

## SOME ASPECTS OF THE IMAGE OF SOCIAL STATE UNDER THE RULE OF LAW IN THE INTERWAR PERIOD IN LITHUANIA

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### **Abstract.**

*Object of the research presented in this article – social and legal thought of Lithuanian Catholics of the interwar period. In 1918, having restored the independence of Lithuania, a problem arose concerning the choice of the national and legal order and the formation of new concept of the law. The most numerous was the Catholic part of intelligentsia, therefore the purpose of this article is to examine, through the analysis of its most distinguished representative, a perception of the mission of the state and the law in the course of implementation of human rights. The research discloses that it was back in the early 20<sup>th</sup> century that Lithuanian Catholics revealed new plane of research of the inter-relation of capitalism, socialism and government of the state and formulated theoretical insights in the social state under the rule of law – these insights retained their importance up to our days. They recognised that capitalism is a result of natural development of the society, rather than an incidental phenomenon, and this is a positive characteristic. They did not entirely denounce socialism, as well, but denied the instruments of solving the social conflict, which were proposed by the socialists, and projected that due to the progress of the society a new order in terms of quality will emerge. This order will be based on synthesis of capitalism and socialism and will preserve the viable principles of both orders.*

**Keywords:** social state under the rule of law, capitalism, socialism, rights, natural law.

### **1. Introduction**

A human being strives to live in a safe society, fights for his dignity, free development of his interests, seeks to know his environment, and strives to understand his status and purpose of his life. These attempts inevitably imply the problem of “right” and “wrong” national and legal regime in relation to the concept of human rights. Moreover, new theoretic interpretations of life, which is valuable in human terms, originate. They are affected by particular local economic conditions, as well as traditions of social and cultural life of the nation. They offer a new interpretation to the expression of social idea, necessity to give a sense to human rights as a fundamental reason and element of the national policy and legal order. Deliberate choice of values and logical reasoning of such choice is a source of ideology. It is a condition, on which a model of the state and, of course, purpose of the law depends.

In democratic Western economies capitalism is considered to be the basic social and economic system, while socialism is construed as a constant process, during which the society heads for democracy and reformation. The principle of social statehood is considered to be one of the key constitutional principles

and is defined by means of the duty of the state to protect the weak, when they are objectively incapable to enjoy their rights. Socialism is considered to be one of the ideological factors that are important in the course of creation of social state under the rule of law. Its role in setting the social and legal order is the development of a solidary society with equal rights and freedoms to everybody.

Current trend of values is obviously implied by interwar political thought. In 1918, having restored the independence of Lithuania, ideologists and activists of various political wings had a discussion about ability of different social and economic regimes, including socialism and capitalism, to guarantee human rights. The most numerous was the catholic part of the intelligentsia. At that time the Church enjoyed a great moral authority in all classes of society and believed to have the right to assess the matters of social life in terms of Christian values.

In early 20<sup>th</sup> century economies of Western Europe widely applied innovations in natural and exact sciences, and were engaged in development of production. In these countries a new structure in the society, which was based on the form of property – the capital, and a new form of labour – hired employees, emerged. Society divided into two parts with a deep gulf between them. Attempts of socialists to use local working class (not only in industry, but in agriculture, too) for their own purposes became stronger. Unemployment and social insecurity started to grow. During their visits to Western Europe the Lithuanian Catholic intelligentsia saw that capitalistic dynamics of production foster development of industry and, at the same time, the economy. However, they also noted some negative consequences: exploitation and social compulsion, unemployment, economic insecurity, as well as uncertainty about the next day. Thus capitalism provoked diverse feelings. Attempts were made to give information to the society about the emerging economic system, to explain the principles of its functioning, and to assess the process in terms of Christian values. The problem of formation of efficient national government resulted in ideological polemics – who will be the winner: esprit de corps, social idea or individual pre-eminence? Did the Lithuanian Catholic intelligentsia of interwar period, while forming the notion of national and legal mission of society of the day in the implementation of human rights, stress advantages and disadvantages of capitalism and socialisms in the particular process? What is the scope of persistent worthiness of these factors and to what extent, in the opinion of intelligentsia, do they gain the form of social state under the rule of law? Why did these people believe that model of socialism may not take a role of “moderator” of political and legal sense? Having answered these questions we will get a more clear view of actual conditionality of modern change of values, which results in the change of the very legal notion and legal mechanism.

