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The Agrarian Question in Polish Parliamentarism

Kwestia agrarna w polskim parlamentaryzmie

ABSTRACT

The agrarian question, as a concept of legal language, has its sources in other sciences, first of all, in sociology, economics and political science, where historically it is defined as a gap between the demands of the developing life and the existing relations, which no longer correspond to the emerging needs. Over the years the content of the agrarian question in Poland has evolved, keeping, however, the processes of the industrialization of agriculture in the focus. Recent years have brought about a profound change in the interpretation of the agrarian question. Its content is nowadays shaped by three fundamental factors: the balance of agroecosystems and access to agricultural resources; food security and safety; globalization processes and social movements, in which the idea of participation of agricultural producers and rural population in social market economy is realized. Each of the aspects indicated is a challenge for contemporary parliamentarism.

Keywords: agrarian question; agricultural resource; food security; food safety; globalization; social participation

INTRODUCTION

The problem of the challenges of modern parliamentarism has many connotations which are the subject of research, first of all, of constitutional law. This does not mean, however, that all problems can be closed in such a range. This article is an attempt to indicate problems other than strictly constitutional, which are part of

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Data: 14/11/2026 13:08:54

the challenges of parliamentarism, significantly expanding the existing research area. The title agrarian question, despite some anachronistic associations, has not lost its relevance, and even due to deep social and economic changes and many years of legislative negligence, has gained in relevance. The aim of the research is to determine the contemporary content of the notion of agrarian question and to indicate its determinants, which determine the expectations towards parliamentarism. The article contains a concise presentation of the evolution of the concept and an indication of the main contemporary determinants of its content.

The paper uses research methods appropriate for the dogmatics of law and their effects. In particular, this means using appropriate methods of interpreting the law. Auxiliary, to the extent necessary for the considerations, were used the achievements of sociological, political and economic sciences.

EVOLUTION OF THE TERM "AGRARIAN QUESTION"

The agrarian question, as a concept of legal language, has its origins in other sciences, primarily sociology, economics and political science. It is defined broadly but inconsistently. The initial definition is considered to be that of L. Krzewicki, who already in the interwar period claimed that "any social malaise, any 'issue' that arises in the society consists in the discord between the requirements of the developing life, and the existing relations that no longer correspond to the emerging needs and operating forces".[1]

The content of the term "agrarian issue" in politics has undergone a visible evolution over the years.[2] W. Grabski linked the fundamental element of economic development of farms in the Second Republic with the necessity to equalise the social and educational situation of rural communities and pointed to the need to create national agrarian legislation.[3] Ecological aspects to the agrarian issue were introduced by S. Miłkowski indicating that agrarianism "draws its rights and principles from the earth, from the cooperation of man with nature".[4] In the holistic approach presented by A. Czyżewski and P. Kułyk, it is pointed out that "in the agricultural issue the multi-stage balance including the economic, social and natural system is

[1] L. Krzewicki, *Kwestia rolna. Przełom w produkcji środków spożywczych w drugiej połowie XIX w.*, Warszawa 1967, p. 31. In the 1980s, J. Wilkin (*Współczesna kwestia agrarna*, Warszawa 1986, p. 6) stated that "the root of the agrarian question is, in the broad sense, adjusting the agriculture to the rest of the economy".

[2] The evolution of views on the agrarian question is presented in more detail by J.S. Zegar, *Kwestia agrarna w Polsce*, Warszawa 2018, pp. 31–211.

[3] W. Grabski, *Materiały w sprawie włościańskiej*, vol. 3: *Studia nad systemem polskiej polityki agrarnej*, Kraków 1919, p. 44.

[4] S. Miłkowski, *Agraryzm jako forma przebudowy ustroju społecznego*, Kraków 1934, p. 42.

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Data: 14/11/2026 13:08:54

becoming more and more important. Only ensuring proper balance between these three areas will allow (…) to change the paradigm of industrial development into socially sustainable development".[5]

Political changes regarding the agrarian issue have been accompanied by changes in the legal instruments used to address it.

During the period of partition, the agrarian question focused on the enfranchisement of peasants. It included various political, legal and factual instruments that aimed at the liquidation of the economic structures of the feudal system, the liberation of peasants from personal and property dependence, the strengthening of the productive efficiency of farms, and the inclusion of peasant communities in the struggle for national independence.

