

## ORGANISATIONAL NATIONALISATION – SEIZING CONTROL OF AN ORGANISATION WITHOUT TRANSFERS OF PROPERTY RIGHTS ON THE EXAMPLE OF HOUSING COOPERATIVES IN PEOPLE'S POLAND / Piotr Eckhardt

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**Abstract:** *In all Central and Eastern European countries during the period of the establishment of state socialism after World War II, nationalisation involving the state taking over ownership of certain categories of property in order to build an economic system in line with the new ideological principles took place. In Poland, large land estates, enterprises belonging to basic branches of the economy, or all real estate in the city of Warsaw were nationalised. The nationalisation of housing cooperatives contradicted the official declarations of the People's Poland authorities, who promised to support cooperative movement. However, a number of legal regulations were introduced with the help of which the People's Poland authorities took control over housing cooperatives in order to, at first, practically force them out of operation and, later, instrumentally use them to implement the state's housing policy. Centralisation of cooperative movement and hierarchical subordination of cooperatives to state-controlled associations were carried out. The economic activities of the housing cooperatives were subordinated to the principles of a centrally planned economy. The possibility of creating new cooperatives was restricted, and the authorities reserved the right to liquidate existing ones. The order in which cooperatives allocated housing to their members was superimposed. Later, cooperatives were forcibly merged, and the area in which they could operate was restricted. Cooperative self-government was partly transformed into local state administration. In the case of housing cooperatives in People's Poland we cannot speak of proper nationalisation because there were no transfers of ownership. However, all other effects of nationalisation took place, but were achieved by other means. Such measures can be described as organisational nationalisation, which was also carried out in other spheres in People's Poland.*

**Keywords:** Nationalisation; Housing Cooperatives; State Socialism; People's Poland; Legal History

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## 1. INTRODUCTION

The nationalisation of certain kinds of private property was one of the mechanisms of economic transformation during the construction of state socialism after World War II in basically all Central European countries (Obradović, 2007, p. 58-59), which was the consequence of views on property in the dominant political ideology at the time (see Kovács, 2018). In the contemporary academic literature, the issue is more frequently featured indirectly, in the context of research on the problem of property restitution as part of political transition in post-socialist states (see, e.g., Damša, 2007; Kuti, 2009; Lux, Cirman and Sunega, 2017).

The definition of nationalisation was debated after World War II, when international law scholars examined the international effects of new economic policies introduced by particular states. Isi Foighel summarised that in the literature nationalisation was differentiated from expropriation and other traditional forms of interference with property because of the specific: motive, purpose, extent, subject-matter and form (Foighel, 1957, p. 14). After a lengthy debate, the Institut de Droit International adopted the following definition: "Nationalisation is the transfer to the State, by legislative measure in the public interest, of private property or rights of a certain category, to be used or controlled by the State, or to be given a new purpose by the State" (Annuaire, 1952, p. 283). Foighel argued that this definition was too broad and included expropriation in the traditional sense as well - he gave the example of the state taking over agricultural land in order to build railways, which according to this definition should also be considered nationalisation. He pointed out that the characteristic purpose of nationalisation is to prevent private owners from using their property for their own economic purposes, while at the same time allowing the state to use the nationalised property in the existing way (Foighel, 1957, pp. 18-19).

On the example of Romania, Emod Veress identified six characteristic features of nationalisation in the socialist countries of Central and Eastern Europe: (1) legal acts introducing nationalisation usually indicated only general categories of property and required detailed administrative decisions, against which, however, there were no remedies; (2) the object of nationalisation was property constituting the means of production according to Marxist terminology; (3) the effect of nationalisation was a permanent transfer of property from private hands to the state; (4) the beneficiary of nationalisation was, according to Marxist theory, the people and effectively the state (and not some state-owned company or other entity); (5) the purpose of nationalisation was to achieve a desirable economic order, free from exploitation of the working class; (6) there was no absolute requirement for compensation (Veress, 2022, pp. 249-252). I consider Veress's concept to be accurate, with the reservation that I believe that the fifth feature, concerning the construction of a new economic system as an objective, is the most important one, while the others should not be treated absolutely. This is because it is possible to find examples of acts which lacked some of these features and can still be regarded as nationalisation for the purpose of building state socialism (e.g., in Poland, expropriated large land estates were only partly used to create state agricultural holdings. Much land was handed over to small farmers. However, this still served the purpose of liquidating the landowning class - the pre-war aristocracy).