## **2. Assessment of Traditional Relations and Problem of Social Inequality**

Modern philosophy of law considers the principle of justice to be the organiser of social life and the foundation of law. Justice in the relations is especially important to human co-existence. Every individual strives to participate in universal exchange in assistance and seeks for physical and moral perfection. In this respect one of the forms of justice – the distributive justice – becomes of special importance. It may be construed as a balance between the things that one gives and gets in return. If this balance turns weaker, a social inequality appears.

S.Šalkauskis, the ideologist of the Christian Democratic Party, used to stress the necessity of metaphysical reasoning of the principle of equality. According to this philosopher (Šalkauskis, 1996, p. 478), a distorted perception of equality resulted in perturbation of democracy and improper implementation of this principle. One should take into account that people are equal in their kind, but different in their personality. Differences between people were perceived to be natural and resulting from their nature: inclinations, mental and physical characteristics. The root of social inequality is the inequality of inclinations

and abilities – the very nature – of a person. People are different in their physical and mental characteristics and these differences are natural. Besides, people have will, which helps them to strive for perfection and wisdom. Therefore, is it natural that smarter individuals reach higher status, become owners of property, and organisers of production. Attempt to change this situation may be treated as an attempt to threaten human nature (Šultė, “n.d.” b, p. 5-7). Social inequality is not considered as evil. Existence of different social groups, according to Catholic intelligentsia, is necessary – it makes a person to take his role in society. It is abilities and will of a person, which determines to what group will this individual belong. Due to these characteristics a person may improve his social status. Implicit dominance of the principle of freedom, proclaimed by liberals, is unacceptable as it creates conditions for the stronger to get subordination against the weaker. Implicit equality, proclaimed by socialists, is also unacceptable as it infringes the nature of human being, does not foster the progress (which is based on the initiative of individual rather than the one of the group). It was considered that both classes may not survive without each other, just like the capital may not survive without labour and labour – without the capital (Paltarokas, 1912, p. 45). Therefore, attempts to change situation by ignoring the rules of nature are to be interpreted as a threat to the nature of a person and, respectively, they should be treated as unacceptable and prospectless.

The inequality in the nature of a person was considered to be the root of social inequality and it was not considered to be evil, which must be eliminated entirely. It was rather considered that there is no other thing that subverts society to the extent, which is caused by improper attributing persons to classes and granting privileges to one class to the prejudice of the other class (Žagrakalys, 1936, p. 294). The old liberal economy – told J. Keliuotis (1935, p. 6) – proved to be absolutely inappropriate, because we starve to death while the full barn is within a hand's reach, as we are only able to produce, but not distribute the produced goods. Opinion was reached that the economy is dehumanized – aimed at increasing the profit of capitalists rather than guaranteeing human rights. Thus, in case it is impossible to eliminate social inequality, then it may and must be softened and reduced (Krupavičius, 1930, p. 419-420). The minimum level of certain material values, according to S. Šalkauskis (1927, p. 112-113), is necessary for moral and intellectual development of a person and creation of civilisation at large. It was expected to deal with the natural atomisation of society and its splitting into conflicting classes by means of massing the society according to the principles of social collaboration. The idea was at place that every person has a potential to train his will and abilities and this enables him to change the social status and combat poverty. Meanwhile implicit artificial equality based on the inherent human rights and practise of socialism in Russia, as believed at that time, may not guarantee to an individual a full-fledged life and self-expression; it may even strive to nationalise and privatise these attributes. The Catholic intelligentsia denied the idea of socialists that one may create a perfect socialistic society according to a single equitable project, which is made in advance. The concept of Marxist revolutionary development of society, i.e. development through inevitable contest of classes, was opposed by the concept of evolutionary development. According to the latter the driving force of progress of the society is not the “mass of people”, but an individual, who acts consciously and strives for economic independence. Thus, according to A. Maceina (1992, p. 23), creation of new order was the key to solving the problem and the source of such process was the personality of a human being. Personality is the greatest joy of children of the Earth. By stressing the unique value of a personality A. Maceina criticises socialism for under-estimation of personality of the human being and turning it into an instrument. Socialism, says V. Maceina (1938, p. 7), the regime, which is based on the principles of contest of classes and denial of ownership and aimed not at a personality of a human being, but at a collective, has actually turned the strive for a social democracy into the opposite intention – bloody dictatorship of the proletariat. Having made a thorough analysis of realia of economic and social life the philosopher stated that economic diversity took deep root in the entire inborn order and it would be Utopian to dream of an era of absolute

