

# Social capital and legal regulation

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# Literature

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- Lech Kurowski, Piotr Szymaniec, “Legal Regulations Impact on Social Capital. The Case of Poland,” *Slovak Journal of Political Sciences* 2020, Vol. 20, No. 2, pp. 227–254, ISSN 1335-9096 (online), DOI: <https://doi.org/10.34135/sjps.200203>.

# Definition and role of social capital

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- Social capital consists of features of social structure (social organization), which enhance and improve human interrelations and cooperation in the society.
- Social capital influences the society's efficiency of production.



# Social capital and legal regulations

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- **Ralf Dahrendorf**

Transition period – the metaphor of “three clocks”:

constitutional changes can be introduced in a few months (the lawyer’s clock);

economic transition takes several years (the economist’s clock);

formation of a civil society may take generations (the third clock).

Legal changes trigger other changes.

# Social capital and legal regulations

- Many authors have focused on informal institutions (Levels, Scheepers, Huijts, Kraaykamp, 2015, pp. 766–779; Raiser, 2001, pp. 218–239).

**Elinor Ostrom:** “bottom-up” ways of creating certain rules can be conducive to the creation and maintenance of social capital (the example of common-pool resources) (Ostrom, E. (1990). *Governing the commons. The evolution of institutions for collective action*. Cambridge: Cambridge University Press, 1990).





# Social capital and legal regulations

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Buggle, Johannes C. (2016). Law and social capital: Evidence from the Code Napoleon in Germany. In: *European Economic Review*. Vol. 87, 2016, pp. 148–175:

in the regions of Germany with Code Napoléon in force over longer period (such as Palatinate and Rhineland) higher level of interpersonal trust could be observed several decades after the Code was introduced. As indicators of social capital in the 19th century Germany, Buggle follows the data concerning membership in sport clubs (*Turnvereine*), the number of marksmen's clubs (*Schützenvereine*), as well as the per capita number of firemen-members of volunteer fire brigades.

# Types of social capital

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- Bonding social capital (concerns relationships within a social group or community)
- Bridging social capital (it is about the relationships between groups)
- Linking social capital (it describes the character of “vertical” relationships in the society)



# The outline of Polish history: the Polish-Lithuanian Commonwealth

- 1386: union of Krewo
- 1569: the Union of Lublin.
- A form of state: a federal noblemen's republic



