**STUDIA PRAWNICZE KUL**
4 (104) 2025

# The challenges, difficulties and achievements of the Codification Commission of the Republic of Poland (1919–1939) in the field of succession law

Wyzwania, trudności i dokonania
Komisji Kodyfikacyjnej Rzeczypospolitej Polskiej (1919–1939)
w obrębie prawa spadkowego

Вызовы, трудности и достижения
Кодификационной комиссии Речи Посполитой (1919–1939)
в области наследственного права

Виклики, проблеми та здобутки
Кодифікаційної комісії Республіки Польща (1919–1939)
у галузі спадкового права

**GRZEGORZ NANCKA**
Dr. habil., Universty of Silesia in Katowice
e-mail: grzegorz.nancka@us.edu.pl, https://orcid.org/0000-0002-9911-7473

**TOMASZ ADAMCZYK**
Dr., University of Silesia in Katowice
e-mail: tomasz.adamczyk@us.edu.pl, https://orcid.org/0000-0002-9273-6706

**Abstract:** The objective of this article is twofold: first, to examine the challenges and difficulties encountered by the Codification Commission of the Republic of Poland during its work on succession law; and, second, to present the Commission's accomplishments in this domain. The article offers a comprehensive analysis of the principal assumptions advanced by individual rapporteurs on succession law, taking into account their proposed amendments. This approach enables a concise identification of the areas in which the Commission's work was undertaken, as well as those whose outcomes proved particularly significant from the perspective of post-war codification efforts.

**Keywords:** sources, codification, succession law, Second Republic

**Streszczenie:** Celem niniejszego artykułu jest, po pierwsze, przeanalizowanie wyzwań i trudności, z jakimi borykała się Komisja Kodyfikacyjna Rzeczypospolitej Polskiej podczas prac nad prawem spadkowym, a po drugie przedstawienie osiągnięć Komisji w tej dziedzinie. Artykuł zawiera kompleksową analizę głównych założeń przedstawionych przez poszczególnych sprawozdawców w zakresie prawa spadkowego, z uwzględnieniem proponowanych przez nich zmian. Takie podejście pozwala na zwięzłe określenie obszarów, w których Komisja podjęła prace, a także tych, których wyniki okazały się szczególnie istotne z punktu widzenia powojennych wysiłków kodyfikacyjnych.

**Słowa kluczowe:** źródła, kodyfikacja, prawo spadkowe, II Rzeczpospolita

This research was funded in whole or in part by National Science Centre, Poland (Grant number: 2023/49/B/HS5/03277).

ISSN: 1897-7146; eISSN: 2719-4264;
https://doi.org/10.31743/sp18862

**Резюме:** Целью данной статьи является, во-первых, анализ вызовов и трудностей, с которыми столкнулась Кодификационная комиссия Речи Посполитой в ходе своей работы над наследственным правом, а во-вторых, представление достижений Комиссии в этой области. Статья содержит комплексный анализ основных положений, представленных отдельными докладчиками в области наследственного права, с учетом предложенных ими изменений. Такой подход позволяет кратко определить области, в которых Комиссия выполняла работу, а также указать на те ее результаты, которые оказались особенно важными с точки зрения послевоенных кодификационных усилий.

**Ключевые слова:** источники, кодификация, наследственное право, Вторая Речь Посполитая

**Анотація:** Метою цієї статті є, по-перше, аналіз викликів і труднощів, з якими зіткнулася Кодифікаційна комісія Республіки Польща під час роботи над кодифікацією спадкового права, а по-друге – представлення її основних досягнень у цій галузі. У статті подано комплексний аналіз ключових положень, сформульованих окремими доповідачами в галузі спадкового права, з урахуванням запропонованих ними змін і доповнень. Такий підхід дозволяє окреслити напрями, у яких Комісія здійснювала свою діяльність, а також ті, результати яких виявилися особливо важливими для подальших післявоєнних кодифікаційних процесів.

**Ключові слова:** джерела, кодифікація, спадкове право, Республіка Польща (1918–1939)

## 1. The challenges of law codification after Poland regained independence

The beginning of the 20th century in Europe was a moment that could be described as the strikingly 'resonant' calm before the storm. The silence that foreshadowed an impending military conflict, as a result of which the map of Europe, and possibly of the world, would have to be redrawn. The assassination of Archduke Franz Ferdinand, heir presumptive to the Austro-Hungarian throne, was an ideal *casus belli*. Contrary to the expectations of the main actors, the conflict did not end in a swift victory of one of the blocks but grew into a bloody war that inflicted heavy losses on both sides. The steadily declining position of the Central Powers, particularly of the collapsing multinational Austro-Hungarian monarchy, the outbreak of the revolution in Russia and the subsequent Bolshevik coup, the entry of the United States of America into the war and, broadly speaking, the overall international situation brought hope to the Central European nations for regaining independence or forming a separate state.

This unique opportunity was recognised by both political and legal communities as a significant chance for real success, despite the unfavourable memories of the past. There was a clear consensus that the regaining of independence was the most important, yet merely the first step on a long path of rebuilding a strong and united state. It was understood that the future reborn Republic of Poland would consist of three territories formerly under partition, each with a region-specific political tradition, varying levels of socio-economic development, and a distinct system of

law and legal culture. Consequently, at the moment of its rebirth, the Polish State would be reminiscent of a complex mosaic. The cited legal community, concentrated mainly in the Warsaw, Cracow and Lviv centres, were aware of the problem and held intense discussions on the future system and law of the Republic of Poland several years prior to the outbreak of the war in 1914.[2]

With regard to civil law, the circumstances proved exceptionally complex. When Poland regained independence, as many as five legal systems were in force on the Polish territories. In the Kingdom of Poland, the instruments in force included Books II and III of the Napoleonic Code, the mortgage laws of 1818 and 1825, the Civil Code of the Kingdom of Poland of 1825 and the Tsarist ukase of 1836 containing marriage law. In the Eastern Borderlands, that is, the former Western Russian governorates, the Russian civil law, contained in volume X of the Collection of Laws of the Russian Empire of 1832, was in force. In Galicia, the Austrian Civil Code (ABGB) of 1811 was in force. In the territories formerly under Prussian partition, the German Civil Code (BGB) of 1896 was in force. In the territories of Spiš and Orava incorporated into Poland, Hungarian law, largely uncodified except for the 1894 marriage law, was in force.[3]

It has been indicated in the literature that each codification was the result of the political, economic, and social conditions prevailing at the time. Over a century of subjugation also led to the development of a distinct tradition of the science and teaching of law, with a diversified level of legal culture and awareness. The combination of these factors meant that the post-partition legislation relied on separate philosophical and legal foundations, a non-uniform classification system, and employed the terminology appropriate to a given system.[4]

The effective integration of the Polish territories and society required addressing the problem of legal particularism and, consequently, the creation of a new legal system. A return to the past, that is, the former pre-partition Polish law, was simply

---

2 S. Grodziski, *Komisja Kodyfikacyjna Rzeczypospolitej Polskiej*, Czasopismo Prawno-Historyczne 1981, vol. 32, Bull. 1, pp. 47–48; see also L. Górnicki, *Prawo jako czynnik integracji państwa w latach II Rzeczypospolitej*, Acta Universitatis Wratislaviensis no. 3375. Prawo 2011, vol. 313, pp. 114–117.