With the aforementioned reservation, it can be considered that shortly after the end of World War II in the People's Poland a number of legal acts were introduced which implemented the nationalisation of: private agricultural estates (with an area exceeding

50 or 100 hectares, depending on the specific conditions),<sup>1</sup> private forests (exceeding 25 hectares),<sup>2</sup> of all immovable property on the territory of the City of Warsaw,<sup>3</sup> enterprises operating in key sectors of the economy (e.g., energy, mining, transport, defence industry) and all other enterprises employing more than 50 people per shift,<sup>4</sup> as well as all movable or immovable property which belonged before the World War II to citizens of the German Reich and the Free City of Danzig and companies controlled by them, and property abandoned during the war whose owners have not retaken possession of it.<sup>5</sup>

A common element in the definitions of Veress and Foighel and all the above-mentioned acts of the People's Poland was the transfer of property. Such interventions in private property can be called *proper nationalisation*.

The seizure by the state of the ownership of land estates belonging to the pre-war aristocracy or large enterprises owned by capitalists was entirely in line with the ideological principles of the emerging People's Poland. However, there were also entities possessing large estates (including numerous valuable real estates) whose proper nationalisation would contradict the official political declarations of the new authorities. This does not mean that the leaders of the People's Poland gave up on taking control of them. There were solutions applied which did not involve the transfer of property rights to the state, but their effects were in many respects similar to nationalisation fulfilling the definitions cited in the introduction and implemented in People's Poland on the basis of the laws and decrees cited above. This paper presents the results of an analysis of the most relevant case of such actions: changes in the legal regulation of the principles of organisation and functioning of housing cooperatives in Poland in the years 1945-1989. On this basis, an attempt will then be made to construct a concept of *organisational nationalisation*, which performed in state socialism similar political functions to proper nationalisation, but without the transfer of property rights.

## 2. THE FIRST YEARS AFTER WORLD WAR II AND 1950s - THE STATE TAKES CONTROL OF THE COOPERATIVE MOVEMENT

The history of Polish housing cooperatives dates back to the turn of the twentieth century, when the area of contemporary Poland was controlled by the Russian Empire, the Habsburg Monarchy and Prussia (Piócharski, 1979, pp. 5-6). After Poland regained its independence in 1918, these organisations began to develop gradually. Cooperatives of two types were formed: housing cooperatives and construction-housing cooperatives. The latter required larger financial contributions from members but offered full ownership of dwellings (Kasperski, 1972, p. 6). In 1938, there were 194 construction-housing cooperatives and 67 housing cooperatives in Poland (Maliszewski, 1992, p. 56). In 1920, a law regulating the activities of cooperatives was adopted.<sup>6</sup> Importantly, it did not contain any regulations allowing the state authorities to influence the formation, operation and liquidation of cooperatives.

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<sup>1</sup> Decree of the Polish Committee for National Liberation of 6 September 1944 on the Implementation of Land Reform (Dz.U. 1944 nr 4 poz. 17).

<sup>2</sup> Decree of the Polish Committee for National Liberation of 12 December 1944 on the Taking Over of Certain Forests to the Ownership of the State Treasury (Dz.U. 1944 nr 15 poz. 82).

<sup>3</sup> Decree of 26 October 1945 on the Ownership and Use of Land in the Area of the Capital City of Warsaw (Dz.U. 1945 nr 50 poz. 279).