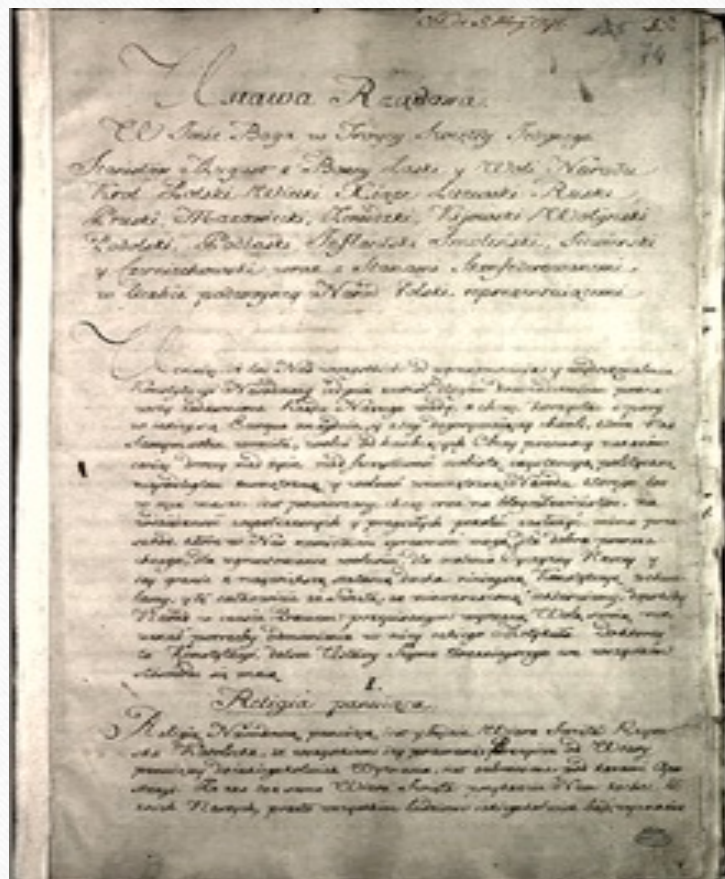


# The downfall of the Polish-Lithuanian Commonwealth

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- Four-Year Sejm of 1788–1792.
- The May 3rd Constitution of 1791.
- Three partitions of the Polish-Lithuanian Commonwealth: 1772, 1793, 1795.

# Constitution of May 3, 1791





# Constitution of May 3, 1791









# The Kingdom of Poland (Congress Poland)







## The Second Republic

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- Based on population census in 1931, the entire population count was 31.7 million (by 1935 an increase to 35 million) with 14 percent of Ukrainian and “Ruthenian” ethnicity. Jews represented the second minority with 8%, other minorities were Belarussians (3%) and Germans (2%).
- In 1931, the percentage of non-Roman Catholic inhabitants was 33.7.
- 10 % of inhabitants declared themselves as being of Jewish denomination.
- Agriculture was the basis of livelihood for 62% of the population.

# The May Coup (1926)

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# Modern Poland



# Legal regulation and social capital of traditional communities

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- The oldest informal village organizations on Polish lands (grazing on common pastures, using community-owned forests or jointly organized flood protection) operated without outside regulations.
- After 1945, several legal acts were created to regulate these organizations in the manner compatible with the entire scheme of planned economy.

(e.g. Act of June 29, 1963 on the management of common lands).



# Legal regulation and social capital of traditional communities

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Today several types of traditional communities aimed at common use of certain resources still exist:

- common sheep grazing areas, regulated by the customary law, in the Tatra Mountains,
- land communities in almost 500 municipalities in Poland, being the remnants of an old institution of easements (*servituty*),
- water companies managing water intakes, flood protection and irrigation devices (however, according to the law in force, they have highly formalized internal structure).



# Legal regulation and social capital of new communities

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- Housing cooperatives, created before the war as the tool for managing a real estate by the residents themselves, later became very bureaucratic structures, managing even tens of thousands of apartments. Their role in building social capital is small.
- Polish regulations provide for two models of property in common use for housing communities: one for small communities composed of up to three apartments, and the other for larger communities. In the case of the latter, the position of a professional manager is strengthened.

# Legal regulation and social capital of new communities

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- Questionnaire-based research made on housing communities indicates weak involvement of their members in a day-to-day management. The study clearly confirmed selfish attitudes of some members, who do not care so much about the community, but about their own apartment (e.g.: “Why should I pay for a repair if my apartment does not run into water?”) (Szczepańska, 2014, pp. 197–216).
- Attitudes towards jointly used property in this case testify to the deficit of social capital.



# Law-making and social capital

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- The legislation process in Poland follows the regulatory impact assessment (RIA) methodology adopted in 2001.
- The preparation of RIA includes description of the problem to be regulated, purpose of regulation, possible approach to achieve the identified objective (by regulation or by alternative solutions), estimation of significant effects for consumers, businesses and other interest groups.

# Law-making and social capital

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**RIA is based on the questionnaire containing four basic elements:**

- 1) identification of entities (groups of stakeholders) on which the regulation will have an effect;
- 2) assessment of the impact of regulation on public finance;
- 3) assessment of the impact on economy's competitiveness and entrepreneurship, families, citizens and households;
- 4) indication of the regulation's impact on such areas as natural environment, regional development, demography, health care, "informatization", and state property.
- **Analyses concerning the impact of the proposed regulation on social capital are absent here.**



# Law-making and social capital

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## Proposed assessment scale of regulation's impact on social capital

AA	Strong positive impact (prime objective)
A	Positive impact (secondary to prime objective)
BB	Neutral in the short run
B	Future consequences (positive or negative) depend on complementary regulations yet to be introduced
CC	Conflict generating potential in short run
C	Likely future threats (inter-generational distribution of income)