In the period of the Second Republic, the agrarian issue was expressed first of all in the implementation of reforms integrating the different systems of agricultural economy, satisfying the so-called "land hunger" in the mode of parceling out large-acreage estates, and raising the productivity of agriculture to a level ensuring food self-sufficiency of the country. Thus, the leading objective was the question of economic efficiency of agricultural production.

After World War II the agrarian question was treated as an essential element of gaining social acceptance for the changes in the political system. This goal was achieved by way of land reform, which involved the complete liquidation of large--scale land ownership and the general granting of ownership of farms to individual peasants from the resources thus obtained.

The communist period saw numerous – more or less successful – attempts to socialize labor in the countryside. The agrarian issue focused on the creation of nationalized production units and limiting the ownership of individual farms. These were also programmatic efforts to industrialize agriculture.

The political transformation after 1989 formulated new objectives of the agrarian question. These were the restoration of private ownership of farms and making family farms the basis of the agricultural system and the economic strengthening of agriculture. The modernization of production processes, improvement of competitiveness of farms and inclusion of agricultural production in the accepted model of social market economy were emphasized. However, the processes of agricultural industrialization were still the fundamental goal.

Poland's accession to the EU complemented the economic indications with participation in the intervention mechanisms of the common agricultural policy and the social sphere, rural development, and prevention of marginalization, social exclusion and elimination of existing differences in development and education.

[5] A. Czyżewski, P. Kułyk, *Kwestia agrarna od Aleksandra Czajanowa i Władysława Grabskiego po jej współczesne ujęcie*, "Roczniki Naukowe Ekonomii Rolnictwa i Rozwoju Obszarów Wiejskich" 2015, vol. 102(1), pp. 18–30.

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Data: 14/11/2026 13:08:54

CONTEMPORARY DETERMINANTS OF THE "AGRARIAN QUESTION"

Recent years have seen a profound change in the interpretation of the agrarian question. Its content today is shaped by four fundamental factors: 1) the balance of agroecosystems – commonly referred to as the environmental question; 2) food security and food safety; 3) globalization processes; 4) social movements in which the idea of participation of agricultural producers and the rural population in the social market economy is realized.

Each of the aspects identified is a challenge to modern parliamentarianism and requires the presentation of fundamental problems.

1. Security and sustainability of agroecosystems

Agroecosystems are understood as ecosystems used in agriculture for the production of food and non-food products.[6] The delineation of agricultural natural resources is based on the separation of a pool of resources: land, water, plants and animals, and ecosystems, as a whole arrangement of individual components that are or can be used for agricultural and related activities. Agricultural natural resources have the character of a limited resource, which is subject to the pressure of increasing production of food, fodder, fiber and fuels, provision of ecosystem services, as well as urbanization and infrastructural processes. The factor of global warming and related climate change has assumed cardinal importance.[7]

For these reasons, the agricultural natural resources are commonly recognized in the world as a strategic resource. However, the situation in Poland looks different.

Polish legislator from the collective category of environmental resources distinguished the category of strategic natural resources in Article 1 of the Act of 6 July 2001 on preserving the national character of the country's strategic natural resources.[8] The catalogue of strategic resources includes: 1) underground waters and surface waters in natural watercourses and in springs from which these water-

[6] The issue of biodiversity conservation is extensively presented in the monograph of E. Nawrotek, *Prawne aspekty ochrony rolnych zasobów naturalnych przed gatunkami inwazyjnymi* (unpublished typescript), s. 230. See also FAO, *Building on Gender, Agrobiodiversity and Local Knowledge*, http://www.fao.org/tempref/docrep/fao/007/y5609e/y5609e00.pdf (access: 10.12.2020); FAO, *Agricultural Biodiversity, Multifunctional Character of Agriculture and Land Conference. Background Papers*, http://www.fao.org/mfcal/pdf/bp_1_agb.pdf (access: 10.12.2020).

[7] More widely, see O.J. Furuseth, J.T. Pierce, *Agricultural Land in an Urban Society*, Washington 1982; T. Nesme, T. Doré, D. Leenhardt, S. Pellerin, *Agriculture et ressources naturelles: de quoi parlons-nous?*, "Agronomie, Environnement & Sociétés" 2016, vol. 6(1), pp. 16–23.

[8] Consolidated text, Journal of Laws 2018, item 1235.