<sup>4</sup> Law of 3 January 1946 on the Takeover of Essential Branches of the National Economy into State Ownership (Dz.U. 1946 nr 3 poz. 17).

<sup>5</sup> Decree of 8 March 1946 on Abandoned and Post-German Property (Dz.U. 1946 nr 13 poz. 87).

<sup>6</sup> Law of 29 October 1920 on Cooperatives (Dz.U. nr 111 poz. 733).

The People's Poland authorities, which were forming with Soviet assistance, expressed their support for the broad development of cooperatives already in their first ideological declaration, the July 1944 Manifesto of the Polish Committee of National Liberation. The inclusion of such a formulation in the manifesto basically ruled out the proper nationalisation of cooperatives, including housing cooperatives. Almost at the same time, the communists began to subordinate the cooperative movement. Already on 25 and 26 November, under pressure from the new authorities and with interference from the security services, the Cooperative Congress was held. It was organised in Lublin, as a large part of Poland, including Warsaw, was still under German occupation. Two key decisions were made at the congress, which were crucial for the subsequent decades of development of cooperative activity in Poland. First, the unification of the cooperative movement was achieved. On the basis of one of the large pre-war associations of cooperatives, the "Społem" Economic Association of Cooperatives of the Republic of Poland was created, which brought together all cooperatives in the country. Secondly, the principle of the apolitical nature of the cooperative movement was broken, giving full support to the new communist authorities (Chyra-Rolicz, 2002).

At the Second Congress of Delegates of 'Społem', which took place on 25 and 26 November 1947, steps were taken towards further centralisation of the Polish cooperative movement. Resolutions were then passed calling for the creation of the Central Cooperative Union, an institution representing all Polish cooperative organisations. Within its structures, the so-called cooperative headquarters, i.e., unions of cooperatives operating in particular sectors of economy, were planned (Płocharski, 1979, p. 35). The close relationship between the highest bodies of the then cooperative movement and the authorities of People's Poland is evidenced by the pace of implementation of these demands. As early as May 1948, the Law on the Central Cooperative Union and Cooperative Headquarters was passed.<sup>7</sup> According to Article 28 of this act, the cooperative headquarters was an entity bringing together all cooperatives of a given type (carrying out a given activity), and Article 29 stated that each cooperative had a duty to belong to the relevant cooperative headquarters. This was the first step towards centralising the cooperative movement and stripping individual cooperatives of their autonomy.

Based on these regulations, on 1 July 1948, the Headquarters of Housing Cooperatives was established (Płocharski, 1979, p. 36). Its statute included ambitious objectives: social housing was to be initiated, developed, and supported by carrying out architectural and construction work, as well as organising the administration of housing estates (Płocharski, 1979, pp. 36-37). The statute of the Housing Cooperatives Headquarters indicated that these undertakings should be carried out within the framework of the state planned economy, but the general wording of these provisions allowed for the hope that, despite the far-reaching centralisation, housing cooperatives would still be able to build and manage new dwellings.

However, at the same time, the People's Poland authorities issued the Decree of 26 April 1948 on the Department of Workers' Estates.<sup>8</sup> On the basis of this legislation, a state enterprise was created, which was supposed to take over all investment activities in the area of housing financed by the state within the framework of the centrally planned economy. The Department of Workers' Estates was to establish branches responsible for the construction of housing for specific parts of the country and for employees of specific branches of the economy (there was even provision for the possibility of creating a

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<sup>7</sup> Law of 21 May 1948 on the Central Cooperative Union and Cooperative Headquarters (Dz.U. nr 30 poz. 199).

