

The primary purpose of the research is to evaluate the functioning of family fideicommissa, anachronistic in the 20th-century cultural, social and economic setting. The fideicommissum was a legal institution specific to the European context of the period from the 16th to the 19th century, meant to secure the interests and position of a family (the *splendor familiae*). Its fundamental assumption was isolating certain assets (most often estates) and guaranteeing that they would be always passed intact to a single member of the family (the fideicommissum's "trustee"), against the general inheritance rules laid down by inheritance law. The property had to be in principle indivisible and inalienable, which was supposed to protect it from being fragmented or squandered, which would weaken the family's position. Consequently, while the "trustee" received all of the property, they were not considered the owner, and their rights were strongly limited by the family.

The institution of the fideicommissum raised doubts as early as in the pre-modern period. In the 17th century German lawyers educated in the received Roman law were unable to fit it into the framework of classical civil law. The difficulty lay in specifying the entity legally owning the property (which could not be the family, since a family was not formally speaking a legal entity), but also in classifying the act of a "trustee" coming into the fideicommissum's assets as either general or singular succession.

As a result, the legal system of the Second Polish Republic, a state characterized by post-feudal social and economic structure, must have had huge problems with that institution, utterly unsuited to modern realities. The chaos was made worse by the post-partition legal fragmentation; after all, fideicommissa operated based on four orders of civil law: German, Austrian, French and Russian. Additionally, some Polish fideicommissa had survived from the pre-partition period; those were ordinations, such as the Zamoyski family ordination (the Zamoyski Fee Tail).

The project aims to investigate legal disputes arising from specific court cases pertaining to fideicommissa in interwar Poland. Thus its aims include drawing up a list of fideicommissa which existed in each post-partition region between 1918 and 1939, and especially collecting full judicial material demonstrating the whole range of legal problems accrued around fideicommissa in the legal practice of the state reborn after World War I. That will enable the re-construction of the complete mosaic of interpretations of that anachronistic legal institution carried out by courts representing highly-developed culture of 20th-century civil law. The comparative part of the project will be of great importance, indicating similarities and differences between forms of fideicommissa in the legal orders and judicial practice of the post-partition regions, particularly as seen from the standpoint of the lasting efforts aimed at abolishing fideicommissa in Poland entirely, finally successful in 1939 when they were abolished through a law passed by the Sejm.

The archival research within the project will cover roughly thirty archives in the territory of modern Poland, which have in their collections the files of district courts (including their mortgage divisions) and appellate courts from Second Polish Republic territory. In addition, research will be undertaken into the files of courts in the former Vilnius appellate district, collected in an archive in Vilnius. Altogether, that will amount to over two hundred days of planned archival research. The hope is to collect and make use of all the existing rulings pertaining to the matter.

Undertaking the project is a very important and interesting task for several reasons. Family fideicommissa are quite a unique institution in European legal culture. In that context, research into their functioning in the Second Polish Republic offers a great opportunity to include them in an analysis of a broad perspective on several European legal orders. With the strong social and political conflicts present at the time, the anachronism of that institution and its incongruence with modern conditions certainly caused enormous difficulties for the judges adjudicating in civil courts. Therefore, the project may throw interesting light on the juridical skill set of the judicial elites of the interwar period and their approach to their profession. While the institution of the fideicommissum was fairly unified, it still differed in detail between the legal systems of the four post-partition regions, and comparative reflexion on those can open up an excellent perspective for a discussion of unifying tendencies and their weakness in the practice of interwar Poland. An evaluation of the twenty years of judicial practice, ending ultimately with the institution in question being abolished, will no doubt yield very interesting conclusions regarding the significance of jurisdiction for the legislative process in the Second Polish Republic.

The project is also fascinating from the point of view of its potential importance for the reprivatization problems unresolved to this day, which sometimes concern fideicommissum estates, as the extremely complex form of that institution, so unusual from the standpoint of current civil law, gives rise to manifold interpretation difficulties.