

## **Swiss Civil Code from 10 December 1907- goals and methods**

The overarching purpose of my work will be to establish the methods of effective codification in strongly diversified societies (different languages, religions, cultural backgrounds). In my research I intend to focus on the role played by, in relation to individual regulatory areas covered by the code, tradition, need for progress, principle of individualism and social solidarity. These issues are of fundamental importance in any codification work. Thanks to this knowledge, it is possible to outline the margin of freedom in introducing innovative solutions into the system of law, and to find out when the need to protect values built upon national tradition needs to take precedence. The long existence of the Swiss Civil Code proves that Eugen Huber and other members of the codification commission, while working on the code's draft, managed to properly identify the social expectations as to the final contents of the code, which suggests that they had previously come up with an effective method of setting the purpose of the act, as well as the method of selecting sources and of editing the text from the technical side. These issues, however, have not been elaborated neither in Polish nor foreign literature so far. The detailed objective of my research on the Swiss Civil Code will focus on the criteria of source material selection that should be adopted when elaborating the "sensitive" regulatory areas. The second detailed objective of my research will be to analyze the adopted legislative technique in terms of code's language and taxonomy.

The point of departure for my research will be historical studies regarding the most important system-related issues which were the basis for the commencement of codification works in Switzerland. In this part of my research, I will also trace the state of cantonal legislation regulating private law issues which, in the opinion of Eugen Huber, was the source base of codification works on the federal level. In the second stage of work, I will analyze the materials from preparatory works preceding the adoption of the ZGB, as well as the ZGB itself. Besides the legislative drafts and supplementary documents produced in the course of codification works, I will analyze scholarly publications devoted to the ZGB and its drafts, which have appeared in print since the adoption of the code. In the third stage of work, I will focus on the analysis of language and taxonomy of the code, that is the construction of sentences, the level of abstractness of the concepts, the level of complexity of systemic references within the code and, consequently, the complexity of adopted solutions and systematic order of the code. In this part of the work, knowledge obtained throughout the course of the first two stages will be useful. It will be necessary to once again draw from Huber's *Erläuterungen*, as well as from literature devoted to Swiss legislative technique, which will enable a qualitative assessment of the technical and methodological solutions employed in the works on the ZGB.

The research I plan to conduct is of timeless value, but due to its legal historical character, it may only serve as a point of reference for considerations on the contemporary condition of the law. It is firstly important from the point of view of the need to fill a loophole in the European study of law regarding European codifications and their history and, secondly, from the point of view of Polish studies of the history of law, where the literature dealing with the Swiss Civil Code is particularly scant. Thirdly, it is significant from the perspective of the need to broaden knowledge on the methods of effective codification in general.