equality. Poverty is as old as the hills. Therefore when discussing the problem of collapse of capitalism and the social principles of new order we may conclude that, just like modern medicine sometimes is incapable to treat all diseases, so is the most equitable social order of the society incapable to cut every root of poverty (Maceina, 1938, p. 1).

In the process of going deeper into social phenomena, assessing them, proposing one or another solution, it was recognised that ideas of justice, freedom and equality in socialism are the pillars of universal welfare of a social unit (the state, as well). V. Gustainis (1937, p. 137) stated that striving for freedom and human relations that are based on justice is an inborn feeling, however communism uses the truth, rights and justice for its own purpose not like absolute values, but like an instrument. The baseline of this criticism was declaration that socialism is salvation of the proletariat. While J. Žagrakalis (1936, p. 296) noted that we should be concerned not only about problems of the majority. We should rather strive to solve in an equitable manner problems of the society at large.

S. Šalkauskis (1936, p. 270) was convinced that Catholic approach should integrate modern ideas and protect their positive spirit, for example socialism has raised a lot of ideas, which were aimed against the Catholic Church and which had to ruin the Catholic civilisation. Today, when these ideas in their critical development have lead to the contrary result, in which an order denying the very ideas has originated, the Catholic approach along with the Catholics is the most active in protecting the equitable spirit that was present in these ideas.

The problem of social scholastic was the priority to the Catholic intelligentsia. Its representatives, while following ideas of the colleagues from Western Europe and referring to encyclical letters of the Holy See, started avoiding a narrow assessment of social phenomena and went into deeper analysis of their essence. K. Šaulys, A. Civinskas and others followed the ideas that every theory, even one-sided, has a positive element, which should not be forgotten. According to K. Šaulys (1907, p. 8), the very purpose of socialism is correct, because even the God ordered to care about the unfortunate ones. A. Civinskas (1908, p. 75) has acknowledged Marx to be honourable man because he recognised the work done by a person to be important, but, by attributing value solely to the work, he deviated from the good justice and remained a dreamer, who created in his mind the rules that are impossible to apply in reality.

Value of individual thought and concepts developed by Lithuanian Catholic intelligentsia while protecting the social justice and searching for the ways to put it to life is obvious. Quite possible is that this thought and concepts will help to eliminate social drawbacks and lead to a new order, which will give priority to private property and private production policy as the key factors ensuring elimination of social problems.

### **3. Approach to Private Property**

The Catholic intelligentsia did not deny a certain division into classes. The topic of perhaps the most heated discussion between its representatives was the formal attribute of such division – the private property, the essence of the liberal capitalism, tried to disclose its nature, social functions and to find out whether this is the very reason of conflict in the society, the abuse, which must be eliminated, just like proposed by ideologists of socialism and their followers.

Catholic sociologists recognised two functions of private property – individual and public.

According to A. Kaupas (1911, p. 352), property is important in psychological aspect as well, because this is a factor that educates and individualises a person, helps him to develop such characteristics as consistency, sophistication, precaution, and responsibility. Therefore property is just an instrument rather than a purpose – as declared by the liberals. It should not be turned into a purpose without taking due account of the measures applied. For this reason everybody should be entitled to possession, private property