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Data: 14/11/2026 13:08:54

courses originate, in canals, in lakes and in water reservoirs of continuous inflow; 2) waters of the Polish maritime areas together with the coastal range and their natural living and mineral resources, as well as natural resources of the bottom and the interior of the ground located within the borders of these areas within the meaning of the Act of 21 March 1991 on maritime areas of the Republic of Poland and maritime administration;[9] 3) state forests; 4) mineral deposits which do not constitute components of the land property within the meaning of the Act of 4 February 1994 – Geological and Mining Law;[10] 5) nature resources of national parks.

The construction of the strategic natural resource is not uniform, but it is united by the fact that the goods qualified in this way are subject to special rules of access and economic use.[11] In this context it should be noted that the legislator did not recognize as strategic the agricultural resource, especially the agricultural land, for a number of years qualified, as a non-proliferable public good requiring special protection.[12] Protection of agricultural resources is of existential importance.[13] Indeed, universal food security and sustainable management of biological resources depend on the maintenance of efficient and variable agroecosystems. These considerations unequivocally justify granting agricultural resources the status of strategic resources, which, unfortunately, the national legislator failed to recognize and take into account. Thus, the establishment and implementation of a rational, proportionate and adequate regime of access, circulation and protection of agricultural resources is still an ongoing challenge of parliamentarianism.

2. Food and food safety

The notions of "food safety" and "food security" are not the same and their distinction has been shaped by the evolution in the approach to human needs. Food security is understood as the safety of access to food, while food safety is reduced to the aspects of health safety of food products. The process of shaping the contemporary standard of food safety began at the forum of the Food and Agriculture Organization of the United Nations (FAO). Over the last several years the international concept of food safety has undergone quite significant changes, moving from the assumptions

[9] Consolidated text, Journal of Laws 2020, item 2135, as amended.

[10] Consolidated text, Journal of Laws 2021, item 1420, as amended.

[11] R. Pessel, *Nieruchomości Skarbu Państwa*, Warszawa 2010, p. 49.

[12] M. Bednarek, *Przemiany własności w Polsce. Podstawowe koncepcje i konstrukcje normatywne*, Kraków 1994, pp. 255–262.

[13] H. Kruk, J.T. Krzyżanowski, M. Kwasek, A. Obiedzińska, *Z badań nad rolnictwem społecznie zrównoważonym. Bezpieczeństwo żywnościowe i różnorodność biologiczna w rolnictwie*, Warszawa 2017, pp. 38–39.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 14/11/2026 13:08:54

of economic safety to a comprehensive approach covering, apart from the availability of food itself, its health properties, safety and consumer protection.[14]

The first to emerge was the concept of food security, which has three dimensions.[15] The first is availability, which means having enough food for the entire population at all times to sustain human life. The second dimension of security is its availability, which is fulfilled when the supply of food is not limited by effective demand. The third is adequacy, which is understood as a balanced ration free from diseases and poisonous substances. Therefore, food security is determined by cumulatively fulfilled premises:

- physical availability of food, which occurs when the national food economy guarantees coverage of at least the minimum human physiological needs,
- the economic availability of food, which is deemed to be fulfilled when even the most economically vulnerable households have access to the necessary food, and
- the health properties of food products in appropriate rations, the implementation of which requires that food meeting quality requirements be available to all.[16]

Whereas, food safety is currently perceived as a minimum standard which implies the obligation to provide food which is safe from the point of view of health and the related ban on marketing food which is adulterated, spoiled or harmful.[17] The standard of food safety requires the adoption and maintenance of specific standards of manufacturing and marketing, organoleptic, physicochemical and microbiological properties of food and prevention of irregularities occurring in this respect. The food safety regime also includes activities aimed at securing food at all stages of production from possible areas of chemical, physical, microbiological and other risks. As a result, food safety has become a multidisciplinary concept and refers not only to food products but also to the methods and conditions of their production, while observing the basic rules of fair trade and ethics and humanitarian aid. It is also a contemporary normative challenge to incorporate the

[14] See also J. Małysz, *Bezpieczeństwo żywnościowe strategiczną potrzebą ludzkości*, Warszawa 2008, p. 83; idem, *Ekonomiczna interpretacja bezpieczeństwa żywnościowego*, [in:] *Bezpieczeństwo żywności w erze globalizacji*, ed. S. Kowalczyk, Warszawa 2009, pp. 78–119.