<sup>8</sup> Decree of 26 April 1948 on the Department of Workers' Estates (Dz.U. 1948 nr 24 poz. 166).

branch for the construction of housing exclusively for the employees of one specific state enterprise). According to the decree mentioned above, the Department of Workers' Estates was responsible not only for all aspects of the investment processes (preparing the land, constructing new buildings, repairing damaged houses and completing unfinished ones, as well as carrying out scientific research into methods of housing construction), but also for the subsequent administration of the buildings it had constructed. It is therefore clear that the socialist state decided to implement the entire housing policy by its own efforts, through a company created specifically for this purpose. Such a move raised serious doubts as to whether the fulfilment of the objectives contained in the statute of the Housing Cooperatives Headquarters would be possible at all. The cooperative fears began to be confirmed from the very beginnings of the Department of Workers' Estates. A few months after its establishment, the Warsaw Housing Cooperative was forced to hand over to it the building it had rebuilt after the war, and not for housing purposes, but for the offices (Maliszewski, 1992, p. 88). Shortly afterwards, the Department of Workers' Estates took over a housing estate in the Mokotów district, which was being built by this cooperative, in order to complete it on its own (Kasperski, 1971, p. 27).

It is necessary to explain the sources of the conflict of interests between the state-owned enterprise Department of Workers' Estates, which was established at the same time, and the Housing Cooperatives Headquarters, which was only slightly more indirectly controlled by the political apparatus of the state. In the years 1945-1948 there was a dispute over the shape of People's Poland's social and economic system, and the future role of cooperative organisations in the state's economy was one of its areas (Kowalik, 1980, pp. 55-63). By 1948, when the Polish United Workers' Party was founded, there were two major political formations: the Polish Workers' Party and the Polish Socialist Party. It was the members of the later party who saw the need for strong social control over the economy. The cooperative movement would be one of its instruments. However, members of the Polish Socialist Party were pushed away from influencing state policy (Madej, 2003, p. 15). Economists associated with the Polish Workers' Party began to play a greater role, advocating a tighter implementation of the Soviet economic model, based on state ownership with the simultaneous reduction of the role of cooperative ownership (Tymiński 2018, pp. 177-178). They formulated the position that in a socialist system the housing problem could and should be solved by the state and at the expense of the state (Kasperski, 1971, p. 26).

Eventually an intermediate option prevailed, which was, however, very close to the view of the redundancy of cooperative organisations in People's Poland. Formally, they were allowed to continue to function, but in practice they were deprived of the remnants of independence. At the end of 1949, a deep amendment of the Law of 1920 was made.<sup>9</sup> The act's new wording<sup>10</sup> provided a different definition of cooperative. Until then, it was just an association of an unlimited number of persons with variable capital and composition, aiming to improve their economic situation by running a joint enterprise. According to the definition in the amended law, the association mentioned above should not carry out any enterprise, but only economic activities that fall within the framework of the national economic plan. The Central Cooperative Association was given the competence to create model statutes for particular types of cooperative. These documents were not supporting material for people establishing new cooperatives but

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<sup>9</sup> Law of 20 December 1949 amending the Law of 29 October 1920 on Cooperatives and the Law of 21 May 1948 on the Central Cooperative Union and Cooperative Headquarters (Dz.U. 1949 nr 65 poz. 524).

<sup>10</sup> Law of 29 October 1920 on Cooperatives, as amended (consolidated text: Dz.U. 1950 nr 25 poz. 232).

formally binding guidelines. When registering a cooperative, the court reviewed the draft of its statute to ensure compliance with the model set by the Central Cooperative Union. Subsequent articles added to the Law of 1920 granted the Union a number of possibilities to interfere directly in the situation and activities of particular cooperatives. The Central Cooperative Union could dispose of the businesses run by them, merge cooperatives, and even liquidate them. Each of the provisions allowing that mentioned the same justification for such decisions: the reasons of a centrally planned economy. After the revision of the Law of 1920, the criteria for controlling the activities of cooperatives included not only compliance with the law and the statute, but also the implementation of the guidelines of state policy and economic plans and the compliance of activities with the principles of the socialised economy. The Supreme Cooperative Council, an organ of the Central Cooperative Union, gained the power to overrule the resolutions not only of the bodies of the local branches of the union and of the cooperative headquarters, but even of particular cooperatives. The revised law indicated not only a violation of the law but also other important reasons as a sufficient reason for such action. As a result of the entry into force of the 1949 amendment, the Polish cooperative movement was not liquidated, but in principle lost its independence completely.

