WAS BRAZIL'S 1937 CONSTITUTION REALLY THE POLACA?

Jakob Maziarz
Jagiellonian University in Cracow

SUMARIO: I. INTRODUCTION.- II. THE EUROPEAN CONTEXT OF THE 1930S.- III. SOURCES OF THE APRIL CONSTITUTION OF 1935 AND THE BRAZILIAN CONSTITUTION OF 1937.- IV. COMPARISON OF PROVISIONS. 4.1. Constitutional position of the President.- 4.2. The procedure for electing the President.- 4.3. Legislative powers of the President.- 4.4. Parliament and the legislative procedure.- 4.5. Corporatist elements in the structure of power.- 4.6. Emergency powers.- V. FUNDAMENTAL INSTITUTIONAL DIFFERENCES. 5.1. Differences stemming from state structure.- 5.2. Differences stemming from the socio-cultural context.- 5.3. Differences stemming from distinct constitutional traditions.- VI. CONCLUSION.

Abstract: The article applies a textual-doctrinal method to constitutional texts to test the thesis that Brazil's 1937 Constitution, colloquially known as "Polaca," drew on Poland's April Constitution of 1935. The comparison demonstrates specific borrowings from Poland: the three-part model of presidential legislative powers, the procedure for selecting the head of state involving an electoral college and potential popular vote, and the composition of the upper chamber with one-third presidential appointees. These borrowings extend beyond features common to authoritarian constitutions of the 1930s. Brazil's Constitution selectively adapted the Polish model. It rejected the principle of presidential accountability solely "before God and history," preserving impeachment procedures and relying heavily on Portuguese-Italian corporatist patterns. The 1937 Constitution, in force during the Estado Novo period (1937-1945), constituted a hybrid: Polish instruments of presidential power were embedded in an Iberian vision of the corporatist state, adapted to federal realities. While documented, Polish influence was not dominant – the Brazilian act emerged as a synthesis of Polish solutions, Portuguese-Italian models, and the local needs of the Vargas dictatorship.

Key Words: April Constitution of 1935, Brazilian Constitution of 1937, authoritarian constitutionalism, constitutional reception, legal transplant

I. INTRODUCTION

The April Constitution of 1935 was an exceptional work in the history of Polish constitutionalism. As the only one among numerous Polish constitutions, it was not based on foreign models but constituted an entirely original legal act[1]. All other Polish fundamental laws drew heavily from foreign sources. The Constitution of 3 May already made very strong reference to the principles of British parliamentarism and American separation of powers (the Marshal of the Great Sejm that enacted this first European constitution, Stanisław Małachowski, even wrote of a model based on "the English government and the American one, corrected of its errors"[2]). The Constitution of the Duchy of Warsaw, granted by Napoleon in 1807, drew very ostentatiously on models then in force in France, almost completely breaking with Polish constitutional tradition[3]. The 1815 Constitution of the Kingdom of Poland is described as being "more or less closely modeled" on Louis XVIII's French Constitutional Charter of 1814[4].

The tradition of drawing on foreign models revived after Poland regained independence in 1918. The March Constitution, enacted in 1921, very strongly adopted the parliamentary-cabinet model of the French Third Republic and asymmetric bicameralism[5]. The postwar Constitution of 1952 was deeply rooted in the Soviet Constitution of 1936 (the so-called Stalin Constitution). Stalin himself introduced amendments to it, and many constitutional concepts (the Sejm as the "supreme organ", the Council of State, the special role of the prosecutor's office) were obviously transplanted from the Soviet Union's system[6]. Even the post-communist Constitution of 1997 transferred many solutions from Western Europe – this time the main model became the German Basic Law of 1949, from

[1] Krzysztof Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", *Miscellanea Historico-Iuridica*, vol. 18, nº 2, 2019, pp. 204-206; Paweł Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", *Studia Iuridica Lublinensia*, nº 22, 2014, pp. 299-302.

[2] Andrzej Dziadzio, "Konstytucja 3 maja 1791 roku na tle koncepcji ustrojowych oświecenia", *Państwo i Społeczeństwo*, nº 4, 2006, pp. 164-165, 168.

[3] Andrzej Dziadzio, "Konstytucja Księstwa Warszawskiego 1807. Polska odmiana bonapartyzmu", *Państwo i Społeczeństwo*, nº 1, 2007, pp. 115-117.

[4] Paweł Wiązek, "Legislatywa we francuskich systemach konstytucyjnych pierwszej połowy XIX wieku", *Prawo*, nº 330, 2020, p. 48.

[5] Lech Garlicki and Zofia A. Garlicka, "Constitution Making, Peace Building, and National Reconciliation: The Experience of Poland", en *Framing the State in Times of Transition: Case Studies in Constitution Making*, edit. Laurel E. Miller and Louis Aucoin, United States Institute of Peace Press, Washington, D.C., 2010, p. 391; Władysław Kulesza, "Konstytucja z 17 marca 1921 r. na tle powojennych konstytucji republikańskich w Europie 1919–1922", *Przegląd Konstytucyjny*, nº 1, 2022, pp. 44-45, 55-56.

[6] Garlicki and Garlicka, "Constitution Making, Peace Building, and National Reconciliation: The Experience of Poland", op. cit., p. 391; W. J. Wagner, "The New Constitution of Poland", *The American Journal of Comparative Law*, nº 1, 1953, pp. 59-61; Stanisław Bożyk, "Pozycja ustrojowa Rady Państwa w Konstytucji PRL z 22 lipca 1952 r.", *Miscellanea Historico-Iuridica*, nº 8, 2009, pp. 161-162.

which the concept of the constructive vote of no confidence, among others, was borrowed[7].

The April Constitution had no prototype of its own. It was an entirely original work of the Piłsudski camp, which seized power in Poland in 1926, and more specifically – of Stanisław Car, who was entrusted with drafting the new fundamental law. Admittedly, in many aspects it showed similarities to other constitutional solutions of authoritarian or semi-authoritarian European states of the 1930s, but these were not borrowings, but rather ways of implementing a common constitutional concept[8].

The creators of the April Constitution constructed a super-presidential model – even compared to states where presidential power was or is very strong, the April Constitution's solutions were quite original in this aspect and created a system in which the president wielded power characteristic of nineteenth-century monarchs[9]. Thanks to this, the April Constitution remains to this day the only Polish constitution that not only did not replicate foreign models, but itself became a source of inspiration for solutions in other countries[10]. The most famous of these is Brazil's Constitution of 1937, which, for this reason, is often called the *Polaca* there[11].

The Brazilian scholar Pedro Luis Chambô writes about the 1937 Constitution: "it was imbued with exacerbated authoritarianism rooted in Italy's fascist legislation and in Piłsudski's Polish Constitution – which gave it the nickname *Polaca*"[12]. However, this term is not neutral or merely descriptive. In São Paulo slang the term carried strongly negative con-

---

[7] Maciej Pach, "Recepcja konstruktywnego wotum nieufności. Artykuł 67 Ustawy zasadniczej Republiki Federalnej Niemiec w konfrontacji z rozwiązaniami ustrojowymi Hiszpanii, Belgii, Słowenii, Węgier i Polski", *Studia Iuridica Toruniensia*, nº 14, 2014, pp. 281, 288-290.

[8] Władysław T. Kulesza, "Konstytucja kwietniowa i konstytucje republikańskich państw autorytarnych w międzywojennej Europie. Próba porównania — wybrane zagadnienia (część I)", *Przegląd Sejmowy*, nº 6 (137), 2016, pp. 65-70, 86-90; Władysław T. Kulesza, "Konstytucja kwietniowa i konstytucje republikańskich państw autorytarnych w międzywojennej Europie. Próba porównania — wybrane zagadnienia (część II)", *Przegląd Sejmowy*, nº. 1(138), 2017, pp. 37-45, 53-58; Marta Marcinkiewicz, "O konstytucji kwietniowej raz jeszcze", *Pamięć i Sprawiedliwość*, nº 1, 2018, pp. 350-352.

[9] Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 204-213; Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", op. cit., pp. 299-306.

[10] Walter Costa Porto, edit., *Constituições brasileiras: Volume IV — 1937*, 3rd edn, Senado Federal, Brasília, 2012; José Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, Duzentos anos de constitucionalismo brasileiro 4, Senado Federal, Brasília, 2024.

[11] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, p. 33.

[12] Pedro Luis Chambô, "O estado de exceção como regra – Um estudo histórico-constitucional do Estado Novo (1937–1945)", *Revista da Faculdade de Direito da Universidade de São Paulo*, nº 108, 2013, pp. 123-125.

notations, exploited by the then anti-Vargas opposition. At that time, this term was used to refer to prostitutes, especially those from Eastern Europe, immigrant women forced into prostitution[13].

Years later, in Volume IV of *Constituições Brasileiras* prepared by the Brazilian Federal Senate[14] , a separate chapter was devoted to "O modelo: a Constituição polonesa" ("The model: the Polish Constitution" – this time without using the slang expression with its pejorative context), stating: "So many times it has been said that the Brazilian Constitution of November 10, 1937 had as its parameter the Polish Constitution, promulgated on April 23, 1935, that our Charter has always been accompanied by the nickname *Polaca*"[15]. The similarities between the Polish and Brazilian constitutions were seen mainly in the structure of executive power, and especially in the legislative competencies of the presidents of both countries[16].

Of course, the mere designation as *Polaca*, especially coming from the opposition, is not yet sufficient proof of the reception of Polish models. One must remember that the constitutions – Polish from 1935 and Brazilian from 1937 – could have shown similarities resulting only from the specifics of 1930s authoritarianism.

Indeed, in Brazil, already in the first years after adopting the 1937 Constitution, commentators identified the key features of this act that made it similar to the April Constitution: the liquidation of the separation of powers, the very strong legislative powers of the president, and granting him the role of a supra-organ of the state[17].

However, calling the 1937 Constitution Polish has also penetrated international scholarship. French works describe it as: "connue sous le nom de *Polaca*, en raison de son inspiration de la Constitution polonaise [de 1935]" ("known by the name *Polaca*, due to its inspiration from the Polish Constitution of 1935")[18]. We also find this designation in German scholarship: "ersetzte sie per Dekret durch eine eng an die autoritäre Aprilverfassung Polens von 1935 angelehnte – die daher gemeinhin als die Polnische (*Polaca*) bezeichnete wird" ("replaced it by decree with a new constitution closely modeled on Poland's authoritarian April Constitution of 1935, hence commonly designated as the Polish (*Polaca*)"[19].