was considered to be inherent, and, according to the representative of the Catholic thought – the lawyer J. Žagrakalys (1936, p. 286), the inherent right is the right of sense, which corresponds to the nature, which is seeded in the mind of every human being, which is unchanging, ever lasting. The one who fails to follow this right, causes harm to himself, as he turns away from humanity. The positive right opposing the inherent right would result in a greatest chaos in the society, philosopher S. Šalkauskis (1927, p. 62) sympathized with J. Žagrakalys. Central management of property taken by the state is a threat to human freedom and dignity – it is a negative argument, which indicates the risky results of elimination of private property. First of all, attention was drawn to the fact that the sole action of taking the production instruments into the possession of the state does not itself result in production of anything. To produce something you need a worker, which is concerned with the job he does. The state as the sole owner and employer will become the force, which delegates tasks to the workers and sets the amount and type of remuneration. Every person would be skilled to perform any task and this, according to K. Šaulys (1907, p. 41), is “catching a wind”, because people in their nature have different abilities and are not equal in their diligence and honesty. Taking the private property into possession of the society was treated as an action, which liberates a person from the necessity to choose the way of life. The all-regulating state turns the personality into a passive and inert creature. By their refusal to recognise private property the socialists removed all social incentives that foster personal initiative and are pre-requisite of the progress. S. Šultė (1919a, p. 29) was categorical – it is only hunger that causes a man to eat from the same plate with others. For this reason socialism, which intends to attribute the entire property to the state, is in conflict not only with the honour, but to much greater extent – with psychology of a person and the acquired experience. If you share a horse, it is always skinny and dies fast, S. Šultė (1919b, p. 11) told. He was sure that disorder and chaos will break out in a socialistic society of goods, because nobody will be interested proper care of any item possessed by the society and will use it in any manner but the right one. When a person has an item in his possession, he usually treats it with care. Separation of property in an attempt to implement equality will not encourage person’s will to invent machinery, as he will not benefit from the invention, A. Kaupas (1903, p. 54) claimed. Moreover, a human being deep in his heart is inclined to evil and, while avoiding work, he will try “to place it” on another man. Control over people in order to make them work unselfishly will require a constantly growing bureaucratic apparatus therefore, according to K. Šaulys (1907, p. 20), the legion of bureaucrats and other public servants, who may tempt to abuse the power as they have a lot of it, will inevitably grow. The state should not intervene in the functioning of property or, by taking it into the possession, infringe the inherent human right. It should rather strive for the universal welfare by adopting such laws, which take account of the interests of all social classes, and thus neutralize a possibility of approach of social antagonism. It is the legislature, which may and must be used to suppress the concentration of capital and monopolisation of production (Paltarokas, 1921, p. 80).

K. Šaulys (1910, p. 62) proposed to soften the social contradictions that are typical to capitalism by referring to the private property rather than eliminating it. He noted a public nature of the property and its social function. A stress was made on the fact that the right to have property is inseparable from the liability for consequences of its utilisation against another person and society. They claim that the private property is inter-related with human existence and is the foundation of maintaining such existence and providing for himself and the family. The private property was treated not only as an instrument for flattering the normal ego, for ensuring the material independence, but also as the major instrument for meeting the need for security, which is of special importance to family in the first place. The fundamental law of nature requires that parents provide their children with anything necessary for subsistence and education; the very nature implanted in a person a wish to guarantee future to the children and to protect them from misery (Paltarokas, 1921, p. 80). S. Šultė referred to encyclical letter of the Pope Leo XIII “Rerum Novarum” and claimed that

the property does not only grant to its owner the right to hold it, but also imposes certain social duties on him, namely the duty to care about welfare of members of the society. It is not profit, but serving the public, which is the true mission and duty of the owner. Nobody may relieve the owner from it. This duty is discharged by the owner not like a charity, but like a social obligation. S. Šultė (“n.d.”a) proposed to grant legal power to discharge it by means of law. It may be done through taxes. For example, K. Šaulys (1910, p. 59-60) believed that workers may acquire the right to property by becoming shareholders of the company.

The said arguments prove that Lithuanian Catholic intelligentsia did not deny the private property. They considered this property to be the security of self-expression of a person and the guarantee of welfare of a man and of the society, rather than temporary phenomenon, which vanishes just like consequence of economic development. They considered administration of property to be the obligation against society rather than privilege of an individual. It was considered to be not only a security of efficient economy of the state and its compulsory attribute, but the corner stone of stability of the society and the prerequisite of participation of an individual in the cultural exchange. This approach proves a favourable social and psychological environment, because the greatest share of land was a possession of Polish gentry and Russian colonists, who took little care of it. Majority of factory owners were not of Lithuanian origin and took the profit away from Lithuania. These circumstances strengthened the belief of Lithuanian people that possession of ownership may not be absolute. Moreover, they raised the issue of division of society into the classes and the role of such classes.