Due to the deep centralisation of the cooperative movement introduced by the amendment of the Law on Cooperatives and the subordination of cooperatives to the centrally planned economy with the simultaneous transfer of all investment activities in housing to the Department of Workers' Estates within the framework of this economy, the possibilities of pursuing the statutory objectives of the Housing Cooperatives Headquarters were drastically reduced. In such a situation, the Supreme Cooperative Council made a top-down decision to dissolve it (it was done on 30 June 1950, so Headquarters existed only for two years). At the same time, the Office of Housing Cooperatives was established, which was sufficient in a situation in which the cooperatives carried out very limited activities, consisting practically only of managing the buildings they already owned (Płocharski, 1979, p. 44).

The changes in cooperative law described above increased state control over the functioning of organisations operating in all sectors of the economy. Specific restrictions particularly severe for housing cooperatives came from the new regulations introduced into the housing law at that time. In Poland, the so-called public management of dwellings was introduced as early as 1944, under which the state was the disposer of dwellings located in private buildings (Fermus-Bobowiec, 2019, p. 246). In the first years after World War II, the housing situation was so dire that the People's Poland authorities decided to introduce certain investment incentives for private entities, regardless of the already started construction of a socialist economy based on central planning and state ownership. Regulations were adopted that exempted premises located in thoroughly renovated buildings from the aforementioned restrictions on the disposal of private property.<sup>11</sup> Similar measures were applied to newly constructed buildings.<sup>12</sup> These exceptions to the public management of dwellings were eagerly used by housing cooperatives. In February 1951, the Act on Newly Built and Rebuilt Buildings and Dwelling<sup>13</sup> was passed, with virtually the sole purpose of eliminating the aforementioned exemptions. Based on administrative decisions, dwellings in buildings belonging to housing cooperatives were allocated to persons who were not members of these

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<sup>11</sup> Article 6 of Decree of 26 October 1945 on the Demolition and Repair of Buildings Destroyed and Damaged by War (Dz.U. 1945 nr 50 poz. 281).

<sup>12</sup> Article 6 of Law of 3 July 1947 on the Promotion of Construction (Dz.U. 1947 nr 52 poz. 270).

<sup>13</sup> Law of 26 February 1951 on Newly Built or Rebuilt Buildings and Dwellings (Dz.U. 1951 nr 10 poz. 75).

cooperatives. They paid very low rents, regulated by law, which did not cover the real maintenance costs of the buildings. The resulting shortfalls in the cooperatives' budgets had to be supplemented by their members. In some buildings, 70-80% of the dwellings were occupied by people who were not members of the cooperative, living there on the basis of administrative decisions issued under the public management of dwellings (Płocharski, 1979, pp. 46-48). This meant that the remaining 20-30% of residents who were members of the cooperative were burdened with the need to cover most of the actual costs of maintaining the building. As a result, not only were the development and investment activities of housing cooperatives blocked, but even the daily maintenance of buildings already owned was significantly hampered by state policy. The actual restriction of the independence and possibilities of action of housing cooperatives did not prevent the authorities of People's Poland from making successive formal declarations of support for the cooperative movement. The 1952 Constitution of the People's Republic of Poland<sup>14</sup> included Article 11, which stipulated that the state shall promote the development of the various forms of the cooperative movement in the cities and in the countryside and shall give it comprehensive assistance in the fulfilment of its tasks, and that the cooperative property, as social property, shall be provided with special care and protection.