3 S. Płaza, *Historia prawa w Polsce na tle porównawczym. Okres międzywojenny*, part 3, Kraków 2001, pp. 33–34.

4 Z. Radwański, *Kształtowanie się polskiego systemu prawnego w pierwszych latach II Rzeczypospolitej*, Czasopismo Prawno-Historyczne 1969, vol. 21, Bull. 1, p. 31; E. Borkowska-Bagieńska, *O doświadczeniach kodyfikacji prawa cywilnego w II Rzeczypospolitej dla współczesnego ustawodawcy*, Czasy Nowożytne 2002, vol. 12, pp. 127–128; L. Górnicki, *Założenia i koncepcja kodyfikacji prawa w II RP*, Prawo i Więź 2022, no. 4 (42), p. 620.

no longer possible.[5] Other options had to be considered. The legal communities did not present a unified position on this matter. A marked divergence could be observed in the proposed solutions. A voice that could be described as conservative was the position advanced by the opponents of law codification. Their arguments drew upon the thought of Savigny, who expressed strong criticism of the idea of codification, particularly of codification attempts made at times of political upheavals and social revolutions. In their opinion, the newly regained independence, an unstable political situation, the condition of the legal personnel, not to mention the Polish-Bolshevik war, did not contribute to the work on a new native system of law. However, such a radical stance was held by only a small group of lawyers.[6] The influence of the creator of the historical school was once again distinctly felt when, in a lecture titled *On the calling of our era to enact a unified civil code in Poland*, delivered in 1920 at the Sixth Congress of Lawyers and Economists in Warsaw, Alfons Parczewski proposed applying the legal force of the civil law of the former Kingdom of Poland across the entire country. The proposal drew heavy criticism from the representatives of the other regions, who concurred that legal solutions originating in one region should not be imposed, practically by force, on the remaining territories.[7] The prevailing view in the legal community was the recognition of the imperative to develop a uniquely domestic system of law.[8]

---

5 A. Lityński, *Wydział Karny Komisji Kodyfikacyjnej II Rzeczypospolitej. Dzieje prac nad częścią ogólną kodeksu karnego*, Katowice 1991, pp. 12–13.

6 Ibidem, p. 13; E. Borkowska-Bagieńska, *O doświadczeniach*…, p. 129.

7 *VI Zjazd Prawników i Ekonomistów Polskich*, Gazeta Sądowa Warszawska 1920, no. 27, p. 222; Z. Radwański, *Kształtowanie się polskiego systemu prawnego*…, p. 34.

8 Scholarly literature indicated the premises justifying commitment to the codification endeavour. Emphasis was placed on the political and economic factors. The unified, sovereign and strong Polish State required uniform legislation, which was intended to contribute to the economic unification of the State and to create rules facilitating foreign trade. The premises also included the issues raised above, linked to the structural differences underlying the partition-era codifications, stemming from the diverse assumptions, experiences, tradition and civilisational development of the partitioning states. Ambition-related factors represented an equally important motive. Although several generations of Poles were born and raised under their rule, the partition-era laws were seen as alien, which became even more apparent at the time of regaining independence. Despite the lurking difficulties, the legal communities in Poland were predominantly inclined toward the possibility of creating native law corresponding to the national feeling. See L. Górnicki, *Prawo cywilne w pracach Komisji Kodyfikacyjnej Rzeczypospolitej Polskiej w latach 1919–1939*, Wrocław 2000, pp. 70–77; idem, *Założenia i koncepcja*…, p. 619; E. Borkowska-Bagieńska, *O doświadczeniach*…, pp. 127–128; S. Grodziski, *Komisja Kodyfikacyjna*…, pp. 47–49; K. Sójka-Zielińska, *Organizacja prac nad kodyfikacją prawa cywilnego w Polsce międzywojennej*. Czasopismo Prawno-Historyczne 1975, vol. 27, Bull. 2, p. 277.

The idea that the endeavour of comprehensive law codification could fall upon one person alone was unimaginable.[9] The best and most optimal solution was to form a separate institution tasked with the preparation of a new uniform system of law. This proposal was already put forward at the beginning of 1919 by Wacław Makowski, who presented a plan for organising the work and systematising the state of court law in an article published in "The Warsaw Court Gazette."[10]

In the same year, the first independent Sejm of the Republic of Poland was convened. One of its most urgent tasks was to consider a prompt motion submitted to the Marshal on 1 April 1919 by MP Zygmunt Marek and others in the matter of establishing a commission for the creation of uniform legislation in the Polish State.[11] The motion was referred to the Sejm Legal Commission, to which four additional proposals were subsequently submitted. The activities conducted within the commission, the controversy raised by the proposal put forward by MP Zygmunt Marek, and its final shape have already been thoroughly discussed in the literature.[12]

On 3 June 1919, the draft prepared by the Legal Commission was put to a vote in the Legislative Sejm and was enacted on the very same day. Thus, the Codification Commission was formed. The Commission's mandate was to develop unified legislative proposals for all territories comprising the Polish State, both in the civil and criminal field, and to introduce other legislative proposals either pursuant to a resolution of the Sejm or in agreement with the Minister of Justice.[13]

In August 1919, the Chief of State Józef Piłsudski appointed the first Commission. In addition to the four-person presidium, it consisted of forty members representing all the regions of the Republic of Poland. The day officially regarded as the start of the Commission's work was 23 September 1919, when Franciszek Xawery Fierich formally received a decree appointing him as Commission President.[14] In practice, the work began in a specific manner due both to the unstable political situation

---

9 Notably, among others, drafts of criminal codes were published, see S. Grodziski, *Komisja*…, pp. 48–49; A. Lityński, *Wydział Karny*…, pp. 26–28.

10 W. Makowski, *W sprawie ujednostajnienia ustawodawstwa*, Gazeta Sądowa Warszawska 1919, no. 2–3, pp. 13–15; it was extensively discussed by A. Lityński in: A. Lityński, *Wydział Karny*…, pp. 14–18.

11 *Wniosek nagły posła Zygmunta Marka i tow. sprawie powołania do życia komisji dla stworzenia jednolitego ustawodawstwa w Państwie Polskiem*, Kwartalnik Prawa Cywilnego i Karnego 1919, no. 2, pp. 275–279.