[13] Florian F. Hoffmann and Fabio Carvalho Leite, "Die Wirkung der Weimarer Verfassung: ein Blick nach Brasilien", *Kritische Justiz*, vol. 52, nº 3, 2019, p. 270.

[14] Costa Porto, *Constituições brasileiras: Volume IV — 1937*.

[15] Costa Porto, *Constituições brasileiras: Volume IV — 1937*, p. 18.

[16] Costa Porto, *Constituições brasileiras: Volume IV — 1937*, p. 49.

[17] Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 10-11.

[18] Cíntia Muniz de Souza Konder, "Histoire du droit, en *Droit du Brésil*, LGDJ (une marque de Lextenso), París, 2018, pp. 22-23.

[19] Hoffmann and Leite, "Die Wirkung der Weimarer Verfassung", op. cit., p. 270.

Italian scholarship on "tropical fascism", likewise describes the document as "quella polacca del 1937"[20].

But was Brazil's 1937 Constitution really a Polish constitution? Can textual-doctrinal analysis reveal enough borrowings or inspirations to convincingly demonstrate that the creators of the 1937 Constitution drew on Polish achievements in constitutional law scholarship?

The answer to this question must be preceded by the caveat that inspiration and borrowing are two different concepts. The former denotes ideological influence – the flow of ideas that could affect creators without the necessity of replicating any specific solutions, and particularly without transplanting specific legal institutions[21]. The latter should be termed borrowing – the transfer of specific solutions and norms into a new text[22]. Something else entirely would be parallelism resulting solely from the common specificity of the era, that is, a situation in which certain constitutional solutions, even similar to each other, exist in parallel in different legal systems, about which one cannot say that they drew from each other's achievements.

This distinction between inspirations and borrowings allows for positing two hypotheses requiring verification: the Polish concept (idea) of a super-presidential system inspired the creators of the 1937 Constitution to create an analogous system (inspiration), and specific constitutional solutions contained in the 1935 Constitution were transferred almost in their entirety from the 1935 Constitution to the 1937 Constitution (borrowing). In legal scholarship there is a fairly widespread view that constitutional norms are quite difficult to transfer to the soil of other states[23] – all the more deserving of attention is whether such an experiment actually took place – and how it succeeded.

---

[20] Luis Rosenfield and Alberto Vespaziani, "Fascismo Tropicale" Ovvero La Recezione Della Dottrina Fascista Italiana Nel Brasile Dell'Estado Novo Di Vargas", *La Costruzione Della "Legalità" Fascista Negli Anni Trenta*, Roma TrE-Press, 2020, p. 451.

[21] Sujit Choudhry, *The Migration of Constitutional Ideas*, Cambridge University Press, Cambridge, 2006, pp. 22-23.

[22] Vlad Perju, "Constitutional Transplants, Borrowing, and Migrations", en *The Oxford Handbook of Comparative Constitutional Law*, edit. Michel Rosenfeld and András Sajó, Oxford University Press, Oxford, 2012, pp. 1312-1319.

[23] Otto Kahn-Freund observed that legal rules do not transfer equally well between systems. Norms organizing political power are deeply rooted in local culture, conventions, and power relations – making them difficult to transfer. Technical rules are copied much more easily. Kahn-Freund formulates a key question: does a given rule function thanks to a specific power arrangement that exists only in the country of origin? If so, transferring it elsewhere will rarely produce the intended effect. Effective reception requires diagnosis: who will apply the new rule, what are the actual power relations, what practices affect the functioning of law. Without this recognition, a borrowed norm will remain dead, become distorted, or produce unforeseen effects. See: Kahn-Freund, "On Uses and Misuses of Comparative Law", *The Modern Law Review*, nº 1, 1974, p. 12; Perju, "Constitutional Transplants, Borrowing, and Migrations", op. cit., p. 1310.

A comparison of the Polish and Brazilian constitutions requires examining specific solutions: the position of the head of state, the legislative process, the organization of parliament, and fundamental constitutional principles.

Honesty requires clearly noting from the outset the distinct differences between the Polish and Brazilian constitutions. The latter established the National Economic Council (*Conselho da Economia Nacional*; CEN) – an organ existing outside the classically understood separation of powers, cooperating with parliament and the president, representing workers and employers. The CEN was divided into five sections (industry and crafts, agriculture, commerce, transport, credit) and had mainly advisory competencies. Beyond this, however, it issued – after presidential approval – collective labour agreements (art. 61(b)-(c) and art. 62). The CEN also had special competencies regarding economic projects – it could even block them[24]. This was a classic organ of the corporatist state, very strongly inspired by European solutions, but not Polish ones: the Portuguese Corporative Chamber (*Câmara Corporativa*)[25] and the provisions of the Italian *Carta del Lavoro* (1927)[26]. It would be naïve to claim that these elements could – even indirectly – have been inspired by, or borrowed from, the Polish Constitution.

Finally, one must note the fundamental difference between a unitary state located in Central Europe and an enormous federation located in the other hemisphere, marked by entirely different internal and geopolitical problems. This too had to affect the content of the constitutional norms in force. Brazil's Constitution devoted much space not only to the structure of central authorities, but also to relations between them and local authorities (such as the president's intervention powers regarding states, transitional mechanisms concerning governors).

The analysis therefore focuses only on aspects potentially common to both systems.

II. THE EUROPEAN CONTEXT OF THE 1930S

The 1930s brought – not only in Europe – a turn toward clear authoritarian tendencies. In the constitutional sphere, this manifested mainly

[24] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 65-68; José Luís Cardoso and Nuno Estêvão Ferreira, "A Câmara Corporativa (1935-1974) e as Políticas Públicas No Estado Novo", *Ler História*, nº. 64, 2013, pp. 31-34, 47-54.

[25] Cardoso and Ferreira, "A Câmara Corporativa (1935-1974) e as Políticas Públicas No Estado Novo", pp. 33-35.

[26] Carta del Lavoro, Gazzetta Ufficiale del Regno d'Italia, nº 100, 30 aprile 1927, p. 1795; Fabio Gentile, „A tensão autoritarismo-liberalismo em Oliveira Vianna: elementos para uma nova leitura do conceito de «autoritarismo instrumental»", en IX Encontro da Associação Brasileira de Ciência Política, Brasília, 2014, pp. 1-3, 15-16.

through two phenomena. The first was the clear strengthening of individual power – the head of state, who subordinated not only parliament but also other centers of power. This was linked to limiting parliament's legislative, appointive, and supervisory powers. Parliament became mainly a center for legitimizing the new power. This had to be followed by the limitation or complete liquidation of political pluralism[27].

The second was the renaissance of corporatist concepts, whose homeland was Italy, and which were meant to ensure social order and control over groups with divergent interests [28]. The corporatist idea received an early and influential programmatic, quasi-constitutional expression in the Italian *Carta del Lavoro* (1927)[29]. However, the system most deeply imbued with the idea of corporatism appears to be Portugal – "a unitary and corporative republic" ("República unitária e corporativa"; art. 5), as the 1933 Constitution stated, which was further strengthened by the *Estatuto do Trabalho Nacional* of 1933[30], combining Italian models with Catholic social thought[31]. Corporatism in rather extreme versions led to the creation of separate organs that were to guard the socio-economic order (*Câmara Corporativa* in Portugal; arts 102-103)[32].

In Poland, corporatist elements, although they appeared in the April Constitution, were not as strong. It is significant, however, that just two years after issuing the April Constitution, the manifesto of the new emanation of power, which was the Camp of National Unity (*Obóz Zjednoczenia Narodowego*, OZN)[33], much more strongly articulated the need for state corporatism[34].

The 1930s were a time of fundamental constitutional transformations, going precisely in these directions, in many European countries:

---

[27] António Costa Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", en *Rethinking Fascism and Dictatorship in Europe*, edit. António Costa Pinto and Aristotle Kallis, Palgrave Macmillan UK, London, 2014, pp. 87-90, 111.

[28] Matteo Pasetti, "The Fascist Labour Charter and Its Transnational Spread", en *Corporatism and Fascism. The Corporatist Wave in Europe*, Routledge, London, 2017, pp. 62-65; Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", op. cit., pp. 89-90.

[29] Pasetti, "The Fascist Labour Charter and Its Transnational Spread", op. cit., pp. 64-65.

[30] Decreto-Lei nº 23:048, de 23 de Setembro de 1933 (Estatuto do Trabalho Nacional), Diário do Govêrno, I Série, nº 217, 23 de Setembro de 1933, p. 1655.

[31] Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", op. cit., pp. 98-101; Pasetti, "The Fascist Labour Charter and Its Transnational Spread", op. cit., pp. 71-72.

[32] Arnold J. Zurcher, "Austria's Corporative Constitution", *American Political Science Review*, nº 4, 1934, pp. 665-669; Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", op. cit., pp. 101-105.

[33] *Deklaracja ideowo-polityczna Obozu Zjednoczenia Narodowego*, Obóz Zjednoczenia Narodowego (OZN), Warszawa, 1937.

[34] Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", op. cit., p. 105.

Portugal (1933[35]), Estonia (1933[36] and 1937[37]), Austria (1934)[38], finally also Poland (1935)[39], and later Romania (1938)[40] and Lithuania (1938)[41]. Eventually, these solutions also reached beyond Europe to Uruguay (1934)[42], Brazil (1937), and later also to Bolivia (1938)[43].

It is natural that subsequent constitutional solutions had to arise through parallel experiments and borrowings. Often cited as models for them are precisely the Portuguese and Austrian constitutions, with the April Constitution being treated not as a model but rather as a variant response to similar problems[44].

The Portuguese Constitution of 1933 established a unicameral National Assembly and operating alongside it the Corporative Chamber, whose members were to represent local, economic, and professional self-governments[45]. Although in principle it was to have a mainly advisory character, it played a considerable role in creating economic policy

[35] Constituição Política da República Portuguesa, Decreto n.º 22 241, Diário do Govêrno, nº 43/1933, 1º Suplemento, Série I, 22 II 1933.