[15] FAO, *The Strategic Framework for FAO 2000–2015*, Rome 1999, p. 10 ff.; FAO, *The Right to Food: Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*, Rome 2005, https://www.fao.org/3/y7937e/y7937e.pdf (access: 10.12.2022), p. 5; FAO, *Food Security*, "Policy Brief" 2006, vol. 2, p. 1.

[16] More on this topic, see J. Małysz, *Bezpieczeństwo żywnościowe – wokół rozumienia kategorii bezpieczeństwa*, [in:] *Wokół trudnych problemów globalnego rozwoju obszarów wiejskich, gospodarki żywnościowej i rolnictwa*, eds. K. Duczkowska-Małysz, A. Szymecka, Warszawa 2009, pp. 137–170.

[17] This definition was developed in the USA by agrarian sociologists L.M. Busch and W.B. Lacy and published in a study edited by these sociologists entitled *Food Security in the United States* (Boulder–London 1984).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 14/11/2026 13:08:54

indicated expectations into a coherent legal system. Its elements are also ensuring safety of agricultural production for agricultural producers, natural environment and animal welfare.[18]

The phenomena of industrial agriculture provoke questions about the limits of safe progress in agricultural production. Against this background, a fundamental conflict of interest for agriculture emerges. Overproduction of raw materials, on the one hand, radically increases accessibility of food products and stabilizes economic situation of agricultural producers, but, on the other hand, causes extreme threats to efficiency and behavior of agroecosystems, as well as serious health threats for consumers of such food.[19] As further threats to food and food security, and therefore also a legislative challenge, are mentioned the rapid reduction of access to agricultural land and the continuous reduction of its area, as well as the impoverishment and disappearance of biodiversity. Global food security is also adversely affected by climate change, new plant and animal diseases, rising energy and food prices, food loss and waste, food speculation, and world population growth.[20] This level of conflict is now a cardinal aspect of the agrarian question and requires a constant weighing of conflicting interests and the creation of legal mechanisms for balancing them. In legislative processes, it should be taken into account that in international law food security is related to the human right to food and the possibility of its provision.[21] The right to food is part of the human rights to life, to food, and to human dignity.[22] In the European regulations, ensuring food safety results from the provisions of the Treaty on the Functioning of the European Union,[23] which states in Article 39 that the aim of the Common Agricultural Policy is (among others) to guarantee security of supply and reasonable prices for consumers.[24]

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[18] Cf. European Group on Ethics in Science and New Technologies to the European Commission, *Ethics of Modern Developments in Agriculture Technologies*, Brussels, 17.12.2008, https://www.um.edu.mt/library/oar/bitstream/123456789/94737/1/Ethics_of_modern_developments_in_agricultural_technologies_2008.pdf (access: 10.12.2022), p. 47.

[19] Cf. *ibidem*, p. 82.

[20] According to UN demographic projections, there will be about 9.8 billion people in the world by 2050 and 11.2 billion by 2100. See World Population Prospects, https://population.un.org/wpp (access: 16.4.2020).

[21] K. Leśkiewicz, *Bezpieczeństwo żywnościowe i bezpieczeństwo żywności – aspekty prawne*, "Przegląd Prawa Rolnego" 2012, vol. 1, pp. 179–180.

[22] See Article 3 and Article 26 (1) of the Universal Declaration of Human Rights adopted and proclaimed by UN General Assembly Resolution 217 A (III) on 10 December 1948, A/811 of 16 December 1984; Article 11 of the International Covenant on Economic, Social and Cultural Rights opened for signature in New York on 19 December 1966 (Journal of Laws 1977, no. 38, item 169).

[23] Treaty on the Functioning of the European Union, consolidated version (OJ C 202/1, 7.6.2016).

[24] L.A. Thrupp, *Linking Agricultural Biodiversity and Food Security: The Valuable Role of Agrobiodiversity for Sustainable Agriculture*, "International Affairs" 2000, vol. 76(2), pp. 265–281. In more detail, see M.A. Król, A. Niewiadomski, *Rodzinne gospodarstwa rolne w systemie prawnym ochrony środowiska i zrównoważonego rozwoju*, [in:] *Ekonomiczne i prawne mechanizmy wspierania*

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Data: 14/11/2026 13:08:54

Unfortunately, the Polish legislation does not articulate any of these assumptions in a systemic and strategic way, leaving the regulation of such socially fundamental issues to free market mechanisms or referring to them in scattered acts regulating certain segments of protection activities.