#### **4. Possibilities to Overcome the Conflict of Employers and Workers – from Contest to Collaboration**

By stressing the universal conflict of classes the socialists saw the only way to solve it – the revolution. The non pro-socialist intelligentsia of Lithuania was concerned with finding means to change the situation so that social inequality becomes reduced, because, to their deepest conviction, it is impossible to absolutely eliminate it.

In his doctoral thesis about truth and justice „Praelaciones de justitia et jure“, which was published in 1903, Maironis analysed both the social problems of the day, and proposals by the socialists related to restoration of social justice in the society (Zaborskaitė, 1987, p. 164-181). The socialists’ approach that social justice may be purportedly attained through elimination of classes seemed to be unreasoned to Maironis. In his opinion, existence of classes is the fact of life. Inciting a desire for material wealth and material equality inevitably wakes a beast in a man, relieves him from moral chains that might prevent him from the act of demolition. Human relations should be based on Christian solidarity rather than a fight between them. This approach is obvious in the entire Catholic press, for example “Žemaičių ir Lietuvos apžvalga”, “Tėvynės sargas”. The social issue was proposed to be solved by a compromise – mutual peace, which could be secured by an honest, correct behaviour and fair discharge of obligations against each other. For example, the philosopher A. Maceina (1938, p. 1) did not believe that revolution is the right instrument for positive social changes. Revolution is always an outbreak of revenge and hatred. According to the author, in social respect it means a wish to expel evil by means of “devil”. The entire Catholic intelligentsia was convinced that movement of the workers should not head towards the conflict of classes, but, as noted by V. Bičiūnas, in order to move to improvement of subsistence of workers, one should first of all properly arrange the society and economy (Steigiamojo Seimo darbai, 1920–1921, p. 55). Firstly, it was considered that the social function of possession stems from the necessity of order based on private property, i.e. only the social efficiency justifies the possession and management of property. Private property, which was declared by the socialists as the reason of conflict of workers and employers, was interpreted as the basic instrument for softening the social inequality. It was considered to be a space, in which both the worker and the employer may co-exist. Such property is not the privilege to any of them, just like the right and duty.

Contrary, it provides certain moral social obligation, which must be discharged by representatives of both classes in order to maintain concord. One believed that both classes may not exist without each other. Capital may not exist without labour and labour – without capital, K. Paltarokas (1921, p. 75-76) wrote. In the same way worker may not exist without factory owner and factory owner – without good worker, claimed J. Staugaitis (1912, p. 45). Adoption of laws regulating relations of classes and establishing the right to have property was considered to be the fundamental task of the state in order to define exchange in social assistance. The living example of this idea, according to A. Kaupas (1908, p. 5), was the USA. This country by means of legislative control over the monopolies and social policy, which corresponded to the idea of social partnership, reduced social conflicts. A. Kaupas stated that socialism in the USA is simply created: trusts are prosecuted, railway companies penalized, corporations restricted, i.e. the country approaches implementation of socialistic ideas and account is taken of interests of all social groups. According to B. Fridmanas (1924, p. 17), already in the primary phase of restoration of independent life of Lithuania a requirement was expressed not to identify the state with any specific social class and not to act solely in its benefit. The state should be above the classes and ensure to people the unrestricted use of the inherent rights and freedoms. Serving the common welfare is to be considered criterion of legitimacy of the state itself and of its instructions: if the state trespasses the boundaries of welfare of all citizens, its laws shall be deprived of legal power (Malakauskis, 1920, 294-295).

