of the changes or by the speed reform was to be undertaken. However, the terms of the legislative delegation were to amend the code, not to establish a new one.

To better understand the issue, it would be useful to allude to the time-frame of the discussions on legislative delegation at the time. Alfredo Rocco was the first to say that the goal of the delegation was not to replace the existing code, ensuring that the changes were rather "finishing touches" ("*ritocchi*") to the original text.

In 1927 the preliminary project was presented with no dissenting voices. When it was promulgated, no one mentioned the content of the delegation text. Legal historians have not yet delved deep into the problem. The argument presented here is that the government, by launching a reform dealing with so many institutes, promoted not a timely reform, but rather an entirely new code.[14] While Vassalli clearly demonstrates such a change of programme,[15] to Neppi Modona and Pelissero, there is a latent dissimulation of Alfredo Rocco's reformist tone in his speech, when he spoke of "*ritocchi*" when contrasted with the content of the reform, much broader and clearly opposed to the spirit of the code then in force.

The extent of the delegation given by such a weak parliament leaves the impression that Congress had given a *carte blanche* to the Executive. This interpretation seems to be appropriate in the instrumental sense, as the result was that the Government implemented the criminal reform to its liking. Such reasoning suggests that the entire legislative process proceeded for one year by the two parliamentary houses to be nothing more than a farce.[16]

One of the first efforts to understand this process comes from a proceduralist, rather than a legal historian. Mario Chiavario,[17] one of the drafters of the Italian Penal Procedures Code of 1988 (also made by means of legal delegations), presents the legislative process in 1925 as a sign of the rise of the Fascist dictatorship. The difficulty of Congress to control the process is evidence of Rocco's strength, imposing his own introduction speech as the coordinates for the delegation, justifying it as encompassing the reformist aspirations in its context.

Luigi Lucchini embarked on a solitary mission in his *Rivista penale*,[18] between 1925 and 1926, trying to show that Rocco had distorted the comparison with the delegation to the *Codice Zanardelli*.[19] Luigi Lucchini, while Senator, was invited to join the parliamentary committee for the analysis of the delegation.[20] He declined the

[12] ROCCO, La trasformazione 213–214.

[13] ROCCO, Discorsi parlamentari 202.

[14] NEPPI MODONA, PELISSERO, La politica criminale 777–778; SBRICCOLI, Codificazione civile e penale 986; VINCIGUERRA, Dal Codice Zanardelli XVI.

[15] VASSALLI, Passione politica 61–62.

[16] PIRES MARQUES, Mussolini's nose 190.

[17] CHIAVARIO, Alle radici 53–55.

[18] On the role of Lucchini's Rivista penale , see SBRICCOLI, Il diritto penale liberale.

[19] Not only Rocco, but Mariano D'Amelio, rapporteur-general of the delegation in the Senate and president of the *Corte di Cassazione*, in MINISTERO DELLA GIUSTIZIA, Lavori preparatori 184.

[20] LUCCHINI, La direzione. Riforma 58, duly documented, which makes us disregard the opposite information in PIRES MARQUES, Mussolini's nose 202. He

invitation exactly because he disagreed with the method of granting powers to the Executive,[21] especially because the parliamentary committees would be able to only give an opinion ("*parere*").[22] In the end of 1925, his position made Rocco refer to him as an adversary, situation mocked by Lucchini.[23]

In the beginning of 1926, his last libel against the reform would be written.[24] The canons of legislation should be followed, not only for the sake of form, but out of respect for the constitution and as a means of mobilizing the responsible parties. Lucchini remembered Zanardelli's speeches warning the committee to strictly follow the delegation limits.[25] It should be noted again, a particularly relevant point, the death penalty, which needed a special vote in 1888, in the case of *Codice Rocco*, it sufficed that the delegation mentioned the stiffening of sentences for the death penalty to be inserted. He congratulated Garofalo for its serene posture,[26] even though he was politically favorable to the government and scientifically against the principles of the *Codice Zanardelli*. That was the twilight of the *penalistica civile*, beginning a long period of retraction of the Italian Penal Science.[27]

Other expected criticism did not arrive. The positivist Enrico Ferri, even though knowledgeable of the fact that the adoption of such a delegation would end the discussion about his 1921 Criminal Code project, limited himself to praise the Government's initiative. Though his reasons are not clear, it can be suggested, on the one hand, that the realistic perception that matters relating to security measures and habitual delinquency accepted by the delegation would constitute a victory, as emphasized by the wording of the *Scuola Positiva* journal, headed by him.[28] He did, however, express his disappointment with the fact that the reform would be made narrowly over the *Codice Zanardelli* and not by passing a new code.[29] On the other hand, he tried increasingly to align himself to Fascism, trying to approximate the Rocco reform to the postulates of positivism[30] as he was in a moment of decadence.