12 S. Grodziski, *Komisja Kodyfikacyjna*…, pp. 52–53; A. Lityński, *Wydział Karny*…, pp. 29–37; L. Górnicki, *Komisja Kodyfikacyjna II RP: pozycja ustrojowa, struktura organizacyjna, podejmowanie decyzji*, Acta Universitatis Wratislaviensis no. 3948. Prawo 2019, vol. 328, pp. 110–116.

13 Act of 3 June 1919 on the Codification Commission, Journal of Laws [Dziennik Ustaw] 1919 no. 44, item 315.

14 Komisja Kodyfikacyjna Rzeczypospolitej Polskiej Dział Ogólny (hereinafter: K.K. RP. Dz. O.), vol. 1, Bull. 2, p. 66.

and mundane obstacles, including the absence of funding and office space. At the beginning, the Commission members met in their places of residence to assemble in late September, upon President F.X. Fierich's invitation, in Cracow to hold a joint Commission meeting. The initial meetings dealt with regulatory and organisational issues.[15] Only on 10 November 1919 did a solemn inauguration of the activities of the Commission take place in the Palace of the Republic of Poland in Warsaw. In addition to the Commission members, it was attended by representatives of the Sejm, government, the judiciary, the advocacy and academic community. The meeting was opened by President F.X. Fierich, who, in the opening words of his speech, pointed to the inseparable links between law and freedom.[16] The remaining addresses delivered by the attending guests conveyed similar themes. All the speakers highlighted the significance of the creation of its own law for the emerging statehood: the law serving as a stronghold of stability and progress, a protector of genuine freedom and one of the most important factors unifying the nation. After the speeches, President F.X. Fierich spoke again and delivered a lecture titled *Rzut oka na najważniejsze zadania prac kodyfikacyjnych* [*A glance at the most important tasks of the Codification work*], which can be seen as a type of the Commission's programme manifesto.[17]

One of the key objectives set before the Codification Commission of the Republic of Poland was to create uniform provisions of succession law on the territory of the reborn state.[18] This article aims to present not only the challenges and difficulties

---

15 S. Grodziski, *Komisja Kodyfikacyjna*…, pp. 54–55; L. Górnicki, *Prawo cywilne*…, p. 18.

16 It is worth recalling his words: "A monumental act of historical justice brought our Homeland to life. The sense of law granted us freedom. May freedom, in turn, guarantee our rights. This close connection between law and freedom, freedom and law, like a link to a link, will create a great chain encircling our Homeland, ensuring not only law and freedom but also peace and strength." See K.K. RP Dz. O., vol. 1, Bull. 1, pp. 12–13.

17 Several days after the solemn inauguration, the Commission exercised its right (Article 6) to prepare independently its procedural rules, which would lay down its internal organisation, the procedure for carrying out meetings and tasks, and other arrangements. The first adopted procedural rules envisaged a division into civil and criminal sections, with the option for further subdivision into sections. Current affairs were the responsibility of the presidium consisting of the president, his three deputies and a secretary, who was in charge of the Commission office. The general meeting was also set up, which consisted of all the Commission members, cf. ibidem, pp. 28–53. The indicated structure was modified quite rapidly. The magnitude of the matters and the mounting challenges, as mundane as insufficient funds, required frequent amendments to the procedural rules and adjustments of the organisational structure to the current needs. Only such methods could ensure the Commission's efficient operation and the full utilisation of its members' potential. The modifications to the organisational structure were presented in detail by S. Grodziski, *Komisja Kodyfikacyjna*…, pp. 55–63.

18 L. Górnicki, *Prawo cywilne*…, p. 269; G. Nancka, *Podkomisja prawa spadkowego Komisji Kodyfikacyjnej Rzeczypospolitej Polskiej. Materiały z prac w 1938 roku. Edycja źródłowa*, Warszawa 2023, p. 3.

encountered by the Codification Commission of the Republic of Poland in the course of its work on succession law but also to show its achievements in this respect. The article outlines the primary assumptions of the individual succession law rapporteurs, taking into account the amendments proposed by the individual rapporteurs.

## 2. The difficult and lengthy start of work on succession law in interwar Poland. The assumptions made by Henryk Konic

The work started in 1920 and two distinguished experts, Henryk Konic and Stanisław Wróblewski, prepared two competing drafts of *ab intestato* succession rules.[19] Finally, after a discussion, it was concluded that a vision better aligned with the demands of the world at that time was put forward by Henryk Konic, who became the rapporteur of the draft succession law.[20] The swift selection of the rapporteur did not, however, lead to the draft's completion within the subsequent months, or even years. Despite calls for undertaking work on succession law, the situation practically did not change until 1933.[21]

In 1933, new procedural rules of the Codification Commission entered into force. A new organisational structure was put in place and, in March 1933, a new succession law subcommission of the Codification Commission was established. It consisted of chairman Stanisław Wróblewski, deputy chairman Wacław Miszewski, rapporteur Henryk Konic, and members Kazimierz Przybyłowski, Zygmunt Jundziłł and Witold Prądzyński.[22] As early as the beginning of 1934, Henryk Konic presented *Zasady na których opierać się winien projekt ustawy o prawie spadkowem* [*The principles on which draft succession law should be based*].[23] The discussion on the draft law was set to begin in May 1934, but it was impossible due to the rapporteur's death.[24]

---

19 H. Konic, *Spadkobranie z prawa (ustawowe)*, Gazeta Sądowa Warszawska 1920, no. 11, pp. 81–84; idem, *Spadkobranie z prawa (ustawowe)*, Gazeta Sądowa Warszawska 1920, no. 12, pp. 93–99; S. Wróblewski, *Zasady dziedziczenia ab intestato*, Czasopismo Prawnicze i Ekonomiczne 1920, no. 1–4, pp. 163–176.

20 L. Górnicki, *Prawo cywilne*…, p. 269; K. Przybyłowski, *Polskie międzywojenne prace kodyfikacyjne w dziedzinie prawa spadkowego*, in: *Księga Pamiątkowa ku czci Kamila Stefki*, Warszawa–Wrocław 1967, p. 259; G. Nancka, *Podkomisja*…, p. 3.