In the opinion of P. Malakauskis (1920, p. 292), the inherent nature of human rights both imposes an obligation upon the state to act in the interests of welfare of all citizens and grants a right to the state to demand that individuals, institutions and organisations also act in the benefit of the society. There was no doubt that in the equitable social order the property should be subject to control. A. Maceina (1992, p. 188-190) proposed to implement such idea by applying the law on control over income and expenditure, which would enable the state officials to supervise enrichment of individuals and possession of their property. The latter should be turned into a social property in one or another way. Another law (on the circulation of capital) is necessary in this respect. This should be the law prohibiting the failure to use capital and its seizure for the purpose of serving the public (Šultė, 1919b, p. 13). Such equitable laws should reduce to minimum the disagreements between social classes and help to reach a social compromise. This was based on the idea that property means compulsory obligations and is justified to the extent that this is in line with the public benefit. Different than majority of representatives of non pro-socialist intelligentsia of Lithuania, he also did not deny a possibility of seizure of property into the possession of the state without paying a compensation, if it was necessary for the benefit of the society. Frightened by these ideas Lithuanian gentry trumpeted S. Šultė to be “Bolshevik” – the person dangerous to the order of the day (Vaišvila, 1992, p. 144). The social reality of that time was not yet mature to efficiently combine individualism with collectivism.

In the search for “correct” path to universal concord and national welfare an attempt was made to find the uniting rather than separating links between people. A. Andrašiūnas (1938, p. 915) believed that such link was a wish to have property. It is an inherent right, therefore, according to him, the state must assist the underprivileged citizens so that they might not only rely on external support, but gain power and opportunity to independently take care of implementation and protection of their rights. He stressed the paternalistic function of the state, which supports the attempts of the individual to secure his own rights and freedoms, rather than the state, which makes presents and gives instructions. The best solution is that the increasing fundamental capital of the nation becomes distributed in a most equal manner and first of all reaches those, who work at the respective companies the entire nation must be comprised of owners, because this is the only way to arrange the organic link between a person and his homeland and to ensure that he is vitally interested in the independence of the state. In such case, contemplated K. Paltarokas (1921, p. 132-133), a more equitable distribution of temporary valuables will take place, because when people hope for

acquisition of property of land they are more keen to do their work, and the heat of such spirit significantly increases fertility of the land and wealth of the society.

K. Paltarokas (1921, p. 134) stated that attempts of the entire society are necessary along with actions of the state. Lack of abilities noticed and examined is a burden for a person and it encourages him to join the others and search for their support. By surrendering to this inherent inclination a person becomes a member of community of the state. K. Šaulys (1910, p. 59) followed the idea that one of the best ways to restore concord between the workers and employers is establishment of communities and corporations. Such unions should be professional, free, autonomous, still recognised and protected by the state, and refreshed with Christian spirit (454, 59). Corporatism is an intention of an individual to eliminate restrictions of individualistic instruments, to strengthen opportunities of enjoying his own rights by making the employer to regard the rights of those, who have none or little capital. It should be treated as one of the measures aimed at avoiding socialism. Corporatism is a turn from liberal, fractioned society to the “organic” one, in which the contest of the classes is replaced with collaboration of employers and workers for the mutual benefit. Our future state will be the corporatism-state in its form and structure, declared G. Valančius (1933, p. 554).

One should note that collaboration was perceived by the Catholic intelligentsia to have not only economic, but psychological meaning, as well. In his opposition to K. Marx, J. Keliuotis (1933, p. 266) noted that in reality the workers’ movement had more in psychological rather than economic reasons. Thus, the root of social issue reaches much deeper, namely the very soul of a person and therefore, having not reformed the soul, one may not succeed in reforming the economic and social life, as well (Šalkauskis, 1927, p. 127). It is necessary that property becomes no longer treated as a parameter of human worthiness and work becomes no longer separated from the personality by forgetting its spiritual meaning – according to A. Maceina (1992, p. 143), this ruins the moral grounds of social order. The purpose of social education should encourage the young generation to render social support to the people around by all possible means, to prevent development of aggressive social instincts that are based on egoism and selfishness. It should inspire it with such social attitude like social peacefulness, social justice, and sense of social responsibility (Šalkauskis, 1927, p. 131).

The Catholic intelligentsia of Lithuania considered the improvement rather than demolition of current order to be an efficient instrument of improving the social status of the entire society. Social creation is possible not by coming into conflict, but only by uniting, combining the interests of the individual and the collective. Social partnership is shown to be beneficial both to an individual, and to the society, and the state. Moreover, attempts were made to indicate particular ways of reaching such situation.

