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Introduction to the Special Issue *20 Years of Law and Economics in Poland*

Wprowadzenie do numeru specjalnego 20 lat ekonomicznej analizy prawa w Polsce

The age of 20 is traditionally celebrated as a symbol of maturity. This special issue marks two decades of the scientific movement of Law and Economics in Poland. While some publications of Polish scholars within this area of interest can be traced back further, the establishment of the Polish Association of Law & Economics¹ in 2005, and the launch of its operations shortly thereafter, can be regarded as the birth of this cross-disciplinary research programme in the Polish scientific community. Since then, as the movement matured, 10 editions of the Polish Law & Economics Conference have taken place, as well as numerous other academic and policy-oriented events. The publication of this special issue coincides with the organization of the 43rd annual conference of the European Association of Law and Economics (EALE) in September 2026 in Warsaw, which confirms the place of Polish Law and Economics scholarship in the European and global context.

Economic analysis of law applies economic theory and methods to examine the formation, structure, processes and impact of law and legal institutions, taking into account that legal institutions are not exogenous with respect to the economic system but are an element of the choices that are to be explained (Rowley, 1989). Posner (1989) argues that economics provides a scientific foundation for studying the law and legal regulations, based on a coherent theory and precise hypotheses, as well as the methods and tools for the verification of these hypotheses. Such formulations may seem to suggest that legal scholarship has more to gain from this interaction of disciplines than economics, which only plays an instrumental role. What is there in Law and Economics for economists?

Studies of the law from an economic perspective have made it possible to significantly broaden the subject area of economics, and provided economists with an opportunity to formulate conclusions, as well as recommendations, pertaining to concrete practical problems of the current socio-politico-economic reality. This

¹ Original Polish name: *Polskie Stowarzyszenie Ekonomicznej Analizy Prawa* (PSEAP). For more information see www.pseap.org.



special issue, comprising no less than 11 articles, demonstrates the broad scope of topics and plurality of methods applied within Law and Economics as it has developed in Poland over the last 20 years.

The issue opens with T. Mętrak and K. Koźmiński's recap of the historical and current state of this scientific movement in Poland, identifying several areas within which its development has been particularly noticeable, i.e. the domains of civil law, criminal law, and constitutional law, as well as behavioural Law and Economics, economic studies relating to judges and the judiciary, and works focusing on Regulatory Impact Assessment. The authors of the remaining articles included in the issue are interested in problems falling within these areas, but also reach beyond them.

In the next two contributions, J. Beldowski and M. Leszczyńska discuss topics related to contracts and contract theory. While the former provides a general literature-based analysis of the divergence of economic approaches towards contracts, the latter focuses on a much more specific problem, namely to what extent different contractual formalities, such as handwritten signatures and online forms of assent, serve the cautionary function that protects individuals from entering into ill-considered agreements. From the methodological point of view, these first articles already demonstrate significant diversity within Law and Economics – from descriptive studies to works using experimental methods, as in the contribution by M. Leszczyńska.

Two articles that follow – by A. Nagańska and M. Sadeghi, as well as by W. Florczak – are concerned with issues from the domain of constitutional law and relating to judicial performance. In the first, the authors propose a framework for evaluating direct and indirect organisational costs associated with different stages of the constitution-making process. The second provides an assessment of the technical efficiency of Poland's regional court system in the 21st century. While the former is descriptive in nature, the latter constitutes an illustration of how econometric techniques can be applied in the field of Law and Economics.

The subsequent part of this special issue comprises three articles relating to the topic of taxation. A. Leszczyłowska discusses the challenges associated with the use of administrative tax data in empirical research focused on Poland. K. Kulesza, A. Białek-Jaworska, and B. Rogowska-Rajda examine whether the implementation of SAF-T reporting has resulted in a reduction of the VAT gap in countries of the European Union. Consequences of the implementation of the Anti-Tax Avoidance Directive (ATAD) are then analysed by M. Sitkiewicz.

Applying the lens of economics to study legal regulations can also bring new insights when tensions are identified between different legal rules or legal orders. Two articles included in the issue adopt this perspective to some extent. N. Waśniowski elaborates on the legal architecture through which the European Union pursues its industrial policy that is not always in line with the limited competences conferred by treaty law. O. Bulut examines fragmentation between international trade law and international investment law, two closely related regimes of international economic law with common post-war foundations but which have developed along different legal and institutional paths.

Finally, the issue closes with an article co-authored by S. Czetwertyński and J. Marcinkowski on the application of neutralisation techniques in explaining the reasons for using pirated access to digital goods. While this work can be seen as belonging to the tradition of economic analysis of intellectual property law, it also highlights the potential of bridging research in Law and Economics with other disciplines, in this case psychology and, more generally, cognitive science.

All but one contributor to this issue are scholars affiliated with Polish research institutions (primarily as economists or legal scholars) or originating from Poland but currently affiliated abroad. Several of these works were presented at the jubilee 10th Polish Law & Economics Conference (held in Warsaw in May 2025), including the one authored by O. Bulut – the only non-Polish (and not Polish-affiliated) scholar in the lineup. It is my pleasure to thank all the authors for their contributions, the reviewers for their valuable feedback, as well as the Editorial Board of *Ekonomista Quarterly* and, in particular, the journal's Secretary – Tomasz Kwarciński, for continuous support throughout the publication process. May this collection inspire readers to explore Law and Economics more deeply and pursue new research in the field. As Wilkin (2009) argued, crossing the boundaries of their own discipline allows economists to discover the unique beauty of economics, which relates to its growing methodological diversity and the increasingly broad scope of interest, reflecting both the emergence of new economic problems and the development of economic theories that enable phenomena to be explained in areas that economists had earlier not even dreamt of.

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