21 L. Górnicki, *Prawo cywilne*…, p. 270; G. Nancka, *Podkomisja*…, p. 3.

22 G. Nancka, *Podkomisja*…, pp. 3–4.

23 K. Przybyłowski, *Polskie międzywojenne prace kodyfikacyjne*…, pp. 260–261.

24 G. Nancka, *Podkomisja*…, p. 4.

Henryk Konic frequently discussed the assumptions and drafts of succession law in the pages of the "Warsaw Court Gazette." The first publication appeared in March 1920, when an extensive article titled *Spadkobranie z prawa (ustawowe)* [*Succession by law (statutory)*] was published. It was previously delivered as a lecture during the proceedings of the Civil Law Section at the Sixth Congress of Polish Lawyers and Economists in Warsaw. The discussion on the lecture given by Konic resulted in adopting resolutions regarding the proposed principles of statutory succession. The resolutions can be regarded as a significant but exclusive voice of the legal profession, because the Civil Law Section, and all the more so the Sixth Congress, was not a body responsible for law codification.[25]

According to the rapporteur, the presented article consisted of several of the most significant questions regarding the proposed principles of *ab intestato* succession, which he answered at length, with the thoroughly erudite argumentation underpinning the proposed position.[26] The proposed measures were preceded by an analysis of the regulations in force within the territories of the newly reconstituted Polish state, with occasional reference to provisions originating from the era of the First Republic of Poland. Moreover, the Swiss Civil Code of 1907 was a very important point of reference for his considerations. His argumentation was not limited to the normative level, but he also shed some light on the latest views of representatives of succession law scholarship. The cited article has been extensively examined elsewhere; consequently, the present discussion may be limited to the questions and conclusions reached in the article, all the more so because the issue resurfaced many years later, which will be discussed below.[27]

Among the issues that warranted primary attention when preparing draft intestate succession law were the questions relating to a restriction of inheritance, inheritance rights of a surviving spouse, succession by non-marital children, and inheritance of the heirless estate in the absence of statutory relatives and a surviving spouse. The answers proposed by H. Konic were to become the general principles of future intestate succession.

The proposed solution to the first issue was as follows: the estate was to pass on to the decedent's children and descendants and to his ascendants in the relevant degrees of kinship without limitation of degree. In turn, relatives in the collateral line, to a degree further than fourth, were not to inherit by operation of law. The proposed rule was tantamount to a departure from appointing to the inheritance,

25 *VI Zjazd Prawników i Ekonomistów Polskich*, Gazeta Sądowa Warszawska 1920, no. 27, p. 222.

26 H. Konic, *Spadkobranie z prawa (ustawowe)*, Gazeta Sądowa Warszawska 1920, no. 11–12, pp. 81–84, 93–99.

27 L. Górnicki, *Prawo cywilne*…, pp. 287–293.

without any restrictions as to degrees, those relatives who nonetheless proved some kinship to the decedent. At the forefront in this field were the Austrian, French and Swiss codes, imposing restrictions on appointment to the inheritance by operation of law. He believed that the appointment to the inheritance of distant relatives, who probably may not have known the decedent and "recalled their existence only at the moment when a substantial inheritance was left to be apportioned," entails considerable practical difficulties and may cause some ethical concerns. As a result of such appointment to the inheritance, "at times a formalistic orgy takes place, driven by unbounded greed and desire on the part of presumed heirs." He also highlighted that the introduction of the rule did not jeopardise family stability because the direct successors of the decedent would not be excluded and, on the other hand, the inclusion of paternal cousins to the inheritance did not result in loosening family ties.[28]

Another issue was the cited inheritance rights of a surviving spouse. H. Konic pointed out significant discrepancies regarding the regulation of the legal situation of a surviving spouse. Starting from the measures introduced by the provisions of the Napoleonic Code and the Civil Code of the Kingdom of Poland in force in former Congress Poland, which reduced their rights to a minimum. Through the recognition of inheritance rights of a spouse by both ABGB and BGB (with the calculation of the respective parts of the estate in the case of concurrence with living relatives), to a specific system of the mutual right of spouses to inherit from each other, which was introduced by the Collection of Laws of the Russian Empire in force in the eastern voivodeships.

H. Konic chose to improve the legal situation of surviving spouses in such a manner that, in concurrence with the decedent's descendants and ascendants, they would be entitled to one-half of the estate in full ownership. In the case of concurrence with distant relatives having the right to the estate, the surviving spouse would obtain half of the estate in full ownership and half as a life estate. In the absence of such relatives, the surviving spouse would be entitled to the entire estate in full ownership.[29]

As a result of social and civilisational transformations that took place at the beginning of the 20th century, the authors of the future succession provisions were compelled to resolve the issue of the rights of non-marital children to the inheritance from their parents, in particular from the father, which was highly controversial at the time. The applicable civil codes introduced numerous obstacles, occasionally going so far as to deny non-marital children the rights. The extremely severe, or

28 H. Konic, *Spadkobranie*…, pp. 81–83; idem, *Prawo spadkowe wobec nowoczesnych prądów w prawie cywilnym*, Warszawa 1925, p. 22.

29 Idem, *Spadkobranie*…, pp. 83, 93–96.

even inhumane provisions were intended to safeguard the sanctity of the institution of marriage and family. The Napoleonic Code was the most radical in that area.[30] H. Konic held the view that such regulations were inherently unjust. He made it clear that he would not deliberate on whether a non-marital child was to bear responsibility for the parents' behaviour, or whether his acknowledgement would lead to marital breakdown and family decline. Instead, he placed emphasis on, as he referred to it, "the social nature of the whole issue," which he associated with the recently ended war. The Polish territories experienced the passage of numerous armies and years-long occupation, which led to a rise in the proportion of non-marital children. The author wrote that it was improbable that children born out of wedlock were still discriminated against. H. Konic called on the legislator to take a bold step by being the first to set an example and introduce the principle of absolute equality between marital and non-marital children into the legal system.[31]

The final issue to be regulated was the inheritance of heirless estate, or the right of escheat. Contrary to the prevailing solution that involved transferring such estates to the state, the rapporteur proposed that future regulations stipulate that, in the absence of relatives in the statutory degree and a spouse, the estate should pass on to a commune where the deceased had their last permanent residence. He justified his concept by the increasing role of the self-government commune in the life of the public. In the opinion of H. Konic, it takes on, and even increasingly takes over from the government, more and more duties concerning the provision of optimal living conditions for education, material growth, and broadly understood social welfare for its residents. Consequently, it should be given means to carry out these and further tasks.[32] The arguments put forward by H. Konic failed to convince the members of the Sixth Congress of Polish Layers and Economists, who, in a resolution adopted despite strong objections from the rapporteur, upheld the existing principle that the heirless estate passed on to the state.[33]

The Civil Law Section of the Codification Commission had the chance to attend a lecture prepared by H. Konic only at the end of the year, after which it obliged its author to prepare a draft law. A reading of the Commission's reports suggests that the draft *ab intestato* succession law would be presented swiftly.[34] Despite the assurances, this did not occur.

---

30 K. Sójka-Zielińska, *Wielkie kodyfikacje cywilne. Historia i współczesność*, Warszawa 2009, pp. 143, 205, 213, 330–331.

31 H. Konic, *Spadkobranie*…, pp. 96–98.

32 Ibidem, pp. 98–99.

33 *VI Zjazd Prawników Ekonomistów Polskich*, Gazeta Sądowa Warszawska 1920, no. 27, p. 222.

