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Title: *O pojęciu i znaczeniu wielkich kodeksów cywilnych. W związku z książką Katarzyny Sójki-Zielińskiej, Wielkie kodyfikacje cywilne. Historia i współczesność*

The Concept and Importance of the Great Civil Codes. In Connection with the Book Great Civil Codifications. History and the Present Day by Katarzyna Sójka-Zielińska

Source: Kwartalnik Prawa Prywatnego („Quarterly of Private Law”)

year: 2012, vol: XXI, number 1, pages: 51–89

Keywords: codification of the law, recodification, Roman-Germanic legal systems, Continental law, mixed legal systems, great civil codifications

Discipline: Private Law

Language: POLISH

Document type: ARTICLE

Publication order reference: University of Wrocław – Faculty of Law, Administration and Economics

Abstract:

The starting point and inspiration for the reflection of the Author is the outstanding, multithreaded, erudite work of Katarzyna Sójka-Zielińska, *Great Civil Codifications. History and the Present Day*. Katarzyna Sójka-Zielińska sees these codifications as the result of a long historical evolution, and also as a starting point for the new development of law, based on these codes.

Therefore, the Author analyzes the trust in the method of codification of the law characteristic of the Roman-Germanic legal systems (Continental law). He also focuses on the concept of codification of the law. He distinguishes between codification in a broader sense and codification in the strict sense. In the first of these approaches, the codification includes even the oldest sets of laws that meet certain established criteria. In the second, however, the codification is conceived as a rational, methodical systematization of the law, based on the contribution of original creation, and not on the normal compilation. He draws attention to the fact that in current legislative systems the codification is conceived differently in the Anglo-American model on the one hand, on the other - in the continental European tradition, and still somewhat different - in mixed legal systems located as it were in the middle.

Unlike Katarzyna Sójka-Zielińska, who associates the beginning of the modern codification of civil law with the eighteenth century, the Author moves the process into the nineteenth century, justifying his position more broadly. He deals also with the problem of classification of the phenomenon of codification of law and considers the concept of the „great civil codifications”. He emphasizes that the creation of their catalogue is not easy, due to the lack of unambiguous criteria enabling the inclusion of given legislative works in this group. Unlike Katarzyna Sójka-Zielińska, who includes in the canon of those „great civil codifications” three nineteenth-century codes: French *code civile* of 1804, Austrian *Allgemeines Bürgerliches Gesetzbuch* (ABGB) of 1811 and German *Bürgerliches Gesetzbuch* (BGB) of 1896, the Author adds here the Swiss civil code (*Schweizerisches Zivilgesetzbuch*, *Code civil suisse*, *Codice Civile Svizzero*), from the years 1907/1912 and the Italian civil code of 1942 (*Codice Civile Italiano*), analyzing their systematics and meaning.