

Nowadays, in the age of harmonization of law within the European Union, the issue of distinguishing characteristics of the Polish legal system is often brought up in the public debate. Many politicians and publicists underscore the need to retain these idiosyncratic institutions and voice concerns regarding the threats of imposing on us solutions that run against Polish traditions and national needs.

Similar problems emerged in Polish public debates a number of times in the past (attempted reforms in the times of king Stanisław August Poniatowski, codification works in Congress Poland, unification of court law in the Second Polish Republic). These discussions have always been marked by a postulate according to which the developed normative acts should respond to the national needs of Poles, understood in many different ways, of course. Therefore, we must first respond to the question of what was national codification to a Pole living in the first half of the 19th century (at this stage we may venture to surmise that the answer to this question may still largely hold true for the modern times).

Within thus formulated framework, we intend to seek answers to more detailed questions, and to formulate new theses, that is:

- was "national codification", in the view of the contemporary elites, a type of codification that necessarily had to draw from the contents, and not just the symbolic value, of the legal system that had shaped prior to partitions?
- did the legislators relate to any of the codification experiences from the period of king Stanisław August and, if so, to what extent?
- did they evaluate the drafting of national codification not so much through the prism of the old legal framework, but rather through the prism of national customs and traditions, evolving dynamically since the times of partitions?
- how often did they attempt to give names to institutions operating within the new national legal framework originating from old Polish terminology, and did they deem using this terminology inherently valuable?
- within this scope, to what extent did they account for the changes in socioeconomic and world-view reality which occurred throughout the preceding decades, marked by partitions, reconfiguration of European relations in the wake of the French Revolution and Napoleonic era, the dynamic development of legal science and, more generally, the approach to functions of law?
- to what extent did they relate to traditions and how did they define the specificity of the legal culture in the Polish society; to what extent did they strive to modernize the existing relations and under the influence of what new intellectual trends (i.e. what was the significance of liberalism and how was it understood)?
- did they indeed reject the hitherto existing "foreign" legal order (French, Prussian, Austrian), or did they attempt to make use of it in the course of their works? If yes, then how and to what extent and degree? How were their decisions motivated (for example, by making references to the world-view universalism of the Enlightenment or to utilitarianism)?
- was there a process of assimilation of "foreign" laws? If so, when and how did it start? To what extent and by what methods were the "national" values protected?

Generally, the focus of this project are the inspirations, motivations, actual capacities, breadth of mental horizons, differences between the various circles, as well as between the perception of law held by the elites (political, legal and intellectual, separately) and by the society as a whole (with a breakdown into the landowning, bourgeois and clerical estates). Therefore, the key prerequisite of the completion of this project is to find complex responses to the question of what the national element meant to a Pole in the early 19th century in relation to the law; how did this Pole understand legal tradition and to what extent it could have comprised the future codification in the face of fundamental changes of reality?