One tried to provide reasoning to the idea of social compromise, which would be implemented by adopting proper laws that ensure political and civil, as well as economic and social rights to all classes. Improvement of the situation depends upon the attempts and will of workers, as well. Workers’ unions should serve the strengthening of concordance with employers, not raising social conflicts.

## **5. Possibilities to Overcome the Conflict of Employers and Workers – from Contest to Collaboration**

While going deeper into the search for instruments of protection of human rights and more efficient measures of solving the social problems, a discussion was held on the issue of the respective model of social and economic order. One chose neither capitalism nor socialism (the extremities of social order) as the model of perfect order. According to S. Šultė (1919a, p. 33), the Catholic sociologist, capitalism is dangerous as it gives too much importance to freedom of the individual and too low importance to the public interest, while socialism has the inverted characteristics – it has too serious universal subjection of the individual to the public interest. Capitalism and socialism – these are two phases of development of the state

on its way to the state of welfare. Therefore the order of modern state should be based on the synthesis of these two extremities: the truth lies in the middle between two extreme theories final order of the people will be the one that unites individualism and collectivism, freedom of a person and his initiative in public matters (Šultė, 1919a, p. 33). Both A. Maceina and S. Šalkauskis were close to these ideas, but, according to A. Vaišvila (2000, p. 254), the professor of philosophy of law, the social reality of the day was not mature in itself to accept this idea, not speaking of the attempt to put it to life. They did not denounce socialism at large, did not declare its disadvantages to be absolute, but rather projected that socialism is on the way to replace capitalism only in terms of the dominant extremity, in order to make it a dangerous to the social progress extremity in its turn. Progress of the society will have to make the third step – create a new order in terms of quality, which is based on the synthesis of capitalism and socialism and which preserves the viable principles of both these order.

Having summarised the assessment of socialism, which is presented in periodicals and separate publications one may state that socialism was evaluated in two aspects: first – vision of the perfect order nourished by the society; second – reaction to negative consequences of liberal capitalism. The Catholics shared a negative attitude to the recognition of the collective interest (in socialism) as an absolute value and believed that it contradicts to the individualistic nature of a person. Private property was recognised to the inherent human right. The collective administration of property, which was advocated by the socialists, was criticised, but responsibility of an individual against the society was recognised. According to them, there are not only rights, but duties also, which are imposed by the very possession of property. The right to private property was considered to be especially important factor, which encourages the cultural activeness of a person, which results in social progress and evolution of the society. The idea existed that along with the scope of property the freedom of a person increases and his dignity becomes secured. The Catholics separated the matters of theory and practise of socialism. They proved – even the declared by the socialists abstract ideals of freedom, equality and social justice are close to Christianity, the instruments of their implementation are contrary due to the difference in the perception of the driving force of the society and its type. Moreover, they denied the socialists' idea that one may create a perfect society according to a pre-drafted single and equitable plan, by applying force, if necessary. The concept of Marxist revolutionary development of the society, i.e. inevitable contest of classes, was opposed by the Catholics – they referred to the concept of evolutional development.

## **6. Conclusions**

It was in the early 20<sup>th</sup> century that Lithuanian Catholics disclosed new spheres of examination of links between capitalism, socialism and management of the state and formulated theoretical insights in the social state under the rule of law, which are still of importance. S. Šultė, A. Maceina, and S. Šalkauskis discussed the issue of new model of the social order, as well. They recognised that capitalism is a result of natural development of the society, rather than an incidental phenomenon, and this is a positive characteristic. Its disadvantages stem from autonomous individualism, which is nourished by liberalism – it makes the limits of social duties and liability narrower. They did not entirely denounce socialism, as well, but denied the instruments of solving the social conflict, which were proposed by the socialists, and projected that due to the progress of the society a new order in terms of quality will emerge. This order will be based on synthesis of capitalism and socialism and will preserve the viable principles of both orders. Today an attempt is made to put to life these ideas in the image of the social state under the rule of law of the 21<sup>st</sup> century. Search for a social compromise and security was considered to be purpose not only of the individuals, but of the society and of the state. Efficient administration was depicted as formation and implementation of equitable laws and active social policy. This had to influence the effective implementation of social rights, reduce social

tension and weaken destructive forces in the society. Disclosure of these and other aspects enriches the research into the history of legal philosophy and political mind in Lithuania, the ideas expressed may be efficiently applied in the course of creation of a democratic society and the social state under the rule of law.