3. Globalization processes

Globalization is a defining feature of modern times. It has various manifestations and an increasing impact on social, economic and environmental phenomena. The globalization process leads to the unification of national economies, internationalization of finances, markets, cultural models, as well as political and legal institutions.[25] Nowadays globalization takes place largely outside the sphere of power of nation states, which control the course of economic events to a limited extent.[26] In the context of the consideration of the contemporary agrarian issue, it is necessary to focus attention on the formed global corporate food order (system).

The concept of global food order (food regime) was formulated in sociological sciences by H. Friedmann, who identified the key players shaping the global order. She considered international institutions,[27] agribusiness corporations,[28] and philanthropic capital.[29] In the corporate food order, the production and redistribution of food are done without regard to sustainability. The overriding goal is the subordination of the stock of agricultural land and other productive components to corporations, the unlimited use of agrobiodiversity resources, as well as labor, capital along with their subordination to the sphere of finance.[30] The goal of such a system is to ensure ever-increasing profits for corporations by providing cheap food, regardless of its health safety, natural and social costs.[31]

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i ochrony rolnictwa rodzinnego, ed. M. Podstawka, Warszawa 2015, pp. 240–253; M.A. Król, *Rola gospodarstw rodzinnych w prawnej ochronie zasobów środowiska i różnorodności biologicznej*, [in:] *Prawne mechanizmy wspierania i ochrony rolnictwa rodzinnego w Polsce i innych państwach Unii Europejskiej*, ed. P. Litwiniuk, Warszawa 2015, pp. 155–173.

[25] W. Jakubowski, S. Sulowski, *Historyczny rozwój państw*, [in:] *Społeczeństwo i polityka. Podstawy nauk politycznych*, vol. 1, part 2: *Teoria, instytucje i procesy. Polityczna organizacja społeczeństwa*, eds. K.A. Wojtaszczyk, S. Sulowski, W. Jakubowski, Warszawa 2018, pp. 87–93.

[26] P. Winczorek, *Nauka o państwie*, Warszawa 2011, p. 303.

[27] Specifically, World Bank, International Monetary Fund, and World Trade Organization.

[28] Among others, Cargill, Monsanto, ADM, Tyson, Carrefour, Tesco, Walmart.

[29] More extensively, see H. Friedmann, *Feeding the Empire: The Pathologies of Globalized Agriculture*, "The Socialist Register" 2005, vol. 41, pp. 124–143.

[30] D. Burch, G. Lawrence, *Towards a Third Food Regime: Behind the Transformation*, "Agriculture and Humans Values" 2009, vol. 26(4), pp. 267–279; P. McMichael, *A Food Regime Analysis of the 'World Food Crisis'*, "Agriculture and Human Values" 2009, vol. 26, pp. 281–285; idem, *Food Regimes and Agrarian Questions*, Fernwood 2013, p. 22.

[31] E. Holt-Gimenez, A. Shattuck, *Food Crises, Food Regimes and Food Movements: Rumblings of Reform or Tides of Transformation?*, "Journal of Peasant Studies" 2011, vol. 38(1), p. 119.

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Data: 14/11/2026 13:08:54

The answer is the concept of food sovereignty, which in its basic assumptions is in opposition to transnational food corporations and globalization processes. It was shaped on the forum of the international movement La Via Campesina, associating small agricultural producers mainly from developing countries. Food sovereignty means the right of people and countries to conduct their own agricultural and food policy, without the pressure of international agricultural markets, and consequently to organize food production and consumption according to the needs of local communities. It emphasizes the right to protect and regulate domestic plant and animal production, to protect the internal market against dumping of surpluses and the influx of cheap food from other countries.[32]

A particular manifestation of globalization is land grabbing, also referred to as agro-colonialism, understood as the large-scale, often hostile, takeover of the use and/or rights to agricultural land. The negative consequences are loss of access to land and natural resources. Further consequences are conflicts over the preservation of livelihoods and increased economic inequality in local communities, as well as increased pressure on infrastructure and environmental systems. Large-scale land grabs exacerbate food insecurity raise production costs and food prices. Land grabbing is the result of interest in agricultural land as a form of capital investment by financial investors, and identifying the participants in such transactions is extremely difficult due to complex cascading relationships that create opaque investment networks. The growing global interest in agricultural land and the creation of a polycentric global food system has led to the emergence of large-scale holdings with the involvement of global capital. It also points to a new group of investors who until recently were not interested in agriculture. This applies especially to individual investors and investment funds, including pension and insurance funds, which have created specialized agricultural investment funds. Their investments are carried out by subsidiaries operating in the countries of acquisition. It follows from the above that land grabbing is a phenomenon directly related to the global food system and a spectacular example of national authorities losing control over globalization processes.[33] And it is undoubtedly a contemporary challenge of parliamentarism.