In 1930, the new code, "traitor" to the delegation, was much more radical, in considering only repristination of the death penalty, induced by the new view of crimes against the State as an adaptation to the new political moment, which

already presented the situation in the delegation of private law codes in LUCCHINI, Cronaca. La riforma 90.

[21] LUCCHINI, Riforma dei codici [Relazione del ministro].

[22] LUCCHINI, Riforma dei codici [De Marsico e Sarrocchi] 355.

[23] Lucchini calls himself a "true friend" of the government as He criticizes who wishes for an efficient reform and do not get lost in hollow praises. LUCCHINI, «Avversario politico del Governo»? 482.

[24] LUCCHINI, Riforma dei codici [Garofalo, De Blasio e Stoppato] 101f.

[25] LUCCHINI, Riforma dei codici [Relazione del ministro] 270–271, where the delegation procedure is comprehensively explained and the correct stance of Giuseppe Zanardelli in using mechanisms that respected the will of the legislative. See also documents on penal reform in the 19th century: MINISTERO DELLA GIUSTIZIA,Verbali 2; repeated statements in the first part of his *Relazione a S. M. il Re* in Idem; MINISTERO DELLA GIUSTIZIA, Lavori parlamentari [Camera 1888]; MINISTERO DELLA GIUSTIZIA, Lavori parlamentari [Senato 1889].

[26] LUCCHINI, Riforma dei codici [Garofalo, De Blasio e Stoppato] 101–103.

[27] This "unity" between Lucchini and Garofalo demonstrates the efficiency of the historiographical category of *penalistica civile* donned by Mario Sbriccoli. To understand the role of penal science would take from then on, see SBRICCOLI, Le mani nella pasta e SBRICCOLI, Caratteri originali, when he imagines a *penalistica civile* in the postwar period.

[28] FERRI, Nota di redazione, Progetto di riforma 254–255. It is interesting to note that a new codification is presupposed. The *Rivista penale* taunted the stance, while gloating the "death" of the Ferri project of 1921, in LUCCHINI, Riforma dei codici 476–477.

[29] FERRI, Varietà. Il pensiero 393.

[30] As it can be seen in FERRI, Il progetto Rocco 814.829, and SBRICCOLI, La penalistica civile.

resulted in "fascistization" of Criminal Law by inserting the logic of exception of the "*difesa dello Stato*" (state defense) for the new code.

Brazil: usurpation of legislative powers by the Executive Branch

The Brazilian Constitution of 10 November 1937 changed Brazilian legislative process radically. The initiative of bills was under the president's competence, leaving Parliament only with the possibility of joint proposals stemming from a special majority.[31] Executive control was absolute, as Parliament could only meet when summoned by the President. Thus, all legislation of the period was issued based on a transitional provision that gave full legislative power to the President of the Republic while Parliament had not yet been established[32].

Anti-parliament sentiment was strong, as the body was seen as synonymous of the political moment overcome by the 1930 revolution. In the "Old Republic", the purely formal activity of the Parliament was not able to respond to the nation's aspirations.[33]

For these reasons, according to Minister of Justice Francisco Campos, government preferred to use technical instruments for law-making. Thus, the Ministry of Justice became the legislative centre of the new regime.[34]

On the codification of Criminal Law, Campos declared in an interview on *Estado Novo's* laws that the promulgation of a Criminal Code, already at an advanced stage of production at the time, along with the Criminal Procedure Code, which started later, would be very opportune. Each of these codes had followed then very different roads. The Criminal Procedure Code was a necessity since there was no national law on the matter, given that the Constitution of 1891 left the Procedural Law to each state of the Federation to legislate. With regime change, the new government's objective was to establish a new code that promoted a single logic of repressive nature. This work was entrusted to a commission of jurists. Reform of the 1890 Brazilian Criminal Code had been on the agenda since its promulgation. The *Estado Novo* took advantage of their leeway to speed up this process according to its own vision of Criminal Law. For this, Alcântara Machado, professor of at the University of São Paulo, was chosen to pen the project alone.[35]

Minister Campos, despite his high praise of Machado's draft – "the best Criminal Code project made in Brazil to date" – affirmed that there would be a number of inconveniences that would need repair, such as the number of special laws that, by their political nature (misdemeanors, crimes against political and social order[36] and crimes against popular economy), were understood to not be compatible with the scope of a code, which had the stability of the text as a main feature, while such laws needed constant updates. Furthermore, some innovations stemming criminological positivism postulates required specialized magistrates, which the government did not have. Therefore, the review committee began working for several months, until the code took the form in which it was published.

[31] CAMPOS, Estado nacional 55–56.