[36] Eesti Vabariigi põhiseaduse muutmise seadus, Riigi Teataja 1933, 86, 62; Peeter Kenkmann, "Kas 1933. aasta põhiseadus lubas autoritaarset valitsemist?", *Tuna*, nº 3, 2009, pp. 43-46.

[37] Eesti Vabariigi Põhiseadus, Riigi Teataja, 1937, 71, 590.

[38] Georg Froehlich, *Die "Verfassung 1934" Des Bundesstaates Österreich: Systematisch Als Leitfaden Dargestellt*, Rudolf M. Rohrer, Baden bei Wien, 1936, pp. 98-99, 140-142; Verfassung 1934, Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (ZaöRV), vol. 4, 1934, pp. 706-751

[39] Poland. Constitution of the Republic of Poland: April 23rd 1935. Preface by Stanisław Car. Outline of legislation on presidential and parliamentary elections by Michael Potulicki. Polish Commission for International Law Cooperation, Warsaw, 1935.

[40] Constituţia din 27 februarie 1938, Monitorul Oficial, Partea I, nr. 48, 27 februarie 1938; Mihaela Ilie, "10th/11th of February 1938 in Interwar Romanian Politics: An Almighty King and a Political Class on Its Knees", *Revista de Ştiinţe Politice (RSP)*, nº 59, 2018, pp. 128-129.

[41] Lietuvos Konstitucija, Vyriausybės Žinios, Nr. 608, eil. 4271, 12 V 1938.

[42] Alfredo Alpini, "Fascismo, corporativismo y la derecha política en el Uruguay (1928–1940)", *Locus: Revista de História*, vol. 28, nº 2, 2022, pp. 177-178; Alfredo Alpini, *La derecha política en Uruguay en la era del fascismo: 1930–1940*, 1st edn, Fundación de Cultura Universitaria, Montevideo, 2015, 93.

[43] Herbert S. Klein, "Social Constitutionalism" in Latin America: The Bolivian Experience of 1938", *The Americas*, nº 3, 1966, pp. 258-260.

[44] Pasetti, "The Fascist Labour Charter and Its Transnational Spread", op. cit., pp. 70-73; Zurcher, "Austria's Corporative Constitution", op. cit., pp. 665-669; Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 204-206; Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", op. cit., pp. 89-90, 101-105.

[45] Cardoso and Ferreira, "A Câmara Corporativa (1935-1974) e as Políticas Públicas No Estado Novo", pp. 31-34, 47-54; José Luís Cardoso and Nuno Estêvão Ferreira, "The Corporatist Chamber in the "New State" in Portugal: Organized Interests and Public Policy", en *Corporatism and Fascism: The Corporatist Wave in Europe*, edit. António Costa Pinto, Routledge, London, 2017, pp. 174-180, 190-195.

during the Salazar period[46]. In Austria, the Maiverfassung of 1934 did not establish an analogous institution. Instead, there were four other organs with varied representative character: *Staatsrat*, *Bundeskulturrat*, *Bundeswirtschaftsrat*, and *Länderrat* (the corporative element clearly present especially in the *Bundeswirtschaftsrat*). Delegates of these organs formed the parliament of the Austrofascist period – the Bundestag, whose competencies were however limited exclusively to the possibility of accepting or rejecting government proposals. The Austrian solution thus went further – the corporative element did not function alongside parliament, but instead of it[47].

It would therefore be untrue to claim that the April Constitution was an exception against the backdrop of European solutions[48]. Admittedly, it was an original work, in the sense that we do not find borrowings from other legal acts in it, nor was it closely modeled on a specific constitutional solution of another country. However, it was at the same time testimony to fairly widespread trends that found similar expression at that time. For this reason too, a significant part of Brazilian solutions: strong presidential power, including his numerous legislative competencies, limitation of parliamentary powers, solutions concerning states of emergency – cannot per se be treated as inspired by the Polish – or any other – constitution. These were universal solutions, meant to constitute a remedy for the problems of the era, characteristic of "constitutional dictatorships"[49].

III. SOURCES OF THE APRIL CONSTITUTION OF 1935 AND THE BRAZILIAN CONSTITUTION OF 1937

The April Constitution was the culmination of the Sanation regime's constitutional reconstruction of the state, initiated after the May Coup of 1926[50]. The authorities succeeded in enacting the new constitution – but only nearly ten years after seizing power and not without resorting to procedures that violated existing rules (the adoption of "constitutional theses" as a bill and a repeat vote in the Sejm without the required

[46] Cardoso and Ferreira, "A Câmara Corporativa (1935-1974) e as Políticas Públicas No Estado Novo", pp. 31-34, 47-54.

[47] Zurcher, "Austria's Corporative Constitution", op. cit., pp. 665-669; Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", op. cit., pp. 101-105.

[48] Pasetti, "The Fascist Labour Charter and Its Transnational Spread", op. cit., p. 73.

[49] Jens Meierhenrich, "Constitutional Dictatorships, from Colonialism to COVID-19", *Annual Review of Law and Social Science*, nº 17, 2021, pp. 411-412.

[50] Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 203-206; Ewa Gdulewicz, "Zasada jednolitej i niepodzielnej władzy prezydenta w Konstytucji Rzeczypospolitej Polskiej z 23 kwietnia 1935 r.", *Annales Universitatis Mariae Curie-Skłodowska. Sectio G (Ius)*, vol. XXI, nº 1, 1974, pp. 1-3, 8-10.

two-thirds majority and in breach of the standing orders)[51]. The idea of "one and indivisible" state power concentrated in the person of the president had been articulated earlier – from W. L. Jaworski's 1928 draft, through the BBWR theses and Walery Sławek's "Guidelines", to Stanisław Car's justificatory memoranda and the work of the Council of Ministers' Constitutional Committee[52]. On the ideological plane, the April Constitution drew on the solidarist critique of liberalism developed chiefly by Léon Duguit and, in Poland, creatively elaborated by Leopold Caro. The result was a linkage between the category of the "common good" (arts. 1, 4–5) and the privileging of the role of the state and of a civic elite[53].

The Constitution crowned a multi-year process of transforming the Second Republic into a super-presidential model (set in motion by the so-called August Amendment of 1926). The President became "the superordinate factor in the state, [who] coordinates the activity of the supreme organs of state," and the other state organs – not only the cabinet, administration, and armed forces but also parliament and the courts – were subordinated to him[54]. Article 2(4) provided that "the one and indivisible authority of the state is concentrated in his [the President's] person." In this way the Montesquieuan principle of the separation of powers was explicitly and entirely abandoned[55]. These arrangements fashioned a distinctly Polish and consciously authoritarian conception of the constitutional order[56].

The Constitution of 10 November 1937 was promulgated after Getúlio Vargas's coup d'état and ushered in the Estado Novo (1937–1945). Its principal author was Francisco Campos – the minister of justice and the

[51] Anna Rakowska, "Kontrasygnata i prerogatywy Prezydenta w dyskusji ustrojowej poprzedzającej uchwalenie Konstytucji kwietniowej", *Acta Universitatis Lodziensis. Folia Iuridica*, nº 70, 2009, pp. 63-71.

[52] Gdulewicz, "Zasada jednolitej i niepodzielnej władzy prezydenta w Konstytucji Rzeczypospolitej Polskiej z 23 kwietnia 1935 r.", pp. 2-3; Rakowska, "Kontrasygnata i prerogatywy Prezydenta w dyskusji ustrojowej poprzedzającej uchwalenie Konstytucji kwietniowej", op. cit., pp. 63-70; Łukasz Bojko, "Kwestie prawno-ustrojowe w pracach nad konstytucją kwietniową z 1935 roku", *Studia nad Autorytaryzmem i Totalitaryzmem (Acta Universitatis Wratislaviensis)*, vol. 40, nº 2, 2018, p. 141.

[53] Marek Dobrowolski and Dorota Lis-Staranowicz, "(Im)Permanence of Polish Constitutionalism: In Search of an Optimal Vision of the State", en *Comparative Constitutionalism in Central Europe*, Central European Academic Publishing, Miskolc, 2022, pp. 98-99.

[54] Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 204-206.

[55] Gdulewicz, "Zasada jednolitej i niepodzielnej władzy prezydenta w Konstytucji Rzeczypospolitej Polskiej z 23 kwietnia 1935 r.", pp. 8-10.

[56] Gdulewicz, "Zasada jednolitej i niepodzielnej władzy prezydenta w Konstytucji Rzeczypospolitej Polskiej z 23 kwietnia 1935 r.", pp. 1-3, 8-10; Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", op. cit., pp. 299-302.

chief ideologue of the authoritarian remaking of the state[57]. The constitution itself provided for a plebiscite to ratify it (art. 187), which was never held, giving rise to doubts about its validity[58]. During the life of the 1937 Constitution, parliamentary elections were never conducted and the National Economic Council was never established – although it was supposed to be constituted before the elections (art. 179). This divergence between the constitutional text and actual constitutional practice characterized the entire Estado Novo[59]. An exceptional constitutional arrangement that legitimized these omissions was the provision that the constitution – by operation of law – instituted a state of emergency throughout the country (art. 186), while the transitional provisions extended Vargas's term until the plebiscite (art. 175) and at the same time dissolved existing representative bodies (art. 178)[60].

IV. COMPARISON OF PROVISIONS

The similarities between the 1935 and 1937 constitutions are most easily observed through a tabular comparison of excerpts from these two legal acts. I limit the textual comparison to three areas where the similarities extend beyond the general authoritarian trends of the 1930s. In the table, I use the official English translation of the Polish Constitution of 1935[61] and a working translation of the Brazilian text. Corresponding or closely similar elements are highlighted in bold.

[57] Costa Porto, *Constituições brasileiras: Volume IV — 1937*, p. 1; Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 33-34.

[58] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 39, 45-46.

[59] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 17, 39-40, 45-46, 98-100; Luis Eulálio de Bueno Vidigal, "Francisco Campos e a Constituição de 1937", *Revista da Faculdade de Direito da Universidade de São Paulo*, nº 63, 1968, pp. 176-177.

[60] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 11-16; Marcello Ciotola, "O pensamento autoritário de Francisco Campos", *Direito, Estado e Sociedade*, nº 37, 2010, pp. 102-104.