The situation of housing cooperatives improved during the so-called thaw of 1956. In December of that year, the National Congress of Delegates of Housing Cooperatives was held, at which the Union of Housing Cooperatives was established, which was to be the beginning of the restoration of democracy in the cooperative movement (Płocharski, 1979, p. 89). In May 1957, some of the unfavourable legal changes were reversed, with the adoption of a law that excluded dwellings in buildings owned by housing cooperatives from the public management of dwellings.<sup>15</sup>

### 3. THE 1960s: HOUSING COOPERATIVES BECOME AN INSTRUMENT OF STATE HOUSING POLICY

However, it soon became apparent that the aim of the People's Poland authorities was not to restore the independence of housing cooperatives, but to use them instrumentally to implement housing policy. At the 10th Plenum of the Central Committee of the Polish United Workers' Party, its First Secretary, Władysław Gomułka, stated that the state was unable to build the necessary amount of housing relying solely on its own funds and workers and had to help in this regard (Kasperski, 1971, p. 30). The premise of the new housing policy was to allocate state construction to the less well-off and to use private funds to finance housing construction. In the case of multifamily buildings, housing cooperatives aimed to serve this purpose (Andrzejewski, 1979, p. 160). They became a tool in the hands of the state. In practice, they took over the tasks of the state housing administration (Madej, 2003, p. 80). In the eyes of the general public, membership in a housing cooperative was not a choice but the only available form of obtaining a dwelling (Jarosz, 2010, pp. 233-235).

The new Law on Cooperatives and their Associations,<sup>16</sup> adopted in 1961, maintained the forced centralisation and hierarchical organisation of the cooperative

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<sup>14</sup> Constitution of the People's Republic of Poland adopted by the Legislative Sejm on 22 July 1952 (Dz.U. 1952 nr 33 poz. 232).

<sup>15</sup> Law of 28 May 1957 on the Exclusion from Public Management of Dwellings of Single-Family Houses and Dwellings in Houses of Housing Cooperatives (Dz.U. nr 31 poz. 131).

<sup>16</sup> Law of 17 February 1961 on Cooperatives and their Associations (Dz.U. nr 12 poz. 61).

movement. No solutions realistically increasing the independence and self-governance of the cooperative movement have been introduced. The full implementation of the People's Poland authorities' new approach to the role of housing cooperatives took place as part of the Five-Year Plan implemented between 1966 and 1970. The economist specialising in Polish housing, A. Andrzejewski refers to this period as the beginning of the "cooperative phase of housing policy" (Andrzejewski, 1979, p. 162). The legal tools used to implement the particular solutions were eight acts issued by the Council of Ministers, commonly referred to as the 'May Resolutions' (Chrzanowski, 1968, p. 377). They determined that the source of financing for cooperative construction would be the cooperative members' own funds, supplemented by bank loans and, in certain cases, by the funds of particular workplaces. Obtaining bank loans depended on adherence to state-imposed standards regarding, among other things, the size of the flats. Restrictions were introduced on the possibility of applying for dwellings from state resources, which led to a further increase in the number of applicants for housing cooperative dwellings. There were such numbers of new members in the cooperatives that it became impossible to allocate flats to everyone (Jarosz, 2010, p. 236). Consequently, one of the 'May Resolutions' introduced the institution of a candidate waiting to become a member of a housing cooperative. The headquarters of housing cooperatives (then called the Central Association of Housing Cooperatives) had the right to introduce a minimum waiting period in locations (not particular cooperatives!) where the number of applicants exceeded the number of flats planned to be completed in the next 5 years. At the same time, a list of numerous exceptions to the obligation to wait for a specified period was introduced in the universally binding regulations (these were often related to employment in specific workplaces important to the authorities). According to A. Maliszewski, there were so many possibilities to circumvent the queue that the May Resolutions effectively incapacitated cooperative self-governments, which no longer had much to say about the order in which flats were allocated to their members (Maliszewski, 1992, p. 107).