34 K.K. RP Dz. O., vol. 1, Bull. 3, p. 93, Bull. 4, p. 114.

At the start of 1924, an important address was given to the joint Legal Committees of the Sejm and the Senate by President F.X. Fierich, who called on the legislator to clarify the assumptions behind the political and social reform of the right of ownership and, given the extremely sensitive nature of the matter of succession law, suggest the direction in which the related succession law was to evolve. Without waiting for the law-maker's position, H. Konic published *Projekt ustawy o prawie spadkowem w ogólności* [*Draft succession law in general*] accompanied by an extensive substantiation in thirteen numbers of the cited "Warsaw Court Gazette." It consisted of five chapters: Chapter I. "General provisions" (Articles 1–12), Chapter II. "Acceptance and renunciation of inheritance" (Articles 13–34), Chapter III. "Securing the inheritance" (Articles 35–39), Chapter IV. "Division of inheritance" (Articles 40–45), Chapter V. "Division proceedings. Effects of divisions." The assumptions underlying the draft have been the subject of extensive analysis and reference can be made here to their findings. It should be pointed out that the construction of the general part of succession law was based on what its author considered the best solutions, drawn from the regional codes and the Swiss Code. The author was guided by the simplicity of the regulations and their practical usefulness.[35]

As asserted by F.X. Fierich, the draft was discussed on numerous occasions during the meetings of the succession law subcommission and, in general, all indications pointed to a successful outcome. Unfortunately, the work failed to reach completion once more.[36] Moreover, the Commission awaited legislative decisions regarding the issue of ownership, which had, in its view, taken on particular importance in connection with the agricultural reform being in progress. A state of peculiar anticipation, lasting several years, did not result in any binding resolution and, even worse, led at one point to the suspension of work.[37]

The issue was resumed only in the early 1930s, when another succession law subcommission was set up. In 1934, rapporteur Konic prepared *Zasady na których opierać się winien projekt ustawy o prawie spadkowem* [*The Principles on Which Draft Succession Law Ought to Be Based*]. The text of the principles largely reiterated the assumptions underlying the article *Spadkobranie z prawa (ustawowe)* of 1920. The author occasionally extended the substantiation of his theses. He also expanded his

35 H. Konic, *Projekt ustawy o prawie spadkowem w ogólności*, Gazeta Sądowa Warszawska 1924, no. 34–45, 49; L. Górnicki, *Prawo cywilne*…, pp. 273–287, 294.

36 F.X. Fierich, *Unifikacja ustawodawstwa*, in: *Dziesięciolecie Polski Odrodzonej. Księga pamiątkowa 1918–1928*, Kraków–Warszawa 1928, p. 266.

37 F.X. Fierich, *Sprawozdanie Prezydenta Komisji Kodyfikacyjnej, prof. Dr Ksaw. Fr. Fiericha, na posiedzeniu połączonych Komisji Prawniczych Sejmu i Senatu Rzeczypospolitej w dn. 31 stycznia 1924*, Gazeta Sądowa Warszawska 1924, no. 7, p. 87; L. Górnicki, *Prawo cywilne*…, pp. 269–271.

assumptions by two additional principles. The first referred to so-called seisin, or the intromission by law. Out of the legislations in force in the Polish territories, that measure was applied by the Napoleonic Code and BGB. The Russian provisions in force in the eastern voivodships envisaged the confirmation of inheritance rights by the court, but the cassation jurisprudence limited the need to obtain a prior decision and recognised that an heir could exercise all rights available to the decedent at the time of death. A contrary approach was adopted by ABGB, which laid down that no one had the right to take possession of an inheritance without authorisation. It was then necessary to await the court's intervention, which transferred the inheritance into legal possession upon completion of proceedings.[38] In his substantiation of the introduction of that institute, the rapporteur referred even to the Chinese Civil Code.[39]

The second principle related to the reserved share defined in the text as legitim. He indicated a circle of necessary heirs, which included descendants – both marital and acknowledged non-marital – as well as the surviving spouse, and, in the absence of descendants, the ascendants. He believed that there were no grounds to expand the circle of necessary heirs by, for example, siblings and their descendants, even though the Swiss and Chinese codifications allowed for that possibility.[40]

Konic devoted the final part of the principles to determine the amount of the reserved share, or the legitim. He referred to the legal solutions in force within the Polish territories, as well as to the corresponding provisions of Swiss and Chinese law. He made it clear that it was necessary to simplify the issue of legitim to the greatest extent possible, assuming that the legitim should be half of the statutory share, regardless of the nature of the necessary heir.[41]

---

38 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938; H. Konic, *Zasady na których opierać się winien projekt ustawy o prawie spadkowem*, p. 1. See also idem, *Projekt ustawy o prawie spadkowem w ogólności*, Gazeta Sądowa Warszawska 1924, no. 37, pp. 573–574.

39 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938; H. Konic, *Zasady*…, p. 1.

40 H. Konic, *Zasady*…, p. 28.

41 Ibidem, p. 30; H. Konic, *Prawo spadkowe*…, pp. 6–7, 15, 19, 23.

### 3. Stanisław Wróblewski and a new vision of work on succession law

After the death of Henryk Konic, Zygmunt Nagórski became the new chairperson of the succession law subcommission. It also consisted of deputy chairperson Witold Prądzyński, draft rapporteur Stanisław Wróblewski, and members Ludwik Domański, Zygmunt Jundziłł and Kazimierz Przybyłowski.[42] Stanisław Wróblewski commenced work and, in 1937, he presented to the subcommission the key principles on which the draft was to be based, along with its first part and a substantiation.[43] The assumptions underlying Stanisław Wróblewski's draft were made publicly available in a report on the work of the Codification Commission of the Republic of Poland in 1937. Based on the available sources, it can be concluded that the draft's key principle was the primacy of testamentary succession over statutory succession. In the absence of a will, the decedent's family members were to inherit the estate and, in the next order, the commune of the decedent at the time of their death. Under Wróblewski's assumptions, the testamentary disposition was deemed invalid if executed by a person without full legal capacity (Wróblewski allowed the exception in the case of a minor who has attained the age of 18 years and in the case of a waster).

Under the rapporteur's assumptions, the draft was also to envisage the so-called fideicommissary substitution, where the provisions on the conditional or time-limited appointment would be applicable, with the statutory regulation of legal relations relating to the inheritance in a period prior to the fulfilment of a condition or the arrival of a date. Wróblewski's draft explicitly rejected the concept of joint wills. He deemed a holographic, court and notarial will as the basic forms, and, in the case of towns with no court or notary public, the draft would provide for an opportunity of drawing up a will before the commune authority. He also allowed for the possibility of entering into an inheritance agreement, but only between spouses or fiancés. Wróblewski's assumptions defined the order of appointing to the inheritance pursuant to the Act. Among affinal relatives, descendant relatives were appointed in the first class, and ascendant relatives with siblings and the siblings' descendants were appointed in the second class.