## References

- Andrašius, A. (1938). Mūsų pramonės ugdymas. *Naujoji Romuva*, 48, 914-916.
- Civinskas, A. (1908). *Socialistai. Kas jie? Iš kur atsirado?* Skenandoach: Žvaigždės sp.
- Fridmanas, B. (1924). Prigimtinės teisės idėja. *Teisė*, 6, 1-21.
- Gustainis, V. (1937). Komunizmas ir fašizmas. *Židinys*, 8/9, 124-137.
- Kaupas, A. (1908). *Evoliucija, ne revoliucija*. Kaunas: Banaičio sp.
- Kaupas, A. (1903). *Socializmo silpnos pusės*. Skenandoach: Šliako sp.
- Keliuotis, J. (1933). Marksizmo likvidacija. *Naujoji Romuva*, 116, 265-267.
- Keliuotis, J. (1935). *Visuomeninis idealas*. Kaunas: Naujosios Romuvos leidykla.
- Krupavičius, M. (1930). Bažnyčios socialiniai dėsniai. *Židinys*, 12, 419-420.
- Maceina, A. (1992). *Raštai: Socialinė filosofija*. T. 2. Vilnius: Mintis.
- Maceina, A. (1938). *Socijalinis teisingumas: kapitalizmo žlugimas ir naujos santvarkos socijaliniai pagrindai*. Kaunas: Sakalas.
- Malakauskis, P. (1920). Prigimties įstatymas. *Draugija*, 1920, 7/8, 287-305.
- Paltarokas, K. (1921). *Socijalinis klausimas*. Kaunas: Petronio knygynas.
- Patrimpas (Kaupas, A). (1911). Visuomenės psichologija. *Draugija*, 60, 347-356.
- Staugaitis, J. (1912). *Darbininkų klausimas*. Seinai: Laukaičio sp.
- Steigiamojo Seimo darbai (1920-1922)*. Kaunas : St.[Seigiamojo] Seimo sekretoriatas.
- Šalkauskis, S. (1996). Momento reikalai ir principų reikalavimai. In A. Sverdiolas (Ed.), *Raštai. T. 5*. Vilnius: Mintis.
- Šalkauskis, S. (1927). *Visuomeninis auklėjimas*. Kaunas: [s.n].
- Šalkauskis, St. (1936). Ideologiniai dabarties krizių padariniai ir katalikiškoji pasaulėžiūra. *Židinys*, 3, 257-271.
- Šaulys, K. (1907). *Socijalistai ir mūsų socijališkieji reikalai*. Kaunas: Šv. Kazimiero d-ja.
- Šaulys, K. (1910). *Sociologija*. Kaunas: Šv. Kazimiero d-ja.
- Šultė, S. (1919a). *Evoliucijos keliai ir revoliucijos dėsniai*. Kaunas: Šviesa.
- Šultė, S. (1919b). *Savasties klausimu*. Kaunas: Šviesa.
- Šultė, S. ("n.d."a). *Teisingi įstatai 1920 m.* Lietuvos nacionalinės M. Mažvydo bibliotekos rankraštynas. F 139-33.
- Šultė, S. ("n.d."b). *Visuomenės ateitis ir mūsų užduotis*. Lietuvos nacionalinės M. Mažvydo bibliotekos rankraštynas. F 139-35.
- Vaišvila, A. (1992). Simonas Šultė ir tolerancijos problema. In J. Balčius (Ed.), *Iš tolerancijos istorijos* (pp. 142-160). Vilnius: Academia.
- Vaišvila, A. (2000). *Teisinės valstybės koncepcija*. Vilnius: Litimo.
- Valančius, G. (1933). Mūsų visuomenės dinamika. *Naujoji Romuva*, 128/129, 553-554.
- Zaborskaitė, V. (1987). *Maironis*. Vilnius: Vaga.
- Žagrakalys, J. (1936). Pozityvinės teisės krizė. In *Lietuvių katalikų mokslo akademijos suvažiavimo darbai. T.II* (pp. 285-297). Kaunas : Lietuvių katalikų mokslo akademija.