[61] Poland. Constitution of the Republic of Poland: April 23rd 1935. Preface by Stanisław Car. Outline of legislation on presidential and parliamentary elections by Michael Potulicki. Polish Commission for International Law Cooperation, Warsaw, 1935.

Provision of the Polish Constitution (1935)	**Text of the provision of the Polish Constitution (1935)**	**Provision of the Brazilian Constitution (1937)**	**Text of the provision of the Brazilian Constitution (1937)**[62]
art. 55(1)	The law may **authorize the President of the Republic to issue decrees** within the period and the scope determined by it; amendments of the Constitution shall not be included in such authorization.	art. 12	The President of the Republic may be **authorized by Parliament to issue decree-laws**, under the conditions and within the limits established by the act of authorization.
art. 55(2)	(2) While the Seym is dissolved, the President of the Republic has the right, **in case of State necessity**, to issue decrees within the limits of State legislation with the exception of: **(a) amendments to the Constitution; (b) the laws concerning elections to the Seym and the Senate; (c) the budget; (d) the imposition of taxes and establishment of monopolies; (e) the monetary system; (f) the issue of State loans; (g) the disposal and mortgaging of State real estate** valued at a sum over 100,000 zlotys.	art. 13	The President of the Republic, during periods of parliamentary recess or dissolution of the Chamber of Deputies, may, **if the necessities of the State so require**, issue decree-laws on matters within the legislative competence of the Union, except for the following: **a) modifications to the Constitution; b) electoral legislation; c) budget; d) taxes; e) establishment of monopolies; f) currency; g) public loans; h) alienation and encumbrance of the Union's immovable property**.

[62] Translation by the author.

Provision of the Polish Constitution (1935)	**Text of the provision of the Polish Constitution (1935)**	**Provision of the Brazilian Constitution (1937)**	**Text of the provision of the Brazilian Constitution (1937)**[62]
art. 56	Decrees concerning the **organization of the Government**, the Supreme command of the **Armed Forces** and the organization of State administration **may be issued at any time**; they can be amended or abrogated only by similar decrees of the President of the Republic.	art. 14	The President of the Republic, subject to constitutional provisions and within the limits of the respective budgetary allocations, **may freely issue decree-laws** on the **organization of the government** and federal administration, the supreme command and the organization of the **armed forces**.
art. 2(4)	The one and indivisible authority of the State is united in his person.	art. 73	The President of the Republic, **the supreme authority of the State, coordinates the activity** of the representative organs of higher degree, directs internal and external policy, promotes or guides the legislative policy of national interest, and superintends the administration of the country.
art. 3(1)	**The organs of the State subordinate to the President** are the Government, the Seym, the Senate, the Armed Forces, the Courts of Justice, the State Control.		

Provision of the Polish Constitution (1935)	**Text of the provision of the Polish Constitution (1935)**	**Provision of the Brazilian Constitution (1937)**	**Text of the provision of the Brazilian Constitution (1937)**[62]
art. 11	The President of the Republic as a superordinate factor of the State **coordinates the activities of the supreme organs of State**.		
art. 17	The Assembly of Electors consists of the Speaker (Marshal) of the Senate as chairman, the Speaker (Marshal) of the Seym as vice-chairman, the Prime Minister, the First-President of the Supreme Court, the Inspector-General of the Armed Forces and 75 Electors chosen from among the worthiest citizens two-thirds of whom are chosen by the Seym and one-third by the Senate.	art. 82	The Electoral College for the President of the Republic is composed of: a) electors designated by the Municipal Chambers, with each State electing a number of electors proportional to its population, provided, however, that the maximum of this number shall not exceed twenty-five; b) fifty electors designated by the National Economic Council, from among employers and employees in equal numbers; c) twenty-five electors designated by the Chamber of Deputies and twenty-five designated by the Federal Council, from among citizens of notable reputation.

Provision of the Polish Constitution (1935)	**Text of the provision of the Polish Constitution (1935)**	**Provision of the Brazilian Constitution (1937)**	**Text of the provision of the Brazilian Constitution (1937)**[62]
art. 16	(2) A candidate for Presidency is chosen by the Assembly of Electors. (3) **The retiring President of the Republic has the right to propose another candidate**. (4) If the retiring President of the Republic avails himself of this right, the new President of the Republic shall be **chosen by a referendum from between two candidates**: the one elected by the Assembly of Electors and the one proposed by the retiring President of the Republic. (5) If the retiring President of the Republic declares, that he does not intend to use his right to propose a candidate, or if within seven days after the choice made by the Assembly of Electors he does not propose another candidate and does not call a referendum, the candidate of the Assembly of Electors **shall be considered elected** as the President of the Republic.	art. 84	The Electoral College shall meet in the Capital of the Republic twenty days before the expiration of the presidential term and shall choose its candidate for the Presidency of the Republic. If the President of the Republic does not exercise the prerogative to indicate a candidate, the one chosen by the Electoral College **shall be declared elected**. (1) **If the President of the Republic indicates a candidate**, the **election shall be direct and by universal suffrage between the two candidates**. In this case, the President of the Republic shall have his term extended until the conclusion of the electoral procedures and the inauguration of the elected President.

Provision of the Polish Constitution (1935)	**Text of the provision of the Polish Constitution (1935)**	**Provision of the Brazilian Constitution (1937)**	**Text of the provision of the Brazilian Constitution (1937)**[62]
art. 47(1)	The Senate consists of Senators, **one-third of whom are nominated by the President of the Republic** and two-thirds by election.	art. 50	The Federal Council is composed of representatives of the States **and ten members appointed by the President of the Republic**. The term of office is six years.

4.1. Constitutional position of the President

The priorities of the April Constitution were signaled even by the order of its provisions. The first ten articles formed the so-called "Decalogue," cataloging the fundamental principles of the state's constitutional order. The next chapter was devoted to the President. Care for the common good of the state (art. 2(3)) and responsibility for its fate (art. 2(2)) were placed in the President's hands, and he bore them solely "before God and history"[63]. The tragedy of September 1939 in Poland brutally tested these assumptions.

The April Constitution described the President as the "supreme factor in the state" (art. 11), in whose hands rested "unified and indivisible authority" (art. 2(4)), and to whom other constitutional organs were subordinated: the government, the Sejm, the Senate, the armed forces, the courts, and state control (during the drafting process only one center of power was excluded from this catalog: local self-government). The constitutional principle guiding the President's activity was the "harmonization of the actions" of these leading state organs[64].

This framework not only deliberately departed from the separation of powers, but also consistently detached the President from the "executive branch": the President was not part of the executive but stood above it – just as he stood above the legislature and the judiciary[65].

[63] Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", op. cit., p. 299.

[64] Gdulewicz, "Zasada jednolitej i niepodzielnej władzy prezydenta w Konstytucji Rzeczypospolitej Polskiej z 23 kwietnia 1935 r.", pp. 8-10; Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", op. cit., pp. 300-302.

[65] Gdulewicz, "Zasada jednolitej i niepodzielnej władzy prezydenta w Konstytucji Rzeczypospolitej Polskiej z 23 kwietnia 1935 r.", p. 10.

Brazil's 1937 Constitution likewise significantly strengthened the position of the President. The Brazilian President was established as the state's supreme authority ("autoridade suprema do Estado"), entrusted with coordinating the activity of representative organs and directing both domestic and foreign policy (arts. 73–74). Unlike the April Constitution, however, the Brazilian constitution did not include an itemized list of bodies subordinated to the President. The absence of such a list had two causes. First, in a federal state a complete catalog of organs subordinated to the President would have had to include state-level authorities, which would have reduced their autonomy – and thus the federal order itself – to a fiction. Second, Brazil placed far greater emphasis than Poland on the constitutionalization of corporatist bodies (*Conselho da Economia Nacional*, *Conselho Federal*) with a complex constitutional status, whose unequivocal subordination to the President would have run counter to the very idea of their existence[66].

In both systems, presidential powers – as in many constitutional frameworks – were divided into those requiring and those not requiring countersignature. In Poland, the latter (prerogatives) formed a very broad catalog. They encompassed not only powers traditionally associated with a head of state, but also numerous competences that gave the President autocratic authority: appointing and dismissing the Prime Minister, the First President of the Supreme Court, the President of the Supreme Audit Office, and the Commander-in-Chief; appointing judges of the State Tribunal and one-third of the Senate; the right to dissolve the Sejm and the Senate before the end of their terms; and the power to bring members of the government before the State Tribunal. It is seldom noted, however, that the Prime Minister's countersignature – given that parliamentary control over the government was a fiction (the government did not have to obtain a parliamentary vote of confidence; the President was to dismiss a Prime Minister who received a joint vote of no confidence from both chambers, yet could instead dissolve parliament) – was not a meaningful constraint on presidential power. Under the President's supremacy, countersignature ceased to serve its classic function of transferring political responsibility for a head of state's act to the prime minister or cabinet. Instead, it became a declaration of readiness to execute the act and a basis for the countersigner's accountability to the President[67].

In Brazil, the catalog of prerogatives was apparently narrower. It could not include bringing ministers before a State Tribunal or appointing

[66] Cássio A. A. Albernaz, "O Conselho de Economia Nacional: o descompasso entre a teoria, a lei, e a história", *Estudos Ibero-Americanos*, vol. 48, nº 1, 2022, pp. 1-3; Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 65-68.

[67] Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", op. cit., pp. 303-307.

its judges, as no such body existed in Brazil. Unlike in Poland, the Brazilian President also lacked unfettered discretion to dissolve parliament[68]. The Brazilian arrangement shifted the weight of presidential power to his general competences (which required countersignature) and to powers related to states of emergency. The constitution also framed the rule of countersignature quite differently. It expressly provided that ministers did not bear political responsibility for acts of the President they countersigned; they were responsible only for their own deeds[69]. This model of ministerial responsibility was intended to bolster the head of state's autonomy in directing the administrative apparatus[70].