[32] See more S. Kowalczyk, *Globalizacja, agrobiznes i produkcja żywności*, [in:] *Bezpieczeństwo żywności w erze globalizacji*, ed. S. Kowalczyk, Warszawa 2009, pp. 19–71.

[33] See more R. Pastuszko, *Dostęp do zasobu gruntów rolnych w procesach globalizacji. Zagadnienia prawne*, Lublin 2019, pp. 99–100, 234.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 14/11/2026 13:08:54

4. Public participation

Civil society, as a permanent element of a modern democratic state under the rule of law, requires the recognition of its participation.[34] International treaties treat the freedom of association of persons in organizations established for the purpose of defending rights and representing professional, economic and social interests as a fundamental human right.[35] Due to the specificity of agricultural production and the existential importance of its products, almost from the dawn of international initiatives the necessity of adopting separate legal regulations for agriculture was postulated. One of the first was the International Convention on the right of association and coalitions of agricultural workers, adopted as a draft on 12 November 1921 in Geneva at the General Conference of the International Labor Organization of the League of Nations.[36] The next act concerning agriculture was the Convention (No. 141) of the International Labour Organization on the organization of agricultural workers and their role in economic and social development, adopted in Geneva on 23 June 1975.[37] At the United Nations, subsequent work on a separate act dealing exclusively with farmers and rural people took several years, culminating in the adoption of United Nations Declaration on the rights of peasants and other persons working in rural areas,[38] adopted on 17 December 2018. The right expressed in the Declaration to create and influence the local social, environmental and economic relations of the rural population, and the correlated obligation of public authorities to respect and enable farmers to take appropriate action, gives the idea of rural economic self-government a transnational dimension, and points to a new aspect of the agrarian question, in which the participation of local communities realized in various forms of self-organization is of particular importance.

In the treaty provisions of the European Union, the importance of economic and professional self-government is enshrined in the principles of a social market economy and democracy, which is shaped by the provisions of Article 2 in conjunction with Article 3 (3) of the Treaty on European Union and the provisions of the Treaty on the Functioning of the European Union governing the economic freedoms of the EU. The

[34] W. Szymczak, *Znaczenie wartości w tworzeniu społeczeństwa obywatelskiego*, [in:] *Społeczeństwo obywatelskie*, ed. E. Balawajder, Lublin 2007, p. 33.

[35] See, i.a., Convention (No. 87) concerning freedom of association and protection of the right to organize, adopted in San Francisco on 9 July 1948 (Journal of Laws 1958, no. 29, item 125); Convention on the protection of human rights and fundamental freedoms done at Rome on 4 November 1950, subsequently amended by Protocols Nos. 3, 5 and 8 and supplemented by Protocol No. 2 (Journal of Laws 1993, no. 61, item 284, as amended); Charter of Fundamental Rights of the European Union (OJ EU C 303/1, 14.12.2007).

[36] Journal of Laws 1925, no. 54, item 378.

[37] Journal of Laws 1994, no. 22, item 76.

[38] Resolution adopted by the General Assembly on 17 December 2018, A/RES/73/165.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 14/11/2026 13:08:54

foundation of a social market economy is social democracy, in which an important decision-making and law-making role is entrusted to civil society and its organized representations.[39] The adopted method of management of particular economic and social policies of the EU results in the fact that the assumptions of particular policies and legal regulations established for their purposes have stronger democratic legitimacy than legal regulations established independently by competent legislative bodies at the national or EU level.[40] Due to the recognition of agriculture as a sensitive sector of the economy, the participation of farmers acquires particular importance.[41] In agriculture, the essential form of public participation is the chambers of agriculture. The functioning of modern Chambers of Agriculture, the scope of entrusted and actually realized competences and their importance as organs of economic self-government are assessed inconsistently. In the first years of their functioning, the Chambers enjoyed full support and involvement of rural communities. Subsequent years weakened the positive assessment and now critical opinions prevail. First of all, farmers associated within the self-government do not hide their disappointment pointing to the weak systemic position of the Chambers, lack of instruments for administration of agriculture, especially in the mechanisms of the Common Agricultural Policy of the European Union, lack of a coherent vision of the national agricultural policy, lack of systemic cooperation between local organizations and the central body and submission to and subordination to political and lobbying pressure. The supporters of agricultural economic self-government, however, raise objections to statutory regulation as the source of negative evaluations and weakness of the Chambers. They indicate that only advisory and opinion-making powers have been granted, which de facto makes it impossible to take independent actions. The situation is aggravated by the statutory changes made in recent years, which consistently weaken the position of the Chambers, transferring its current competencies to other entities and organizations. These actions diverge from global and European trends, which increasingly emphasize the importance of social participation in the economy. The necessity of changes in the regulations governing the agricultural self-government has been signaled for years in the literature and in the social discourse forum and remains a challenge for the contemporary parliamentarism.[42]