Another important assumption related to non-marital children. The rights of succession of non-marital children in relation to the mother and her children and reciprocally were to be the same as if a relationship by marriage existed between them. In relation to the non-marital father and his children and reciprocally, such

42 L. Górnicki, *Prawo cywilne*…, p. 271; G. Nancka, *Podkomisja*…, p. 4.

43 *Sprawozdanie Prezydenta Komisji Kodyfikacyjnej za czas od 1 czerwca 1934 do 31 marca 1937*, in: *Komisja Kodyfikacyjna. Dział Ogólny 1/17*, Warszawa 1937, pp. 18–20; see L. Górnicki, *Prawo cywilne*…, p. 271.

equality would occur only where the father admitted the child into the family through a voluntary legal act. A surviving spouse had the right to obtain half of the inheritance in the case of concurrence with relatives. In the absence of relatives entitled to inherit, a surviving spouse would obtain the entire inheritance.

The significant assumptions of the draft also included the acceptance of limited liability of the heir for the debts of the estate (up to the value of the inheritance), unless specific provisions provided otherwise. The benefits of the inventory were applicable only to an heir who proved that the value of the inheritance at the time of the decedent's death corresponded to the sum indicated by the heir. A properly executed inventory justified the presumption in relations between the heir and the creditors that it covered the totality of the rights forming part of the estate and that it indicated their real value. In turn, where an heir caused a deliberately serious inaccuracy in the inventory by their conduct, such heir would be liable to creditors without a limit.[44]

The fortunately surviving sources related to the succession law codification in interwar Poland include a draft of some provisions (the first 100) prepared by Stanisław Wróblewski. This enables us to understand their content and structure. The draft prepared by Wróblewski was divided into titles, sections, and chapters. The first title "Appointment to inherit" consisted of two sections. Section one, titled "General provisions," consisted of four chapters. Chapter one (Articles 1–2) was titled "Estate," chapter two (Articles 3–5) "Titles to appointment," chapter three (Articles 6–21) "Conditions for the effectiveness of appointment," chapter four "Moment of appointment." Section two was titled "Appointment from testamentary disposition." It consisted of chapter one titled "Testament" including division one (Articles 23–33) "General provisions", division two (Articles 34–49) "Institution of an heir" and division three (Articles 50–100) "Condition, term and mandate."[45]

The sources from the work of the Codification Commissions also include records of the work of the succession law subcommission in 1938. They document the course of discussions held during the individual meetings and allow for an understanding of the detailed assumptions of the draft rapporteur. They clarify and broaden the rapporteur's theses published in 1937 in the Codification Commission publishing house.[46]

The records show that during the first meeting of the succession law subcommission in 1938 Stanisław Wróblewski further clarified his assumptions. He indicated,

---

44 *Sprawozdanie Prezydenta Komisji Kodyfikacyjnej za czas od 1 czerwca 1934*…, pp. 18–20.

45 See G. Nancka, *Podkomisja*…, pp. 117–139.

46 See ibidem, pp. 9–115.

among other things, that the draft presented by him would not include provisions regarding succession to small agricultural farms. He believed that those issues should be regulated by a special statute. He argued that the issue of inheriting small agricultural farms should not be regulated in succession law for two reasons. First, it was reasonable to expect that succession law would include general provisions rather than concentrate on a specific social group. Second, the standards governing the inheritance of small agricultural farms should be linked to the provisions governing the transfer of such farms by way of *inter vivos* acts. Wróblewski made it clear that the provisions governing *inter vivos* acts should not be placed in succession law, as it would contradict the rules of logic.[47]

Contrary to the German Civil Code (BGB), the draft prepared by Wróblewski placed the provisions on testamentary succession before the provisions on statutory succession. The rapporteur clearly highlighted that the rules of logic spoke in favour of the fact that the primary heir is a person appointed by the testamentary disposition. This was meant to indicate that, in terms of the regulations being formulated, priority should be given to succession based on testamentary disposition. Statutory succession was intended to be supplementary in nature. It was to apply only in the absence or invalidity of a testamentary disposition.[48]

Wróblewski's stance failed to gain support from the subcommission members, who were in favour of placing statutory succession before testamentary succession. For example, Zygmunt Jundził argued that the testamentary disposition was a relatively rare phenomenon in Polish relations. He pointed out that the prepared provisions should correspond to the existing reality, and, for this reason, primacy must be given to statutory succession.[49] A similar view was expressed by Zygmunt Nagórski, who emphasised that the norms concerning intestate succession should precede those governing testamentary succession, given that such an arrangement had been adopted by the majority of legal systems in force within Poland prior to the restoration of independence. Moreover, this was supported by fundamental, customary, and practical reasons.[50] The lively discussion lasted quite a long time, but ultimately the deadlock was broken thanks to a proposal put forward by Kazimierz Przybyłowski. This scholar argued that the issue of which type of succession should have primacy should be conditioned on the subcommission's position on a number of other issues that would emerge in the course of the discussion. For that reason, Przybyłowski proposed that the resolution of the issue of primacy of the particular

47 Ibidem, pp. 9–10; K. Przybyłowski, *Polskie międzywojenne prace kodyfikacyjne*…, p. 268.
48 G. Nancka, *Podkomisja*…, p. 10.
49 Ibidem, pp. 10–11.
50 Ibidem, p. 11.

regulations be postponed until the completion of the deliberations on the draft, which was welcomed by the other subcommission members.[51]

After the end of the discussion on one of the key assumptions of his draft, Wróblewski clarified further its remaining theses in several directions. He added that he had limited the legitim following the Anglo-American pattern. He believed that succession law should uphold the individualistic principle and, accordingly, the decedent's family should not be granted further entitlements to the decedent's estate. Moreover, the rapporteur pointed out that his draft embraced the same method as the creators of the German Civil Code, that is, the furthest-reaching resolution of any potential doubts by the legislator.[52]

## 4. Kazimierz Przybyłowski. The concept formulated by the last rapporteur of succession law in interwar Poland

The work aimed at the succession law codification was halted once again, on that occasion due to the death of Stanisław Wróblewski. In December 1938, the subcommission was placed in the position of having to select a new draft rapporteur for the second time. In January 1939, Kazimierz Przybyłowski became a new rapporteur. As early as in April 1939, he submitted the fundamental principles of draft succession law to the subcommission.[53] Until the outbreak of World War Two, half of the twenty theses on which the draft was to be based were presented for discussion.[54]

So far, the only reliable information regarding the work on succession law according to the assumptions prepared by Kazimierz Przybyłowski came from his report of the meeting held on 1–4 May 1939. The rapporteur indicated that the subcommission had the opportunity to respond to the content of the first seven theses. He recalled that:

> for the first time, the subcommission had the opportunity to express its views on such an important issue as statutory succession. In this respect, when it comes to succession by relatives, I proposed three classes: 1) decedent's descendants, 2) decedent's parents and

51 Ibidem, p. 11; see K. Przybyłowski, *Polskie międzywojenne prace kodyfikacyjne*…, p. 268.

52 G. Nancka, *Podkomisja*…, p. 12.

53 See G. Nancka, *Podstawowe zasady projektu prawa spadkowego z 1939 roku. Edycja źródłowa*, Krakowskie Studia z Historii Państwa i Prawa 2025, vol. 18, no. 1, pp. 69–82. See also L. Górnicki, *Prawo cywilne*…, p. 272; G. Nancka, *Podkomisja*…, p. 4.