More significant, however, was Brazil's rejection of the Polish notion that the President was accountable only "before God and history". In Poland, the President bore no responsibility for his official acts – neither political nor constitutional. The Brazilian constitution retained a formal model of presidential constitutional responsibility for violations of the constitution (*crimes de responsabilidade*), with indictment by the Chamber of Deputies and trial before the Federal Council, continuing a tradition that reached back to the 1891 constitution[71], and not merely alluding to but replicating the American model of impeachment[72]. This institutional continuity, preserved despite a strongly authoritarian turn, points to the strength of Brazilian republican doctrine. Even Francisco Campos, the principal architect of the 1937 Constitution, did not sever the impeachment mechanism entirely, although under the Estado Novo it was largely illusory owing to the absence of parliament and the permanent state of emergency[73].

This was no accident. Walter Costa Porto notes that defenders of the 1937 Constitution deliberately emphasized its differences from Poland's 1935 Constitution. One such difference was presidential accountability, absent in Poland. The aim was to legitimize the Brazilian model as more law-governed and to distinguish it from the one-person dictatorship seen as embodied in the April Constitution, while nonetheless maintaining the primacy of the executive[74].

---

[68] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 73-75.

[69] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 74-75.

[70] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, p. 74.

[71] Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 74-75; Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 74-75.

[72] Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 74-75; Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 74-75.

[73] Vidigal, "Francisco Campos e a Constituição de 1937", pp. 176-177.

[74] Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 18-19.

4.2. The procedure for electing the President

The April Constitution provided an entirely original system for electing the President[75]. To this end, a special body – the Assembly of Electors (*Zgromadzenie Elektorów*) – was created, whose sole function was to participate in the presidential selection procedure; the mandates of its members expired *ex lege* upon the President's swearing-in. It consisted of 50 electors chosen by the Sejm, 25 chosen by the Senate, and five ex officio members (the Marshal of the Senate – as chair of the Assembly – the Marshal of the Sejm, the Prime Minister, the First President of the Supreme Court, and the commander of the army – the General Inspector of the Armed Forces). The role of the Assembly was to designate one candidate for the presidency. The outgoing President had the right to name a second candidate. If he exercised that right, the choice between the two candidates was made by popular vote. If not, the Assembly's nominee was deemed elected President. If the popular vote procedure was triggered, the incumbent President's seven-year term was extended for the time necessary to complete the process.

This arrangement gave the President considerable influence over the succession of power, all the more so because elections to both parliamentary chambers were conducted under procedures that can hardly be regarded as fully democratic. The first presidential election under these rules was scheduled for 1940, but it never took place due to the outbreak of war.

In Brazil, the President was elected for a six-year term by an Electoral College (*Colégio Eleitoral*) composed of 50 delegates of the National Economic Council (*Conselho da Economia Nacional*, CEN), 25 delegates from each chamber of parliament, and delegates elected by municipal councils (*câmaras municipais*). From each state, delegates were chosen in proportion to population, but no more than 25 per state. The constitution expressly excluded legislators – both federal and state – from serving in the Electoral College. If the incumbent President designated another candidate, a popular vote between the two candidates was held. In such a case, the incumbent's term was extended until the procedure concluded[76].

Upon the promulgation of the 1937 Constitution, however, all representative bodies were dissolved, including the *câmaras municipais* (art. 178), and during the *Estado Novo* no parliament was ever elected and the CEN never convened. Although it was stipulated that the latter "should be established" before parliamentary elections (art. 179), this did

[75] Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", op. cit., p. 299; Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 206-208.

[76] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 73-75.

not occur until 1949, after Vargas's fall in 1945[77]. Since the municipal councils had been dissolved and the nationwide bodies (the CEN and Parliament) were nonfunctional, no legal act was issued to fix the number of electors to be delegated by each state and thus to allow calculation of the total size of the Electoral College. Brazil then consisted of 20 states (the largest of which was to delegate 25 electors). Adding the 100 electors drawn from parliament and the CEN shows that the Brazilian Electoral College – at least in design – must have been considerably larger than Poland's Assembly of Electors (which had 80 members).

This difference did not stem from population size, which was not dramatically different. According to official figures, Poland (1931 census) had about 32.1 million inhabitants[78], while Brazil in 1937 had 43.2 million[79]. For comparison, according to the most recent reliable census data: Poland – 38 million inhabitants[80]; Brazil – 203 million inhabitants[81].

The fundamental difference concerned the composition of the electoral bodies: in Poland it was a college based essentially on members selected by parliament, with only a very small share of ex officio members, three of whom derived from presidential appointment. In Brazil, far greater weight was placed on representing the corporatist element and local self-government, while legislators were excluded from taking part in the procedure.

Both models introduced popular elections as a conditional final stage – triggered only at the will of the outgoing President – and linked them to extending the incumbent's term until the procedure was completed.

It is telling that in neither Poland nor Brazil was this procedure ever implemented. In the former case because of the war; in the latter because Vargas's dictatorship persisted and the bodies necessary for the procedure to operate were never put in place.

4.3. Legislative powers of the President

In Poland, the President's legislative powers were exercised chiefly through two mechanisms. The first was a suspensive veto, which could be overridden if both chambers reenacted the bill by an absolute majority. The second was the power to issue instruments endowed with the force of statute.

---

[77] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 39-40, 95-97; Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 11-16.

[78] Główny Urząd Statystyczny Rzeczypospolitej Polskiej, *Mały Rocznik Statystyczny 1939*, Główny Urząd Statystyczny, Warszawa, 1939, 14-15.

[79] Instituto Brasileiro de Geografia e Estatística, *Anuário Estatístico do Brasil 1939/40*, IBGE, Rio de Janeiro, 1940, 89.

[80] Główny Urząd Statystyczny, *Rocznik demograficzny 2024*, GUS, Warszawa, 2024, 14.

[81] Instituto Brasileiro de Geografia e Estatística, *Censo Demográfico 2022: Resultados*, IBGE, Rio de Janeiro, 2023, 7.

The Polish President held three types of authority to issue decrees with the force of law. First, he could do so on the basis of a statutory delegation (with the exception of constitutional amendment). Second, in "cases of state necessity," he could issue decrees while parliament was dissolved, in all matters except those enumerated in the constitution (including, inter alia, constitutional amendment, parliamentary electoral law, taxation, and the budget). Third, he possessed an exclusive competence – at any time and without a separate authorization – to issue legislative acts concerning the organization of the government, the government administration, and the supreme command of the armed forces. In this field parliament was stripped of legislative authority. The equalization of the legal force of decrees and statutes, together with this resulting "legislative dualism," significantly strengthened the presidential axis in lawmaking[82].

The Brazilian Constitution adopted an almost identical three-part model, which Campos defended as a response to the "anachronism of parliaments" and to the technical character of contemporary legislation[83]. The President was empowered to issue decrees with the force of law under the conditions and within the limits laid down by statute (corresponding to Poland's art. 55(1)). He was also authorized to issue decrees during intersession periods or when parliament had been dissolved "if the necessities of the State so required," subject to a list of exceptions that in substance mirrors the catalog found in the April Constitution (reflecting Poland's art. 55(2)). Finally, only the President enjoyed a standing, non-delegated competence to issue decrees on the organization of the government and the armed forces (analogous to Poland's art. 56).

The texts of both constitutions contained an identical list of matters excluded from presidential regulation – both under statutory delegation (constitutional amendment) and during periods when parliament was not sitting (beyond constitutional amendment: electoral law, the budget, taxes, currency, public loans, and the disposition of public property).

This identical three-part structure, the similarity of the triggering conditions ("state necessity" and "necessities of the State"), and the matching catalog of exclusions – together with the fact that a comparison with other authoritarian constitutions of the period (Portugal 1933; Austria 1934) does not suggest the solution was in any sense universal – constitute a persuasive case for direct borrowing, rather than mere inspiration or parallelism[84].

---

[82] Małgorzata Grzesik-Kulesza, "Akty prawne z mocą ustawy w polskim prawie konstytucyjnym w latach 1921–1947", *Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza. Prawo*, nº 84, 2014, pp. 40-41.

[83] Ciotola, "O pensamento autoritário de Francisco Campos", op. cit., pp. 98-101.

[84] Constituição Política da República Portuguesa, 1933; Verfassung des Bundesstaates Österreich (1. Mai 1934); Bundesverfassungsgesetz vom 30. April

4.4. Parliament and the legislative procedure

The Polish constitution retained bicameralism (Sejm and Senate) and the legislature's lawmaking function, but it expressly excluded parliament from the function of governing the state, while at the same time strengthening the presidential veto and granting the President extensive legislative competences[85].

Relations between the chambers and the President's position were structured so as to curtail parliament's role in the legislative process and to maximize the strength of the upper chamber (the Senate) relative to the lower chamber (the Sejm)[86]. The Senate could amend or reject a bill passed by the Sejm, and overcoming its objections in the Sejm required a three-fifths majority (art. 53). A presidential suspensive veto ("request for reconsideration") was introduced; overcoming it required an absolute majority of the statutory number of deputies (105 of 208) and senators (49 of 96), a demanding absolute-majority threshold[87]. Notably, between 1935 and 1939 the President did not veto a single statute[88]. There was no need: the electoral laws for both chambers were crafted to exclude opposition representation and to ensure not merely a majority but the absolute supremacy of the ruling camp, from which the President also came.

The composition of the upper chamber was designed to function as a check on any initiatives that might run counter to the interests of those in power. Not only was one-third of the senators (32 of 96) to be appointed by the President, but the rules for election were framed so that 64 senators were chosen in indirect elections in which only about 0.83% of the population held the franchise (approximately 267,000 out of 32.1 million inhabitants in 1931). This was made possible through the introduction of suffrage qualifications based on education, merit, or public trust. The pool eligible to stand for election (passive suffrage) was even smaller, as the minimum age was raised from 30 to 40. By comparison, about 50.8% of residents (approximately 16.3 million) were entitled to vote in Sejm elections[89].

1934 über außerordentliche Maßnahmen im Bereich der Verfassung, BGBl. I Nr. 255/1934.

[85] Maciej Starzewski, "Z zagadnień Konstytucji kwietniowej. Na marginesie książki prof. Wacława Komornickiego", *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, nº 3, 1937, pp. 363-364.

[86] Starzewski, "Z zagadnień Konstytucji kwietniowej. Na marginesie książki prof. Wacława Komornickiego", op. cit., p. 365.

[87] Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", op. cit., pp. 306.