#### 4. THE 1970s AND 1980s: FURTHER BUREAUCRATISATION AND CENTRALISATION OF HOUSING COOPERATIVES

The further centralisation of housing cooperatives progressed with the so-called process of reorganising the cooperative network, which began at the end of the 1960s (Kasperski, 1971, p. 66). The Council of the Central Association of Housing Cooperatives passed a resolution according to which, by 1970, all cooperatives were to be transformed into so-called district cooperatives, whose area of activity should correspond to the administrative division of cities. The cooperatives were forbidden to make investments outside their district. Projects already started should have been handed over to locally competent cooperatives (Maliszewski, 1992, p. 110). It was decided that in towns with up to 50,000 inhabitants, there should be a housing cooperative as a rule. In larger towns, the number and area of cooperatives should correspond to the administrative division of the town into districts (Kasperski, 1971, p. 66). As a result of the changes imposed by the Central Association of Housing Cooperatives, a person who wanted to live in a cooperative dwelling in a particular town or district lost the possibility of choosing the cooperative to which they could belong. Only one cooperative was building in each place. It was not possible to establish new ones. As a result of the process of reorganising the cooperative network, these entities lost their character as voluntary associations of people who wish to meet their housing needs together. They came to resemble local state administrative bodies specialised in the area of housing.



In 1975, the Central Association of Housing Cooperatives once again manifested its influence on the structure of Polish housing cooperatives. The Council of the Association then passed a resolution which was the basis for the creation of Provincial Housing Cooperatives. This new type of entity did not bring together individuals wishing to satisfy their housing problems and did not carry out any direct investment activities. The Provincial Housing Cooperatives included all housing cooperatives operating on the territory of the new provinces created as a result of the country's administrative reform carried out in the same year (the number of provinces was then increased from 17 to 49). In practice, these entities had an overriding role in decision-making processes. The particular cooperatives within a province had no influence on the policies of the provincial housing cooperative to which they had to belong. In contrast, it was the Provincial Housing Cooperative that dictated the direction of their activities. Moreover, the keeping of registers of candidates awaiting membership in the cooperative was also transferred to the provincial level (Maliszewski, 1992, p. 113). In the literature this process is called the transformation of cooperative self-government into local self-government (Maliszewski, 1992, p. 135). The structure of Polish housing cooperatives became even more similar to the structure of the territorial government administration in People's Poland.

The blending of the functions of the People's Poland's local administrative bodies (whose range of tasks corresponded roughly to those of the local government of democratic countries) was clearly visible in yet another organisational measure introduced into housing cooperatives. It was pointed out that, following the above-described process of organising the cooperative network, very large entities emerged. Some of them managed several thousand dwellings. This resulted in an increasing distance between the members of the cooperative and its management or council (Chrzanowski, 1973, p. 147). This problem was attempted to be solved by dividing cooperatives into neighborhoods, of which self-government was to be carried out by neighborhood councils. Today in Poland, the neighborhood council is an auxiliary unit of the local government (Izdebski, 2011). In People's Poland, the neighbourhood council could be a body of a cooperative because all buildings in a given neighbourhood were managed by one housing cooperative.

The political breakthrough of August 1980 was associated with some grassroots movements aimed at restoring self-governance of housing cooperatives. New small housing cooperatives began to emerge spontaneously, and those already in existence rebelled against centralisation within provincial cooperatives. Several of them were successfully liquidated (Maliszewski, 1992, pp. 113-116). However, the decentralisation processes were interrupted by the outbreak of martial law. The new Cooperative Law<sup>17</sup> was described as a compromise between supporters of centralised and self-governing cooperatives (Myczkowski, 1982, p. 47). It did not introduce groundbreaking solutions.

## 5. CONCLUSIONS

People's Poland did not take over the assets of housing cooperatives, so in this case it is not possible to talk about *proper nationalisation*. By analysing the legal instruments applied to housing cooperatives in Poland after 1945 in the context of the other features of nationalisation in the socialist countries of Central and Eastern Europe

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<sup>17</sup> Cooperative Law of 16 September 1982 (Dz.U. nr 30 poz. 210).

distinguished by E. Veress, it can be concluded that generally they were present in the regulations introduced.