54 K. Przybyłowski, *Polskie międzywojenne prace kodyfikacyjne*…, p. 269. See also L. Górnicki, *Prawo cywilne*…, p. 272; G. Nancka, *Podkomisja*…, pp. 4–5.

siblings and the siblings' descendants entering their place, 3) decedent's grandparents. However, the subcommission resolved to supplement the third class by including the descendants of grandparents, entering their place in a manner envisaged, for example, by the Austrian Civil Code. As regards non-marital kinship, it was accepted that it justifies succession on a par with a marital one in relations between child and mother and her relatives; also between child and father, but only in the case of voluntary acknowledgement. It was resolved to grant the spouse: a) alongside the decedent's relatives – a fourth share of the inheritance, b) alongside relatives of the second and third degree – a half, c) in the absence of such relatives – the entire inheritance. A separated spouse, who is in competition with relatives, obtains only half of the fractions mentioned above, and only if the separated spouse is not at fault. A spouse appointed to the inheritance alongside the decedent's relatives obtains, above the inheritance share, the movable property belonging to the marital household and household furnishings, excluding items of special value. A spouse does not inherit and does not obtain the movable property cited above if, at the time of the decedent's death, the marriage was: 1) annulled or divorced or 2) legally separated due to the surviving spouse's fault (either solely due to their fault or the fault of both spouses) by a final and binding ruling. The subcommission adopted a system of reserve to the benefit of descendants, ascendants and the decedent's spouse to the extent of half of the statutory inheritance share. Only the will was admitted, the inheritance contract was rejected.[55]

The sources preserved in the form of typescript include the text of the twenty theses put forward by the scholar titled *Podstawowe zasady prawa spadkowego* [*The fundamental principles of succession law*][56] and a substantiation of the first seven of them titled *Uzasadnienie podstawowych zasad projektu prawa spadkowego. (Część I)* [*The Substantiation of the Fundamental Principles of Draft Succession Law (Part one)*].[57] The source materials allow for formulating numerous important observations and conclusions. First, the theses took the form of precisely formulated and ordered principles. The twenty theses were arranged in general editorial units expressed in the form of digits I–VI. The structure was as follows: I. Titles to succession in general (thesis 1), II. Appointment of the family to the inheritance (theses 2–5), III. Appointment of testamentary heirs (theses 6–12), IV. Acquisition of the

55 K. Przybyłowski, *Polskie międzywojenne prace kodyfikacyjne*…, p. 269.

56 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The fundamental principles of succession law. April 1939, p. 10.

57 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The Substantiation of the Fundamental Principles of Draft Succession Law (Part one). April 1939, p. 31.

inheritance (theses 13–18), V. Legacy (thesis 19), VI. Liability for inheritance obligations (thesis 20).[58]

In his substantiation of the fundamental principles of draft succession law, Przybyłowski pointed out that the draft was intended for common succession law. This meant that a separate succession in the scope of agricultural farms was excluded from the provisions of the draft.[59] Przybyłowski indicated that this position corresponded to the decisions adopted in the course of the work conducted in 1938. The preserved source shows that the draft rapporteur held the view that the separate treatment of the issue resulted from the inheritance-legal questions, *inter vivos* acts, and enforcement and agrarian questions.

The theses put forward by Przybyłowski make it clear that universal succession was adopted as the prevailing concept. The rapporteur's principal issue was to determine the principles of succession and titles of appointment. Przybyłowski believed that it was necessary to take into account primarily the family ties and the decedent's will. Both of these moments should determine the appointment to the inheritance and a reasonable compromise should be reached in the case of a conflict. It would consist of taking into account "the line of the continuous and significant recognition of the interests of the decedent's family."[60] Przybyłowski argued that "the most common cases of *mortis causa* transfer of the estate occur precisely within the decedent's close family."[61] Accepting the primacy of family ties as a title of appointment to the inheritance, he adopted an assumption completely different from that of Stanisław Wróblewski.[62]

Drawing on the Austrian Civil Code (ABGB) and the Swiss Civil Code (ZGB), Przybyłowski carried out a classification of heirs into classes according to the parentelic system. He based his reasoning on the assumption that the closest familial ties connect only a certain group of individuals, such as descendants, spouse, parents and grandparents, and siblings and their descendants.[63] Przybyłowski also emphasised the

58 See G. Nancka, *Podstawowe zasady*…, pp. 69–82.

59 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The Substantiation of the Fundamental Principles of Draft Succession Law (Part one). April 1939, p. 1.

60 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The Substantiation of the Fundamental Principles of Draft Succession Law (Part one). April 1939, pp. 2–3.

61 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The Substantiation of the Fundamental Principles of Draft Succession Law (Part one). April 1939, Kwiecień 1939, p. 3.

62 See G. Nancka, *Podkomisja*…, p. 4.

63 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The Substantiation of the

importance of treating non-marital consanguinity on an equal footing with marital consanguinity, but only in relationships between a child and the mother and her relatives.[64] He was also in favour of the system of reserve, which he understood as an inheritance share reserved *in natura* for necessary heirs.

He did not envisage the introduction of the *legitim* system, under which an entitled person may claim payment of a sum corresponding to the value of a specified share of the estate..[65] The rapporteur also made a reference to liability for inheritance debts. A general principle of the heir's liability for inheritance debts, in principle without limitation, was introduced. The heir's liability could be limited to the amount of the estate in a case where the heir accepted the estate before a court or a notary public under the benefit of inventory, prior to the expiry of the period during which the succession could be rejected.[66]

## Conclusions

The succession law codification followed a rather complex course in interwar Poland. The difficulties and obstacles emerged at the very beginning of the work and in fact persisted until 1933. Although two introductory drafts of *ab intestato* succession were prepared in 1920, year 1933 marked a turning point in the history of succession law codification in interwar Poland. Events of an objective nature, relating to the death of two of the three rapporteurs of succession law, were largely responsible for the failure to complete the work before the outbreak of World War Two. Another obstacle was that the three rapporteurs of succession law in interwar Poland had differing views in certain areas of its codification. Starting the work from the phase of the preparation of assumptions three times undoubtedly affected the speed of the codification process. The primary difficulty to be resolved by the rapporteurs was the selection of fundamental assumptions and the choice of models to be sought when

Fundamental Principles of Draft Succession Law (Part one). April 1939, p. 5.

64 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The fundamental principles of succession law. April 1939, p. 2.