[88] Paweł Sarnecki, "Dekrety Konstytucji kwietniowej", en Zagadnienia prawa konstytucyjnego. Polskie i zagraniczne rozwiązania ustrojowe. Księga jubileuszowa dedykowana Profesorowi Dariuszowi Góreckiemu w siedemdziesiątą rocznicę urodzin, Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2016, p. 360

[89] Marek Woźnicki, "Wybory do Sejmu i Senatu w świetle ordynacji wyborczych z 1935 r.", *Studia Iuridica Lublinensia*, nº 22, 2014, p. 401.

The Brazilian parliament was likewise bicameral, consisting of the Chamber of Deputies (*Câmara dos Deputados*) and the Federal Council (*Conselho Federal*). The latter replaced the traditional senate. It was to include representatives of the states (one elected by each state assembly, subject to the governor's veto) and ten members appointed by the President; its chair was a minister designated by the President (arts. 50 and 56). Since in 1937 Brazil had twenty states and a federal district (Rio de Janeiro), the ratio of elected (as in Poland, indirectly elected) to appointed members of the Federal Council was essentially identical to that of the Polish Senate.

In the legislative process, the 1937 Constitution ensured a strong role for the government. Legislative initiative belonged only to the government and to one-third of the membership of each parliamentary chamber. In addition, the government could suspend legislative work on any bill for thirty days by announcing its intention to submit its own proposal on the matter. For government bills that received a favourable opinion from the National Economic Council (*Conselho da Economia Nacional*, CEN), parliament could introduce no amendments and could only decide – in a simplified procedure comprising a single reading – whether to accept or reject them[90].

4.5. Corporatist elements in the structure of power

The clearest point of divergence between the two constitutions was the corporatist dimension. The Brazilian design rested on the notion of an "economic and social order" as an integral part of the state system. The chapter *Da Ordem Econômica* turned social and economic policy into a constitutional structure whose central rule was that "the economy of production shall be organized into corporations" (art. 140) – a direct reference to Italy's *Carta del Lavoro* (1927) and Portugal's *Estatuto do Trabalho Nacional* (1933). Other provisions of the 1937 Constitution established a state-recognized syndical model and prohibited strikes and lockouts as antisocial acts. This framework, foreign to the Polish constitution, grew out of *trabalhismo* – the Brazilian variant of corporatism that treated labour as the foundation of social order. Its reception drew heavily on Catholic social teaching, especially the encyclicals *Rerum Novarum* (1891) and *Quadragesimo Anno* (1931), long embedded in Brazilian political culture[91].

Poland's 1935 Constitution approached corporatism quite differently. It did not convert economic self-government into a state organ (which would have placed it under the President's supremacy); instead, it sub-

[90] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 65-68; Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 49-50.

[91] Pasetti, "The Fascist Labour Charter and Its Transnational Spread", op. cit., pp. 70-73; Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", op. cit., pp. 98-105.

jected such bodies to governmental supervision[92]. Economic self-government was treated as part of public administration, alongside governmental administration and territorial self-government. At the same time, it was not granted its own lawmaking powers – unlike territorial self-government, which under art. 75(2) could issue "binding norms" on the basis of special statutory authorization, subject to approval by the competent supervisory authority. Article 76 allowed Parliament to create, by statute, labour chambers (*izby pracy*) and a Supreme Economic Chamber (*Naczelna Izba Gospodarcza*) as advisory-coordination bodies for "the entirety of economic life" and for the review of draft economic legislation – but without any role in legislation *sensu stricto*. The Supreme Economic Chamber was never established[93].

This very modest corporatism in the April Constitution reflected the ideology of Sanacja-era statism and presidential centralization, the priority of administrative unification after the partitions, and political calculations – including concern about creating institutional footholds for opposition economic and trade-union circles.

Clearer corporatist accents appeared in Poland only with the 1937 ideological-political declaration of the Camp of National Unity (OZN), i.e., after the April Constitution had already been enacted. They did not translate into constitutional change, or even into the creation of the institutions envisaged in art. 76. The declaration largely functioned as a political manifesto rather than a constitutional reform.

By contrast, Brazil's *Conselho da Economia Nacional* (CEN) was a corporatist body with parity composition, bringing together representatives of employers and workers across five sections: industry and crafts, agriculture, commerce, transport, and credit (art. 57). The CEN received broad powers: issuing norms for collective agreements, mandatory consultation on bills "concerning the national economy," and a fast-track procedure for government bills that obtained a favourable CEN opinion. Article 63 even allowed – by plebiscite initiated by the President – delegating legislative power to the CEN "in some or all" matters within its remit.

This contrast shows that, in corporatist matters (the CEN, the organization of the economy "into corporations," the role of collective agreements), Brazil drew not on Warsaw but on Lisbon and Rome[94].

---

[92] Karol Dąbrowski, "Izby przemysłowo-handlowe Drugiej Rzeczypospolitej jako instytucje samorządu przemysłowo-handlowego. Ujęcie doktrynalne i konstytucyjne", *Studia z Dziejów Państwa i Prawa Polskiego*, nº 10, 2007, pp. 317-319.

[93] Kazimierz Bandarzewski, *Samorząd Gospodarczy w Prawie Polskim: Studium Prawne*, Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków, 2014, 302.

[94] Cardoso and Ferreira, "A Câmara Corporativa (1935-1974) e as Políticas Públicas No Estado Novo", pp. 33-35; Pasetti, "The Fascist Labour Charter and Its Transnational Spread", op. cit., p. 73.

4.6. Emergency powers

Another axis of difference between the two constitutions concerned the regulation of states of exception. The *Estado Novo* Constitution provided for two extraordinary regimes: a state of emergency (*estado de emergência*) and a state of war (*estado de guerra*). The President could institute both entirely on his own, without the need to obtain parliamentary approval.

During a state of exception, the Constitution listed measures that included, among other things, the suspension of personal liberty, freedom of expression, and freedom of association (art. 168); the possibility of suspending parliamentary immunities and detaining members on an urgent basis (art. 169); placing acts adopted because of the emergency outside the courts' jurisdiction (art. 170); and – even in the case of a state of war – suspending the Constitution's force in parts of the country designated by the President (art. 171). In addition, the courts' jurisdiction over political matters was curtailed (art. 94).

Only once the grounds for declaring the emergency had ceased was the President required to notify the Chamber of Deputies. If the Chamber did not approve the measures taken, it would initiate proceedings for constitutional responsibility (impeachment) against the President. The President, however, retained the right to appeal to the "verdict of the Nation" by dissolving the Chamber of Deputies and calling new elections – an option that, in practice, rendered political oversight illusory[95].

Most importantly, the transitional provisions introduced a state of emergency throughout the entire country from the date of promulgation (art. 186), which immediately activated extraordinary instruments of power; the announced legitimating plebiscite (art. 187) was never held[96].

By contrast, in Poland a state of emergency was declared by the Council of Ministers with the President's consent, and the regulation had to be presented to the Sejm within seven days; the Sejm could request its repeal, and if the Senate concurred, the government was obliged to rescind the act. Martial law (*stan wojenny*) was proclaimed by the President "where the use of the armed forces is required to defend the State" (art. 79(1)); in that case he obtained, among other things, the power to issue decree-laws (excluding constitutional amendments), to extend the terms of the chambers, to convene them in reduced composition, and to regulate the rhythm of sessions (art. 79(2)–(3)). The Constitution did not provide for its suspension in wartime. On the contrary, it remained in

[95] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 95-97; Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 90-92.

[96] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 35, 38-39, 95-97; Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 90-92.

force, although the framers established a special wartime mode of operation for state authorities[97].

The differences in emergency powers were therefore greater than the similarities. The Brazilian emergency regime went considerably further. In Poland, by contrast, a – limited but real – procedure of parliamentary oversight was preserved for a state of emergency, and there was no competence to suspend the Constitution at will during wartime. The greater concentration of power concerned the President's organizational tools and decree powers[98].

The Brazilian model was thus truly super-presidential under crisis conditions – subordinating the state to presidential decisions and, de facto, eliminating ordinary mechanisms of parliamentary and judicial control. Only when one adds that the *Estado Novo* functioned under a permanent state of exception does the full strength of the President's position become clear. In Poland, by contrast, the President's strong position did not erase the minimum oversight procedures applicable in a state of emergency; the *lex specialis* of art. 79 created a "constitutional dictatorship" for wartime, yet without derogating the Constitution[99].

V. FUNDAMENTAL INSTITUTIONAL DIFFERENCES

One cannot analyze similarities and differences between the constitutions of two countries as distant as Poland and Brazil without attending to the fundamental distinctions between them – stemming not only from history and geopolitics, but also from the fact that Poland was a fairly unitary state (with the partial exception of the autonomous Silesian Voivodeship), whereas Brazil was a federation. These distinctions necessarily shaped differences in the constitutional texts, while not excluding a strong influence of the April Constitution.

5.1. Differences stemming from state structure

As a federal state, Brazil's constitution had to regulate two orders of government: federal and state. Hence the creation of a second parliamentary chamber with a federal profile (the *Conselho Federal*), including a component of presidential appointment (art. 50). This offered an alternative to the Polish Senate – though the latter also, to a degree, derived from presidential appointments.

---

[97] Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 204-205, 208-213.

[98] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 35, 95-97; Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 208-213.

[99] Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 208-211.

A particularly important Brazilian institution was federal intervention (art. 9). The President could appoint *interventores* and assume executive functions of the states in cases of serious disorder or incompetence of state authorities. During the transitional period these powers went even further: all governors, including those elected locally, had to obtain presidential approval on pain of being replaced by an *interventor* (art. 176). These arrangements, unknown in Poland, addressed the governance of a vast country with strong regional traditions. Paradoxically, centralization in Brazil had to be more radical than in Poland precisely because it faced stronger resistance from local structures. The main instrument of this administrative centralization was the *Departamento Administrativo do Serviço Público* (DASP), provided for in art. 67 and created by Decreto-Lei nº 579/1938[100].

5.2. Differences stemming from the socio-cultural context

The Brazilian Constitution devoted considerable space to family, education, and culture, revealing a basic difference in the understanding of the state's role. The family, constituted by indissoluble marriage, was placed under special state protection. The Constitution assigned the state an extensive role in education, including civic and moral formation, and provided instruments to protect "public morality and good customs." These patterns – far less pronounced in the April Constitution – grew out of the Iberian tradition of the state as guardian of moral order and were very prominent in Portugal's 1933 Constitution. Under Vargas's dictatorship, these provisions became a principal justification for censorship and propaganda control carried out by the *Departamento de Imprensa e Propaganda*[101].