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[39] T. Meyer, L. Hinchman, *The Theory of Social Democracy*, Cambridge 2007, p. 45.

[40] D. Schiek, *Economic and Social Integration: The Challenge for EU Constitutional Law*, London 2012, pp. 234–235; M. Szydło, *Gender Equality on the Boards of EU Companies: Between Economic Efficiency, Fundamental Rights and Democratic Legitimisation of Economic Governance*, "European Law Journal" 2015, vol. 21(1), p. 107.

[41] M. Szydło, [in:] *Konstytucja RP*, vol. 1: *Komentarz do art. 1–86*, eds. M. Safjan, L. Bosek, Warszawa 2016, p. 143.

[42] The problem of chambers of agriculture together with *de lege ferenda* conclusions concerning their place and competence in the model of market economy have been presented in the monograph B. Jeżyńska, M.A. Król, *Izby rolnicze w modelu społecznej gospodarki rynkowej*, Lublin–Łódź 2021, p. 160.

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Data: 14/11/2026 13:08:54

CONCLUSIONS

From these considerations there seems to emerge a clear conclusion that the agrarian question must regain its position as an urgent challenge to parliamentarism, which must be viewed through the prism of answers to two fundamental questions.

The first answer should concern the object scope of the agrarian question as a part of parliamentary work. And the next is to determine the contemporary form of interaction of the parliament with social partners in solving the agrarian issue. Only the coordination of the necessary actions in this regard will allow the effective and adequate implementation of legislative challenges and the formation of a coherent system of agrarian law.

Looking for answers to the first of the questions, it is necessary to pay attention to the development strategies.[43] Public institutions, especially the parliament is called to monitor and weigh the spheres in which the conflict of interests is permanently inscribed in the conducted activity, as it is the case in agriculture. Ensuring food and food security, economic security of agricultural producers and food consumers, controlling aggressive globalization processes, requires the construction of long-term, consistent and optimal development plans. Strategies must create a consistent vision of social, economic, environmental, and health values and goals. Economists point to three types of priorities: strategic (chief), sectoral (sectoral) and sectional.[44] The challenge of parliamentarianism is strategic priorities should set the boundary conditions for optimal macroeconomic (public) and microeconomic (private) outcomes.[45] This requires a holistic approach taking into account multifunctionality of agriculture, valuation of provided ecosystem services, sustainable development of rural areas, and in consequence adoption of a new paradigm of agriculture in which quality of life, multi-generational social solidarity, ecological sensitivity, protection of public goods created by farms will be of structural importance.[46] The definition of the catalog of goals and values and the resulting protected public goods, together with protection instruments, is the

[43] The issue of development strategies is the domain of economists who for many years have been trying to formulate guidelines for their construction and indicate the importance for development policy. A review of strategies in agriculture in the context of changing set strategic goals was made by J.S. Zegar (*op. cit.*). The author also analyzed the meaning of the concept of strategy, social, economic, macro- and micro-economic and ecological conditions (*ibidem*, pp. 316–378).

[44] The classification proposed by A. Woś (*Identyfikacja priorytetów w modernizacji sektora rolno-spożywczego w Polsce*, Warszawa 1998, pp. 2–3) is already commonly used.

[45] J. Wilkin, *Polska wieś 2025*, Warszawa 2005, p. 11.

[46] J. Gołębiewski, *Dostosowania rolnictwa w Polsce do zmian w łańcuchu żywnościowym w latach 2000–2015*, [in:] *Współczesna kwestia agrarna*, ed. P. Litwiniuk, Warszawa 2016, pp. 327–330.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 14/11/2026 13:08:54

privilege, but also the duty of the legislator,[47] which does not mean, however, that it has exclusivity in this respect.

