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PhD dissertation „Political and legal concepts of Polish Catholic solidarism of the interwar period"

Summary

The purpose of this dissertation is to present the basic ideas of the representatives of Polish Catholic solidarism in the interwar period (between the World Wars) related to the assumptions of the sociopolitical system, as well as their attitude to the solutions in both constitutions of the reborn Polish state: of 1921 and of 1935. Moreover, the aim consists also in analysing the detailed legal solutions postulated by them in the scope of ownership, labour regulation and workers protection; and also broadly understood special policy which, according to the Catholic Solidarists, was meant to serve the purpose of family protection. Catholic solidarism was a movement of sociopolitical thought which emerged in Poland in the interwar period, i.e. when the Polish Republic, reborn after years of slavery during partitions, faced the vital question of the shape of socioeconomic and political and legal system. The representatives of this movement united the ideas of the western Solidarists, particularly the French ones, like Léon Duguit, Charles Gide, Léon Bourgeois, and also sociological theories of Émile Durkheim (which influenced Solidarism), with firm rooting in Thomistic soil, and at the same time they put emphasis on social questions. In this dissertation, both representatives of the Catholic clergy and the lay intellectualists associated with the Church have been recognised as representatives of Polish Catholic solidarism, namely: Rev. Prof. Antoni Szymański (1881-1942), Rev. Prof. Aleksander Wóycicki (1878-1954), Ignacy Czuma (1891-1963) who was a professor of financial law at Catholic University of Lublin, Leopold Caro (1864-1929) – lawyer and economist whom was a professor of Lviv Polytechnic University, economists: Rev. Prof. Antoni Roszkowski (1894-1939) and Prof. Ludwik Górski (1894-1945), a prominent specialist of criminal law and sociology of law Prof. Juliusz Makarewicz (1872-1955), Rev. Jan Urban (1874-1940), Bishop Teodor Kubina (1880-1951), Rev. Jan Piwowarczyk PhD (1889-1959), and also Stefan Wyszyński (1901-1981), a future Primate. A certain suggestion at selecting the authors was the composition of the Primate's Social Council, founded by the decree of Card. August Hlond of 30th November 1933. Moreover, the views expressed in the literature have been taken in consideration. In the literature devoted to this subject, a view appears that Czuma was not a solidarist, because he is not influenced by the Duguit's conception. However, the Catholic Solidarism did not exclusively referred to Duguit, but also to other solidaristic authors whose concepts joinded with Thomism and the emphasis on social questions. This Czuma's attitude is visible in his works dealing with the grounds of social system and financial system.

Polish Catholic Solidarism so far has been mainly analysed from the point of view of economics. Beside them, the scholars of historical and political sciences took interest in this current. It has not been, though, the subject of a monographic study from the legal sciences point of view. Thus, this presented study fills the gap in the academic literature. Addressing the subject from this perspective, and particularly from the point of view of political and legal thought (doctrines), being the subdiscipline of legal sciences, is justified by several reasons. The first are the issues addressed by the representatives of Catholic Solidarism, who treated state as an organisation executing tasks for the benefit of a citizen, particularly of social nature. They also presented the reflection on the legal institutions leading to fulfilling these tasks in reality. The second reason was the fact that many of the representatives of Catholic Solidarism had professional legal backgrounds. Among them were lawyers lecturing at universities, like professors Czuma and Makarewicz. Leopold Caro was a practising attorney, and Rev. Prof. Wóycicki was a student of law at universities in Paris and Leuven. Stefan Wyszyński was awarded the doctoral degree in the field of canon law at the Catholic University in Lublin (KUL). Thus, the contemplations on legal subjects undertaken by Catholic Solidarists were not deprived of proper methodological grounds and frequently represented the essential standard responding to the general level of legal sciences in Poland at that time.

Chapter I of the dissertation outlines the ideological roots of the current that is the subject of my research. The assumptions of the St. Thomas' thought has been characterised, as constituting the foundations of Catholic social thought, and in this, particularly the Doctor Angelicus' concepts related to social order, justice, and the natural law. Moreover, in Chapter I of the dissertation, the views of the thinkers of the 19th and the beginning of the 20th century were presented, whose ideas influenced the formation of Catholic Solidarism. They were: Hugues -Félicité-Robert de Lamennais; French Solidarists: Charles Gide, Léon Bourgeois and Léon Duguit; and Émile Durkheim, being one of the "fathers" of contemporary sociology. In the first chapter also the views of French "social Catholics" were discussed, such as views of René de la Tour du Pin and Albert de Mun. These authors postulated initiating the reforms of social life based on Christian ideal of social equality. They proposed the reconstruction of social order based on the principle of equality among the individuals with a framework of society consisting of families, professional groups and, eventually, social classes. Chapter I of the dissertation is crowned with a presentation of the grounds of Catholic social teaching formulated by Pope Leo XIII in his famous encyclical on social issues *Rerum novarum,* because the standpoint expressed in this document was for the Solidarists a specific starting point for their own point of view.

In the second chapter, I am focusing on the Polish Catholic Solidarists' concepts of the state system. The subject matter of the research is their analyses and assessments of two Polish interwar basic laws, namely the March Constitution and the April Constitution, as well as the vision of social order, which, in their opinion, was to be realized by the state system. The subject matter of the considerations is also the standpoint of Polish Catholic Solidarists regarding the class struggle and dangers induced by this struggle, and also the concept of "third way" proclaimed by them, being the alternative to socialism and capitalism. It was also indicated what systemic role they would attribute to the professional corporations and – which is closely related to it – how they perceived the proper framework of freedom of economic activity.