Brazil's ethnic and immigration context in the 1930s demanded measures unknown in Poland. Although interwar Poland was also a country of many nationalities and religions, Brazilian society confronted an even wider set of issues arising from the legacy of slavery, mass immigration from across the world (Italy, Germany, Poland, and also Japan), and the need to integrate indigenous populations. A range of consolidation mechanisms was therefore required that never assumed such radical forms in Poland. The constitutional provisions on "organizing" society through occupational corporations and state control of education primarily served national homogenization. The "nationalization" policy pursued under the *Estado Novo* – including measures aimed at the Polish minority – though not explicitly set out in the 1937 Constitution, found strong normative support in it[102].

---

[100] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 52-54, 67-72, 98-100.

[101] Constituição dos Estados Unidos do Brasil, de 10 de novembro de 1937; Constituição Política da República Portuguesa, 1933; Decreto-Lei nº 1.915, de 27 de dezembro de 1939, Diário Oficial da União, Seção 1, 29 de dezembro de 1939, p. 29362.

[102] Pinto, "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships", op. cit., pp. 87-90.

5.3. Differences stemming from distinct constitutional traditions

Poland's suspensive veto, which could be overridden only by a concordant decision of both chambers "by a majority of the statutory number of deputies and senators" (art. 54(3)), did not constrain the parliament as much as the Brazilian mechanisms, where not only a two-thirds majority was required to override the presidential veto, but there were also alternative tools limiting parliament's role: a fast-track legislative procedure, the possibility of entrusting legislation to a corporative chamber, and special governmental prerogatives in legislative initiative.

Equally telling is the contrast between Poland's ban on judicial review of statutes (art. 64(5)) and Brazil's retention of a core of *judicial review*, despite significant limitations. Only political matters (art. 94) and acts adopted under the state of exception (art. 170) were excluded from judicial scrutiny. Article 96 provided that courts could declare legislative acts unconstitutional – by an absolute majority of the statutory number of judges – but allowed that decision to be overridden, if necessary "for the well-being of society and to promote or defend a national interest of great importance," by a two-thirds majority in both chambers at the President's request. The Constitution thus preserved solutions rooted in Brazil's tradition of constitutional review and in the role of the *Supremo Tribunal Federal*, while seeking to fit them into the logic of the *Estado Novo*[103].

VI. CONCLUSION

A textual-doctrinal analysis provides strong evidence of constitutional borrowing, but does not by itself establish the historical channels through which the Polish model reached the Brazilian drafters. It is, however, a good way to begin investigating the question. Full verification of the hypothesis requires inquiry into three additional areas: the presence of the 1935 Polish constitution – and the works preceding its promulgation – in Brazilian legal discourse of the 1930s; the use of Polish solutions in the preparatory documents for the Brazilian constitution and in the publications of its principal author; and the existence of networks of contacts between lawyers in the two countries. I intend to address this issue in a subsequent publication.

Already at this stage, borrowings are plainly visible that cannot be explained solely by the shared solutions of the period and the needs of the Estado Novo. This is most evident in the presidents' legislative powers, the system of presidential selection, and the presence in the upper chamber of roughly one-third presidential nominees. The similarity is too

[103] Dantas Filho, *Duzentos anos de constitucionalismo brasileiro: Constituição de 1937*, pp. 70-74; Sarnecki, "Głowa państwa w obu polskich konstytucjach kwietniowych", op. cit., pp. 303-306.

great to be accidental. These were not institutions characteristic of any standard constitutional family. As early as 1938, Pontes de Miranda explicitly pointed to Polish Article 55 as the source of Brazilian Article 12[104].

The differences between Poland and Brazil convincingly explain why Brazil's reception of the Polish model was selective and confined to the instruments of power. By contrast, matters stemming from divergent values and traditions, or from the impossibility of transplanting institutions into a fundamentally different state, were regulated differently. The 1937 constitution was therefore a hybrid: Polish instruments of power were embedded in an Iberian-corporatist vision of society, with certain nods to American constitutional arrangements, all meant to function within a federation. This eclecticism, often criticized by Brazilian constitutionalists, was an attempt to respond to the complexity of Brazil's 1930s reality.

In both texts, the primacy of the head of state was justified by the public good and the need to "coordinate organs." In Poland, however, presidential power rested – not only on legislative powers shared with Brazil – but also on prerogatives exempt from countersignature; in Brazil, it rested on powers concerning states of emergency, formally accompanied by additional grounds for presidential responsibility[105].

Polish influence was visible but not dominant. Beyond that, the relationship between the two fundamental laws cannot be reduced to a simple transposition of Polish solutions onto Brazil. The similarities (the primacy of the president, emergency instruments, the curtailment of parliament) grew out of the shared interwar critique of parliamentary government and a widespread desire to secure a strong state grounded in one-man rule. Equally evident, however, are the differences (e.g., presidential responsibility in Brazil, the specifics of federalism, the design of advisory bodies), which arose from the local context and distinct legal traditions[106].

Brazil's 1937 Constitution was therefore not – as Vargas's opponents would have it – the *Polaca*. The Polish influence, though real, was highly selective. Models from other countries (especially Portugal) were no less significant. While those influences may seem fairly obvious given the shared language, history, and constitutional tradition, the borrowing by a vast South American country of institutional solutions from a state in

[104] F. C. Pontes de Miranda, "As delegações legislativas ao Presidente da República na Constituição de 10 de novembro de 1937", *Revista Forense*, vol. 74, nº 418-420, 1938, pp. 5-13.

[105] Ciotola, "O pensamento autoritário de Francisco Campos", op. cit., pp. 102-104; Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 208-213; Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 11-16.

[106] Costa Porto, *Constituições brasileiras: Volume IV — 1937*, pp. 11-16; Ciotola, "O pensamento autoritário de Francisco Campos", op. cit., pp. 102-105; Prokop, "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.", op. cit., pp. 203-206.

East-Central Europe was, in truth, something of an anomaly that attracted attention. The final shape of the Brazilian act resulted from a broader confluence of influences: Polish decree technique, Portuguese-Italian corporatism, and the Estado Novo's own needs.

VII. BIBLIOGRAPHY

Albernaz, Cássio A. A. "O Conselho de Economia Nacional: o descompasso entre a teoria, a lei, e a história". *Estudos Ibero-Americanos*, vol. 48, nº 1, 2022.

Alpini, Alfredo. "Fascismo, corporativismo y la derecha política en el Uruguay (1928–1940)". *Locus: Revista de História*, vol. 28, nº 2, 2022, pp. 167-184.

Alpini, Alfredo. *La derecha política en Uruguay en la era del fascismo: 1930–1940*. 1st edn. Fundación de Cultura Universitaria, Montevideo, 2015.

Bandarzewski, Kazimierz. *Samorząd Gospodarczy w Prawie Polskim: Studium Prawne*. Wydawnictwo Uniwersytetu Jagiellońskiego, Kraków, 2014.

Bojko, Łukasz. "Kwestie prawno-ustrojowe w pracach nad konstytucją kwietniową z 1935 roku". *Studia nad Autorytaryzmem i Totalitaryzmem (Acta Universitatis Wratislaviensis)*, vol. 40, nº 2, 2018, pp. 125-144.

Bożyk, Stanisław. "Pozycja ustrojowa Rady Państwa w Konstytucji PRL z 22 lipca 1952 r." *Miscellanea Historico Iuridica*, nº 8, 2009, pp. 161-174.

Bundesverfassungsgesetz vom 30. April 1934 über außerordentliche Maßnahmen im Bereich der Verfassung, BGBl. I Nr. 255/1934.

Cardoso, José Luís, and Nuno Estêvão Ferreira. "A Câmara Corporativa (1935-1974) e as Políticas Públicas No Estado Novo". *Ler História*, nº 64, 2013, pp. 31-54.

Cardoso, José Luís, and Nuno Estêvão Ferreira. "The Corporatist Chamber in the "New State" in Portugal: Organized Interests and Public Policy". En *Corporatism and Fascism: The Corporatist Wave in Europe*, edited by António Costa Pinto. Routledge, London, 2017, pp. 174-197.

Carta del Lavoro, Gazzetta Ufficiale del Regno d'Italia, nº 100, 30 aprile 1927, pp. 1794-1797.

Chambô, Pedro Luis. "O estado de exceção como regra – Um estudo histórico-constitucional do Estado Novo (1937–1945)". *Revista da Faculdade de Direito da Universidade de São Paulo*, nº 108, 2013, pp. 117-128.

Choudhry, Sujit. *The Migration of Constitutional Ideas*. Cambridge University Press, Cambridge, 2006.

Ciotola, Marcello. "O pensamento autoritário de Francisco Campos". *Direito, Estado e Sociedade*, nº 37, 2010, pp. 80-112.

Constituição dos Estados Unidos do Brasil, de 10 de novembro de 1937, Diário Oficial da União, Seção 1, nº 257, 10 de novembro de 1937, pp. 22359-22368.

Constituição Política da República Portuguesa, Decreto n.º 22 241, Diário do Govêrno, nº 43/1933, 1º Suplemento, Série I, 22 II 1933.

Constituţia din 27 februarie 1938, Monitorul Oficial, Partea I, nr. 48, 27 februarie 1938.

Costa Porto, Walter, edit. *Constituições brasileiras: Volume IV— 1937*. 3rd edn. Senado Federal, Brasília, 2012.

Dąbrowski, Karol. "Izby przemysłowo-handlowe Drugiej Rzeczypospolitej jako instytucje samorządu przemysłowo-handlowego. Ujęcie doktrynalne i konstytucyjne". *Studia z Dziejów Państwa i Prawa Polskiego*, nº 10, 2007, pp. 303-321.

Dantas Filho, José. *Duzentos anos de constitucionalismo brasileiro : Constituição de 1937*. Duzentos anos de constitucionalismo brasileiro 4. Senado Federal, Brasília, 2024.

Decreto-Lei nº 1.915, de 27 de dezembro de 1939 (Cria o Departamento de Imprensa e Propaganda e dá outras providências), Diário Oficial da União, Seção 1, 29 de dezembro de 1939, p. 29362.