Firstly, general legislation was introduced, such as the successive amendments to the Law on Cooperatives or the Law on the Central Cooperative Union, which centralised the cooperative movement by creating a hierarchical arrangement of institutions which then regulated the activities of particular housing cooperatives by acts of their internal law. Secondly, the subject was the property that constitutes the means of production. Of course, individual dwellings do not fall into this category, but the entire organisational apparatus capable of carrying out construction projects does. As for the third feature, the transfer of ownership did not exactly take place, and herein lies the main difference between the processes analysed and proper nationalisation. However, the centralisation and subordination of the cooperatives by other - organisational - methods was of a permanent nature. Fourthly, the real beneficiary of the applied solutions was the state, which, by taking control over housing cooperatives, was able to implement its own housing policy using them. Fifthly, the purpose of the changes introduced was to achieve the desired economic order, in which all investments in the field of housing are carried out under state control and within the framework of a centrally planned economy. Finally, sixthly, there was no compensation for the activists of the cooperative movement who lost control over the organisations they had created.

As it can be seen, all the characteristic features of nationalisation, apart from the transfer of property rights, were present in the regulations concerning housing cooperatives in People's Poland. The absence of this legally crucial element therefore prevents it from being a *proper nationalisation*, a nationalisation of interest to scholars of civil law. However, the processes that took place in Polish housing cooperatives between 1945 and 1989 fulfil all the other features of nationalisation, features that include its political causes and its social and economic effects. Thus, from the point of view of legal history, legal sociology, or political history, these processes are just as relevant and interesting as *proper nationalisation*.

Therefore, it can be defined as organisational nationalisation, the seizure of control of particular institutions and their assets by the state through centralisation and organisational subordination, and the restriction of freedom of action through the imposition of detailed regulations instead of transfers of property rights. The introduction of the concept of *organisational nationalisation* may prove useful in conducting legal-historical and comparative research on regulation in socialist states, especially in Central and Eastern Europe.

A highly preliminary comparative legal enquiry shows that the situation of housing cooperatives in the Eastern Block varied. In Bulgaria, for example, they operated on a very limited basis, but at the same time they were truly grassroots organisations set up by groups of citizens wishing to collectively meet their housing needs. They usually built one or at most a few buildings (Parushewa and Marcheva, 2010, pp. 202-203, p. 207). In this case, the communist authorities did not use any legal measures similar to those applied in People's Poland.

The situation was different in Czechoslovakia. Housing cooperatives existed there before the Second World War. Shortly after, the Central Cooperative Council was established, bringing together all types of cooperatives, including those involved in the housing sector. Their representatives drafted a law according to which the cooperative movement was to be independent, democratic, and apolitical. However, it was not adopted before the coup of 1948. Afterward, the Central Cooperative Council was subordinated to the Ministry of Labour and Social Welfare and served as an instrument of state control over cooperative organisations. In 1954, the Act on people's cooperatives

and cooperative organisations<sup>18</sup> came into force, which restricted the ability of already-functioning cooperatives to carry out investment activities. The 1959 law<sup>19</sup> introduced a new type of cooperative: house building cooperatives, which could carry out investment activities but, on the other hand, were closely entangled with the administrative apparatus of the communist state (Holečková, 2022, pp. 189-191). Thus, evident analogies can be seen between the situation of housing cooperatives in Poland and Czechoslovakia after 1945. In this case, the concept of organisational nationalisation may prove useful in describing these phenomena, although this obviously requires more thorough research. It would also be worthwhile to look further into the situation of housing cooperatives under state socialism in Hungary or Romania.

It can also be assumed that organisational nationalisation took place in various countries on the eastern side of the Iron Curtain, not only in the area of housing cooperatives. In Poland, housing cooperatives were not the only example of such actions - they also took place, for example, in the case of allotment gardens (a separate study should be devoted to this topic).

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<sup>18</sup> Act on people's cooperatives and cooperative organisations, No. 53/1954 Coll.

<sup>19</sup> Act on Cooperative Housing Construction, No. 27/1959 Coll.

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