65 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The Substantiation of the Fundamental Principles of Draft Succession Law (Part one). April 1939, pp. 26–27.

66 Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938: The fundamental principles of succession law. April 1939, p. 10.

formulating these. The first rapporteur, Henryk Konic, was quite consistent in his views, refining his 1920 assumptions in 1933. However, he did not have the chance to present them in the course of discussion at a subcommission meeting. The vision developed by Stanisław Wróblewski, significantly different from the assumptions of Henryk Konic, assuming the primacy of testamentary succession, came in for considerable criticism from the subcommission members. It is highly likely that had the work been continued, it would not have been accepted. Nevertheless, the most concrete, organised, and coherent vision of the succession law codification was presented by Kazimierz Przybyłowski. The logical and clear arrangement of twenty theses offered hope for the swift completion of the process of succession law codification. The prepared substantiation of the first part and the swift course of the discussion on it made such an assumption even more plausible. However, the outbreak of World War Two made the completion of the work impossible. Against the background of the other two rapporteurs, Przybyłowski's achievements were of greatest importance from the point of view of succession law codification after World War Two. Przybyłowski was the only succession law rapporteur surviving World War Two and he witnessed the work on the codification in interwar Poland. This allowed him, as he put it, "to exploit the achievements of the interwar period" in the course of work on the provisions after World War Two.[67]

## Bibliography

**Archival sources**

Archive of the Polish Academy of Sciences and the Polish Academy of Arts and Sciences, file no. K III-268, Activity materials, Succession (interwar) 1928–1938.

**Literature**

Borkowska-Bagieńska E., *O doświadczeniach kodyfikacji prawa cywilnego w II Rzeczypospolitej dla współczesnego ustawodawcy*, Czasy Nowożytne 2002, vol. 12.

Fierich F.X., *Sprawozdanie Prezydenta Komisji Kodyfikacyjnej, prof. Dr Ksaw. Fr. Fiericha, na posiedzeniu połączonych Komisji Prawniczych Sejmu i Senatu Rzeczypospolitej w dn. 31 stycznia 1924*, Gazeta Sądowa Warszawska 1924, no. 7.

Fierich F.X., *Unifikacja ustawodawstwa*, in: *Dziesięciolecie Polski Odrodzonej. Księga pamiątkowa 1918–1928*, Kraków–Warszawa 1928.

Górnicki L., *Prawo jako czynnik integracji państwa w latach II Rzeczypospolitej*, Acta Universitatis Wratislaviensis, no. 3375. Prawo 2011, vol. 313.

67 K. Przybyłowski, *Polskie międzywojenne prace kodyfikacyjne…*, p. 269.

Górnicki L., *Komisja Kodyfikacyjna II RP: pozycja ustrojowa, struktura organizacyjna, podejmowanie decyzji*, Acta Universitatis Wratislaviensis no. 3948. Prawo 2019, vol. 328.
Górnicki L., *Prawo cywilne w pracach Komisji Kodyfikacyjnej Rzeczypospolitej Polskiej w latach 1919–1939*, Wrocław 2000.
Górnicki L., *Założenia i koncepcja kodyfikacji prawa w II RP*, Prawo i Więź 2022, no. 4 (42).
Grodziski S., *Komisja Kodyfikacyjna Rzeczypospolitej Polskiej*, Czasopismo Prawno-Historyczne 1981, vol. 32, no. 1.
Komisja Kodyfikacyjna Rzeczypospolitej Polskiej Dział Ogólny, vol. 1, no. 1, Warszawa 1920.
Komisja Kodyfikacyjna Rzeczypospolitej Polskiej Dział Ogólny, vol. 1, no. 2, Warszawa 1920.
Komisja Kodyfikacyjna Rzeczypospolitej Polskiej Dział Ogólny, vol. 1, no. 3, Warszawa 1921.
Komisja Kodyfikacyjna Rzeczypospolitej Polskiej Dział Ogólny, vol. 1, no. 4, Warszawa 1922.
Konic H., *Prawo spadkowe wobec nowoczesnych prądów w prawie cywilnym*, Warszawa 1925.
Konic H., *Projekt ustawy o prawie spadkowem w ogólności*, Gazeta Sądowa Warszawska 1924, no. 34–45.
Konic H., *Spadkobranie z prawa (ustawowe)*, Gazeta Sądowa Warszawska 1920, no. 11.
Konic H., *Spadkobranie z prawa (ustawowe)*, Gazeta Sądowa Warszawska 1920, no. 12.
Lityński A., *Wydział Karny Komisji Kodyfikacyjnej II Rzeczypospolitej. Dzieje prac nad częścią ogólną kodeksu karnego,* Katowice 1991.
Makowski W., *W sprawie ujednostajnienia ustawodawstwa*, Gazeta Sądowa Warszawska 1919, no. 2–3.
Nancka G., *Podkomisja prawa spadkowego Komisji Kodyfikacyjnej Rzeczypospolitej Polskiej. Materiały z prac w 1938 roku. Edycja źródłowa*, Warszawa 2023.
Nancka G., *Podstawowe zasady projektu prawa spadkowego z 1939 roku. Edycja źródłowa*, Krakowskie Studia z Historii Państwa i Prawa 2025, vol. 18, no. 1.
Płaza S., *Historia prawa w Polsce na tle porównawczym. Okres międzywojenny*, part 3, Kraków 2001.
Przybyłowski K., *Polskie międzywojenne prace kodyfikacyjne w dziedzinie prawa spadkowego*, in: *Księga Pamiątkowa ku czci Kamila Stefki*, Warszawa–Wrocław 1967.
Radwański Z., *Kształtowanie się polskiego systemu prawnego w pierwszych latach II Rzeczypospolitej*, Czasopismo Prawno-Historyczne 1969, vol. 21, no. 1.
Sójka-Zielińska K., *Organizacja prac nad kodyfikacją prawa cywilnego w Polsce międzywojennej*, Czasopismo Prawno-Historyczne 1975, vol. 27, no. 2.
Sójka-Zielińska K., *Wielkie kodyfikacje cywilne. Historia i współczesność*, Warszawa 2009.
*Sprawozdanie Prezydenta Komisji Kodyfikacyjnej za czas od 1 czerwca 1934 do 31 marca 1937*, in: *Komisja Kodyfikacyjna. Dział Ogólny 1/17*, Warszawa 1937.
*Wniosek nagły posła Zygmunta Marka i tow. sprawie powołania do życia komisji dla stworzenia jednolitego ustawodawstwa w Państwie Polskiem*, Kwartalnik Prawa Cywilnego i Karnego 1919, no. 2.
Wróblewski S., *Zasady dziedziczenia ab intestato*, Czasopismo Prawnicze i Ekonomiczne 1920, no. 1–4.
*VI Zjazd Prawników i Ekonomistów Polskich*, Gazeta Sądowa Warszawska 1920, no. 27.