Decreto-Lei nº 23:048, de 23 de Setembro de 1933 (Estatuto do Trabalho Nacional), Diário do Govêrno, I Série, nº 217, 23 de Setembro de 1933, pp. 1655-1658.Deklaracja ideowo-polityczna Obozu Zjednoczenia Narodowego. Obóz Zjednoczenia Narodowego (OZN), Warszawa, 1937.

Dobrowolski, Marek, and Dorota Lis-Staranowicz. "(Im)Permanence of Polish Constitutionalism: In Search of an Optimal Vision of the State". En *Comparative Constitutionalism in Central Europe*. Central European Academic Publishing, Miskolc, , pp. 89-108.

Dziadzio, Andrzej. "Konstytucja 3 maja 1791 roku na tle koncepcji ustrojowych oświecenia". *Państwo i Społeczeństwo*, nº 4, 2006, pp. 163-177.

Dziadzio, Andrzej. "Konstytucja Księstwa Warszawskiego 1807. Polska odmiana bonapartyzmu". *Państwo i Społeczeństwo*, nº 1, 2007, pp. 113-122.

Eesti Vabariigi Põhiseadus, Riigi Teataja, 1937, 71, 590

Eesti Vabariigi põhiseaduse muutmise seadus, Riigi Teataja, 1933, 86, 628.

Froehlich, Georg. *Die "Verfassung 1934" Des Bundesstaates Österreich: Systematisch Als Leitfaden Dargestellt*. Rudolf M. Rohrer, Baden bei Wien, 1936.

Garlicki, Lech, and Zofia A. Garlicka. "Constitution Making, Peace Building, and National Reconciliation: The Experience of Poland". En *Framing the State in Times of Transition: Case Studies in Constitution Making*, edited by Laurel E. Miller and Louis Aucoin. United States Institute of Peace Press, Washington, D.C., 2010, pp. 391-416.

Gdulewicz, Ewa. "Zasada jednolitej i niepodzielnej władzy prezydenta w Konstytucji Rzeczypospolitej Polskiej z 23 kwietnia 1935 r." *Annales Universitatis Mariae Curie-Skłodowska. Sectio G (Ius)*, vol. XXI, nº 1, 1974, pp. 1-21.

Gentile, Fabio. "A tensão autoritarismo-liberalismo em Oliveira Vianna: elementos para uma nova leitura do conceito de 'autoritarismo instrumental'". En IX Encontro da Associação Brasileira de Ciência Política, Brasília, 4-7 August 2014. Anais... ABCP, Brasília, 2014.

Główny Urząd Statystyczny. *Rocznik demograficzny 2024*. GUS, Warszawa, 2024.

Główny Urząd Statystyczny Rzeczypospolitej Polskiej. *Mały Rocznik Statystyczny 1939*. Główny Urząd Statystyczny, Warszawa, 1939.

Grzesik-Kulesza, Małgorzata. "Akty prawne z mocą ustawy w polskim prawie konstytucyjnym w latach 1921–1947". *Zeszyty Naukowe Uniwersytetu Rzeszowskiego. Seria Prawnicza. Prawo*, nº 84, 2014, pp. 32-49.

Hoffmann, Florian F., and Fabio Carvalho Leite. "Die Wirkung der Weimarer Verfassung: ein Blick nach Brasilien". *Kritische Justiz*, vol. 52, nº 3, 2019, pp. 265-279.

Ilie, Mihaela. "10th/11th of February 1938 in Interwar Romanian Politics: An Almighty King and a Political Class on Its Knees". *Revista de Ştiinţe Politice (RSP)*, nº 59, 2018, pp. 128-138.

Instituto Brasileiro de Geografia e Estatística. *Anuário Estatístico do Brasil 1939/40*. IBGE, Rio de Janeiro, 1940.

Instituto Brasileiro de Geografia e Estatística. *Censo Demográfico 2022: Resultados*. IBGE, Rio de Janeiro, 2023.

Kahn-Freund, O. "On Uses and Misuses of Comparative Law". *The Modern Law Review*, nº 1, 1974, pp. 1-27.

Kenkmann, Peeter. "Kas 1933. aasta põhiseadus lubas autoritaarset valitsemist?" *Tuna*, nº 3, 2009, pp. 42-49.

Klein, Herbert S. "Social Constitutionalism" in Latin America: The Bolivian Experience of 1938". *The Americas*, nº 3, 1966, pp. 258-276.

Konder, Cíntia Muniz de Souza. "Histoire du droit". En Droit du Brésil, LGDJ, París, 2018, pp. 19-23.

Kulesza, Władysław. "Konstytucja z 17 marca 1921 r. na tle powojennych konstytucji republikańskich w Europie 1919–1922". *Przegląd Konstytucyjny*, nº 1, 2022, pp. 25-67.

Kulesza, Władysław T. "Konstytucja kwietniowa i konstytucje republikańskich państw autorytarnych w międzywojennej Europie. Próba porównania — wybrane zagadnienia (część I)". *Przegląd Sejmowy*, nº 6(137), 2016, pp. 65-90.

Kulesza, Władysław T. "Konstytucja kwietniowa i konstytucje republikańskich państw autorytarnych w międzywojennej Europie. Próba

porównania — wybrane zagadnienia (część II)". *Przegląd Sejmowy*, nº 1(138), 2017, pp. 37-58.

Lietuvos Konstitucija, Vyriausybės Žinios, Nr. 608, eil. 4271, 12 V 1938

Marcinkiewicz, Marta. "O konstytucji kwietniowej raz jeszcze". *Pamięć i Sprawiedliwość*, nº 1, 2018, pp. 296-355.

Meierhenrich, Jens. "Constitutional Dictatorships, from Colonialism to COVID-19". *Annual Review of Law and Social Science*, nº 17, 2021, pp. 411-439.

Pach, Maciej. "Recepcja konstruktywnego wotum nieufności. Artykuł 67 Ustawy zasadniczej Republiki Federalnej Niemiec w konfrontacji z rozwiązaniami ustrojowymi Hiszpanii, Belgii, Słowenii, Węgier i Polski". *Studia Iuridica Toruniensia*, nº 14, 2014, pp. 273-296.

Pasetti, Matteo. "The Fascist Labour Charter and Its Transnational Spread". En *Corporatism and Fascism. The Corporatist Wave in Europe*. Routledge, London, 2017, pp. 60-77.

Perju, Vlad. "Constitutional Transplants, Borrowing, and Migrations". En *The Oxford Handbook of Comparative Constitutional Law*, edited by Michel Rosenfeld and András Sajó. Oxford University Press, Oxford, 2012, pp. 1304-1327.

Pinto, António Costa. "Fascism, Corporatism and the Crafting of Authoritarian Institutions in Inter-War European Dictatorships". En *Rethinking Fascism and Dictatorship in Europe*, edited by António Costa Pinto and Aristotle Kallis. Palgrave Macmillan UK, London, 2014, pp. 87-117.

Poland. Constitution of the Republic of Poland: April 23rd 1935. Preface by Stanisław Car. Outline of legislation on presidential and parliamentary elections by Michael Potulicki. Polish Commission for International Law Cooperation, Warsaw, 1935.

Pontes de Miranda, F. C. "As delegações legislativas ao Presidente da República na Constituição de 10 de novembro de 1937". *Revista Forense*, vol. 74, nº 418-420, 1938, pp. 5-13.

Prokop, Krzysztof. "Uprawnienia nadzwyczajne Prezydenta Rzeczypospolitej w świetle przepisów konstytucji kwietniowej z 1935 r.". *Miscellanea Historico-Iuridica*, vol. 18, nº 2, 2019, pp. 203-225.

Rakowska, Anna. "Kontrasygnata i prerogatywy Prezydenta w dyskusji ustrojowej poprzedzającej uchwalenie Konstytucji kwietniowej". *Acta Universitatis Lodziensis. Folia Iuridica*, nº 70, 2009, pp. 63-78.

Rosenfield, Luis, and Alberto Vespaziani. "Fascismo Tropicale" Ovvero La Recezione Della Dottrina Fascista Italiana Nel Brasile Dell'Estado Novo Di Vargas". *La Costruzione Della "Legalità" Fascista Negli Anni Trenta*, Roma TrE-Press, Roma, 2020, pp. 449-461.

Sarnecki, Paweł. "Dekrety Konstytucji kwietniowej", en Zagadnienia prawa konstytucyjnego. Polskie i zagraniczne rozwiązania ustrojowe.

Księga jubileuszowa dedykowana Profesorowi Dariuszowi Góreckiemu w siedemdziesiątą rocznicę urodzin, Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2016, pp. 349-361.

Sarnecki, Paweł. "Głowa państwa w obu polskich konstytucjach kwietniowych". *Studia Iuridica Lublinensia*, nº 22, 2014, pp. 297-308.

Starzewski, Maciej. "Z zagadnień Konstytucji kwietniowej. Na marginesie książki prof. Wacława Komornickiego". *Ruch Prawniczy, Ekonomiczny i Socjologiczny*, nº 3, 1937, pp. 358-386.

Verfassung des Bundesstaates Österreich (1. Mai 1934), Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (ZaöRV), vol. 4, 1934, pp. 706-751.Vidigal, Luis Eulálio de Bueno. "Francisco Campos e a Constituição de 1937". *Revista da Faculdade de Direito da Universidade de São Paulo*, nº 63, 1968, pp. 169-178.

Wagner, W. J. "The New Constitution of Poland". *The American Journal of Comparative Law*, nº 1, 1953, pp. 59-63.

Wiązek, Paweł. "Legislatywa we francuskich systemach konstytucyjnych pierwszej połowy XIX wieku". *Prawo*, nº 330, 2020, pp. 41-57.

Woźnicki, Marek. "Wybory do Sejmu i Senatu w świetle ordynacji wyborczych z 1935 r." *Studia Iuridica Lublinensia*, nº 22, 2014, pp. 393-409.

Zurcher, Arnold J. "Austria's Corporative Constitution". *American Political Science Review*, nº 4, 1934, pp. 664-670.

Enviado el (Submission Date): 28/9/2025
Aceptado el (Acceptance Date): 7/10/2025