[32] In spite of it, the new method was disseminated, in SEVERIANO, A lei na nova Constituição. In the same way, at the end of the regime, the method was reintroduced, in order to show that it had been more similar to the imperial constitution of 1824 than the republicans of 1891 and of 1934. See CARNEIRO, Sentido da reorganização nacional; BATISTA MARTINS, Getúlio Vargas 265; MALIN, Francisco Campos.

[33] See, among others, DUARTE, A paisagem legal.

[34] CAMPOS, Estado nacional 117–118.

[35] SONTAG, Código e Técnica.

[36] DAL RI JR., O Estado e seus inimigos.

In the Brazilian National Archives there are no documents pertaining to the process of the drafting of the bills, only a background with the published versions of each ordinance (the codes and another laws) after the approval of the President. Thus, there are only a few reports of Campos and from those who participated in the committee, in addition to legal doctrine of the time, supportive of the regime, complimenting the "laboratory" and "workshop" approaches to law-making.[37]

Francisco Campos was keen to emphasize the decisive role of the President of the Republic in the legislative activity of the Ministry of Justice. "Everything goes through him before and after committee' work, often being himself and the minister the ones to decide on legislative solutions that would be later adopted",[38] claiming it to be "a heterodoxy that gets results".[39] In a more moderate tone, President Vargas affirmed the new legislative method as a technical necessity to improve law-making with a view to achieve a political project that really aimed to tackle the nation's problems.[40]

This was the way in which Campos understood the policy of the *Estado Novo*.[41] His main concern was the modernization of the state, from its institutions to its legislation, a well-known trademark of Vargas regime. But, in the case of the legislative process, the "rule of thumb" can be summarized in the Machiavelli's sentence "the ends justify the means." This overall concept of law-making did not end alongside the regime,[42] rather, taking dark overtones during the Brazilian military dictatorship (1964/1985).

Concluding Remarks

Historiography had already demonstrated that the criminal-legal technicism purported by positivist doctrine was able to produce large changes in Criminal Law. The present work tried to provide a glimpse of how these changes can be extended to situations where what is at stake is not legal interpretation *per se*, but the very statutes that bound it. The authoritarian regimes in Brazil and Italy were able to use this technicism in their favor, its malleability providing for the demonstration of authoritarian power by means of penal reforms. Even if the authoritarian content of the norms is debatable, the fact that the Executive made the law unquestioned was a strong enough demonstration of power of the regimes.

The participation of renowned jurists as the ministers Rocco in Italy and Campos in Brazil offered cover in order to overcast the means employed. Brazilian and Italian criminal codes are still today regarded as highly technical and remain in force – even with postwar reforms –, with deep, underlying marks in the roots of its authoritarian genealogy that continue to branch out through present-day Criminal Law.

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[37] DUARTE, A paisagem legal 39–40.
[38] CAMPOS, Estado nacional 181.
[39] CAMPOS, Estado nacional 135.
[40] VARGAS, O novo espírito da constituição 9.
[41] CAMPOS, Estado nacional 160.
[42] MELO FRANCO, Crise do direito 17; BRANDÃO CAVALCANTI, Considerações.

Literatur:

Pedro BATISTA MARTINS, Getúlio Vargas e a renovação do direito nacional, in: Revista Forense (1940) 259–268.

Marco BIGNAMI, Costituzione flessibile, costituzione rigida e controllo di costituzionalità in Italia (1848-1956) (Milano 1997).

Temístocles BRANDÃO CAVALCANTI, Considerações sobre a elaboração legislativa, in: Revista Forense (1946) 262–265.

Piero CALAMANDREI, La funzione legislativa sotto il fascismo, in: Norberto BOBBIO (Hg.), Scritti e discorsi politici [http://documenti.camera.it/bpr/1692_testo12.pdf] (1946/retrieved on: 30 12. 2012) 261–297.

Francisco CAMPOS, O Estado nacional (Brasília 2001).

Levi CARNEIRO, Sentido da reorganização nacional, in Revista Forense, setembro (1945) 419–427.

Mario CHIAVARIO, Alle radici del codice Rocco, in: Loredana GARLATI (Hg.), L'inconscio inquisitorio (Milano 2010) 45–55.

Arno DAL RI JR., O Estado e seus inimigos (Rio de Janeiro 2006).

Gil DUARTE, A paisagem legal do Estado Novo (Rio de Janeiro 1941).

Enrico FERRI, Nota di redazione. Progetto di riforma del codice penale e del codice di procedura penale. Relazione del ministro, in: Scuola positiva 5 (1925) 254–255.

DERS., Varietà. Il pensiero di E. Ferri sulla riforma penale annunziata dall'on. Rocco, in: Scuola positiva 5 (1925) 393.