Preparation and implementation of strategic development plans requires social acceptance – it is a form of social contract. Its establishment must take into account the effective participation of social partners. Observed social phenomena indicate that the current formula of parliamentary participation is insufficient. So far, at the level of parliamentary work, social participation has been implemented as consultations, meetings of the standing subcommittees of the Sejm and Senate for Rural and Agricultural Development, presentation of expert opinions, opinions on draft legislation and the results of discussions by invited representatives of producers and their self-government and professional organizations. The inadequacy of the existing forms of such cooperation may be evidenced by the emerging new initiatives in which agricultural producers and rural residents are looking for other forms of articulating their expectations and needs. As part of these grass-roots initiatives, Agro-Union and OZON Association were established, which, so far, have become best known for their protest actions.

The Rural Parliament Association (Pol. *Stowarzyszenie Parlament Wiejski*, SPW) has adopted a different form of activity. The SPW is a supra-party association of individuals working together to support the authorities, especially the legislative ones, in proposing optimal legal solutions for villages, agriculture, food and non-food products of agricultural origin. The reference to the Parliament of the Republic of Poland is not limited to the name itself, but it is also visible in the organizational structure and the course of the debates. According to the statute, the members of the SPW can be: villagers, farmers or agro-experts. The structure of the SPW provides for a lower chamber referred to as the "village assembly" consisting of 100 delegates elected from among the SPW members who are villagers or farmers. Another is an upper house called the "Rural Senate" which consists of 50 delegates elected from among SPW members who are agro-experts. The SPW can exercise the right of civic legislative initiative. The activities of the Association Board focus on organizing various forms of social consultations – mini debates in groups of several experts, the composition of which is strictly dependent on the legal topic discussed and their effects are disseminated. The Association takes up problems of strictly legal nature and strives to solve difficult and conflicting issues, all falling within the agrarian issue. As the first issues were selected topics: Support for former state farm workers and their families; What definition of an active farmer?; Bringing back to the debate the draft law on the State Food Safety Inspection; and the National Protein Plan. The latter deserves special attention, because the Board of the SPW, based on already established relations with French organizations implementing the French program of becoming independent from

[47] J.S. Zegar, *op. cit*., p. 344.

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Data: 14/11/2026 13:08:54

protein imported from third countries, plans to organize a Polish-French debate, which would be an inspiration for the development of our Polish National Protein Plan. On the other hand, a nationally televised multi-panel debate "City – Country Dialogue" has already taken place, with the participation of agro-experts, MEPs and representatives of farmers and rural residents' organizations.[48]

The need for increased and systemic participation of participatory bodies provokes a final question about the possibility of changing the concept of parliamentary bodies and perhaps returning to the concept of the Senate as a self-governing or quasi-governing chamber.[49]

Summing up the concluding remarks it should be stated that the problem of agrarian issue in the context of Polish parliamentarism has a new context, urgent expectations of undertaking multifaceted legislative and organizational works and significant theoretical and practical meaning having impact on economic functioning of agriculture and agricultural law regulations. For these reasons it deserves consideration.

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ABSTRAKT

Kwestia agrarna jako pojęcie języka prawniczego ma swoje źródła w innych naukach, przede wszystkim w socjologii, ekonomii i politologii, gdzie historycznie jest definiowana jako rozdźwięk między wymaganiami rozwijającego się życia a istniejącymi stosunkami, które przestały odpowiadać pojawiającym się potrzebom. Na przestrzeni lat treść kwestii agrarnej w Polsce ewoluowała, utrzymując jednak w centrum uwagi procesy industrializacji rolnictwa. Ostatnie lata dokonały gruntownej zmiany w interpretacji kwestii agrarnej. Jej treść współcześnie kształtują trzy zasadnicze czynniki: równowaga agroekosystemów oraz dostęp do zasobów rolnych; bezpieczeństwo żywnościowe i bezpieczeństwo żywności; procesy globalizacyjne oraz ruchy społeczne, w których realizowana jest idea partycypacji producentów rolnych i ludności wiejskiej w społecznej gospodarce rynkowej. Każdy ze wskazanych aspektów jest wyzwaniem dla współczesnego parlamentaryzmu.

Słowa kluczowe: kwestia agrarna; zasób rolny; bezpieczeństwo żywnościowe; bezpieczeństwo żywności; globalizacja; partycypacja społeczna