DERS., Il progetto Rocco di codice penale italiano, in: Enrico FERRI, Principii di diritto criminale (Torino 1928).

Carlo GHISALBERTI, La codificazione del diritto in Italia. 1865-1942 (Roma–Bari ^{11}2007).

Luigi LUCCHINI, Cronaca. La riforma dei codici, in: Rivista penale 99 (1924) 90.

DERS., La riforma dei codici, in: Rivista penale, 101 (1925) 476–477.

DERS., La direzione. Riforma dei codici penali, in: Rivista penale 102 (1925) 58.

DERS., Riforma dei codici. Codice penale e codice di procedura penale nella Relazione del ministro, in: Rivista penale 102 (1925) 269–282.

DERS., Cronaca. «Avversario politico del Governo»?, in: Rivista penale 102 (1925) 482.

DERS., Riforma dei codici. Le Relazioni senatoriali Garofalo, De Blasio e Stoppato, in: Rivista penale, 103 (1926) 101.

DERS., Riforma dei codici. Codice penale e codice di procedura penale nella Relazione del ministro, in: Rivista penale 102 (1925) 270–271.

Mauro MALIN, Francisco Campos (verbete), in: CPDOC/FGV, Dicionário Histórico Biográfico Brasileiro [http://cpdoc.fgv.br/acervo/dhbb/] (1983/retrieved on: 30 12. 2012).

Afonso Arinos MELO FRANCO, Crise do direito e direito da crise, in: Revista Forense 142 (1952) 14-19.

Ministero della Giustizia (Hg.), Lavori parlamentari del nuovo Codice penale italiano. Discussione della Camera dei Deputati (Torino 1888).

Ministero della Giustizia (Hg.), Lavori parlamentari del nuovo Codice penale italiano. Discussione al Senato (Torino 1889).

Ministero della Giustizia (Hg.), Lavori preparatori del Codice penale e del Codice di procedura penale, Bd. 1 (Roma 1928).

Ministero della Giustizia, Verbali della commissione istituita con regio decreto 13 dicembre 1888. Allegati alla relazione con la quale il ministro guardasigilli (Zanardelli) presenta il codice penale a s.m. il re nell'udienza del 30 giugno 1889 (Roma 1889).

Guido NEPPI MODONA, Marco PELISSERO, La politica criminale durante il fascismo, in: Luciano VIOLANTE (Hg.), Storia d'Italia. Legge, diritto, giustizia, Bd. 14 (Torino 1998) 757–847.

Tiago PIRES MARQUES, Mussolini's nose (Ph.D., European University Institute, Florence 2007).

Alfredo ROCCO, Discorsi parlamentari (Bologna 2005).

DERS., La trasformazione dello Stato (Roma 1927).

Enrico ROMANO-DI FALCO, Gli elementi politici e sociologici del progetto definitivo di codice penale, in: Rivista italiana di diritto penale 1 (1929) 433–438.

Enrico ROMANO-DI FALCO, Carlo SALTELLI, Commento teorico-pratico del nuovo codice penale, Bd. 1 (Torino 1930).

Carlo SALTELLI, Potere esecutivo e norme giuridiche (Roma 1926).

Mario SBRICCOLI, Caratteri originari e tratti permanenti del sistema penale italiano

(1860-1990), in: Mario SBRICCOLI, Storia del diritto penale e della giustizia (Milano 2010) 589–668.

DERS., Codificazione civile e penale, in: Mario SBRICCOLI, Storia del diritto penale e della giustizia (Milano 2010) 979–989.

DERS., Il diritto penale liberale, in: Quaderni fiorentini per la storia del pensiero giuridico moderno 16 (1987) 105–183.

DERS., La penalistica civile, in: Mario SBRICCOLI, Storia del diritto penale e della giustizia (Milano 2010) 491–588.

Jorge SEVERIANO, A lei na nova Constituição, in: Archivo Judiciário 55 (1938) 85–87.

Ricardo SONTAG, Código e Técnica (phil. Diss., Universidade Federal de Santa Catarina, 2009).

Silvio TRENTIN, Dallo Statuto Albertino al regime fascista (Venezia 1983).

Getúlio VARGAS, O novo espírito da constituição e do direito brasileiros, in: Cultura política (1941), 7–10.

Giuliano VASSALLI, Passione politica di un uomo di legge, in: Alfredo ROCCO, Discorsi parlamentari (Bologna 2005) 13–68.

Sergio VINCIGUERRA, Dal Codice Zanardelli al Codice Rocco, in: Sergio VINCIGUERRA (Hg.), Il codice penale per il Regno d'Italia (1930) Codice Rocco (Padova 2010) XI-XXXVII.