The three other chapters address the meditations of Polish Catholic Solidarists on the individual institutions and legal regulations. The third chapter addresses the issue of ownership and permissible, but also desirable suitable limitations of this institution. It was indicated how the sources of private property were perceived on the grounds of Polish Catholic solidarism, what types were distinguished, and also how the state should specify the limits of private property. The subject of the analysis is also the considerations (presented among others by Antoni Szymański) on social function of property. Moreover, it was presented how Polish Catholic Solidarists perceived the spread of private property in Polish conditions, i.e. realisation of one of the most important ideas expressed by Leo XIII in *Rerum Novarum.*

The fourth chapter presents proposals of Polish Catholic Solidarists in relation to the regulations in the scope of broadly understood labour law, first by characterising their standpoint on the on the role of labour. The issues addressed here refer to the concepts about the proper regulation of working conditions and about a decent wage, which is also to be the so-called family wage (Rev. Antoni Szymański wrote about it in his work *Polityka społeczna (Social policy)*, 1925). The standpoint of Catholic Solidarists on the work of women and juvenile workers was also analysed. An essential issue addressed in the chapter, connected to the wider issue of professional corporations raised in chapter two, is the question of social role and legal position of trade unions. The standpoints on the significance and legal nature of collective agreements are also analysed, while this very subject is linked to the mater of trade unions.

The subject matter of the last chapter is the considerations of Catholic Solidarists related to the legal regulations of social policy. It was indicated how they perceived the right framework of aid for the unemployed. Agrarian reform, being the next issue addressed in this chapter, is the question which even arouse controversy among the Catholic Solidarists themselves. The postulates referring to the policy towards the family and proper legal means for it, and also the

social aspects of matrimonial law were also analysed. The issues of cooperative movement and the proposals of Catholic Solidarists in the scope of cooperative law were also raised. The postulates related to social security and their legal framework were also characterised. A separate position in this chapter was devoted to legal instruments which, in the intention of the Catholic Solidarists, served the fight against social pathologies affecting the institution of family, such as prostitution, pornography and alcoholism. The above characterised structure of the dissertation enables a holistic covering of the legal aspects of Polish Catholic Solidarism of the interwar period.

Polish Catholic Solidarists did not present one coherent concept of political system of Poland. Various solutions of the system were acceptable for them, when these solutions met the main assumptions of solidarism. They referred to the negation of the antagonisms between social classes and the respect for private property, which could have been limited by the state in order to reconcile the private interest of an owner with the common good. At the threshold of independence, the solidarists' approach was in line with the position of Polish episcopate, who did not formulate detailed postulates related to the system, but merely indicated that the future system should have the form of "Christian democracy," which should also resolve the social issues. The category of common good, present in the works of St. Thomas Aquinas and emphasised by Leo XIII, was, according to Catholic Solidarists, a specific measure of right solutions related to political and legal system of the state. In this system, a cooperation between public authorities was to occur. Any form of rivalry between the public authorities or bodies was not desirable, according to Solidarists. Rev. Jan Urban, in way typical for Catholic Solidarists, evaluated the March Constitution, recognizing that this law was worthy of acceptance, as a result of extensive understanding in the society, while it guaranteed the retention of "general Christian" character of the state.

According to the Polish Solidarists, the feature of the constitutional regulation of the social system was to be implementation of the principle of social justice, which guaranteed, in their view, the preservation of social order. Catholic Solidarists also cared of the realisation of the principle of subsidiarity in social life and the protection of common good by the organs of state government. Moreover, they demanded that the Catholic Church should be provided with an adequately strong position in the state, especially in relation to the internal autonomy. The clearly assumed the necessity to seek cooperation of all classes and social groups in order to protect the common good, in the place of the class struggle assumed by socialist concepts as a historical necessity. Since the end of the 20's, numerous representatives of this current

(particularly Rev. Roszkowski, but also Rev. Szymański, Rev. Wóycicki and Ignacy Czuma[1]) postulated supporting the social system on professional corporations which were supposed to be a modern and effective foundation of social life both assuring social development and uniting society around the principle of subsidiarity and protection of the common good, while respecting the individual interest. Thus, in the opinion of Polish Catholic Solidarists, as an assumption, a state was not a good in itself, but it was clearly intended to protect the good of the individual and thus to ensure the protection of the common good. The state and society were understood by them in an organicistic way. From among the scholars, whose concepts were the subject of considerations in this dissertation, Ignacy Czuma came closest to the Sanation regime and contributed to the work on the April Constitution.

In the opinion of Polish Catholic Solidarists, the property and work were supposed to be the basic foundations for both the socio-economic and political-legal system. The most important kind of ownership, according to the representatives of the analysed trend, was individual property. The relationship between property and work was emphasized by many Catholic solidarists, especially by Leopold Caro and Bishop Kubina. L. Caro stressed that individual property is absent merely from societies at a low level of development. The scholar referred to the theory of John Locke, joining the genesis of property with the labour put into a thing. Because not only labour, but also capital was the source of property in modern societies, this theory, according to the Lviv's professor, could have been only an argument of *de lege ferenda* nature, related to popularisation of property among the hired workers, as well as the possibility of limiting the ownership the direct source of which was not labour. Taking in consideration the question of limitations to private property, he recalled the concept of *quasi*-agreement uniting the society, and proclaimed by Léon Bourgeois. Thus, according to this view, certain social obligations and *quasi*-debt incurred to the poorest are always linked to property. Referring to St, Thomas Aquinas, L. Caro recognised that an owner has always control over the things being his property, although at the same time, using this property is supposed to serve not only the owner, but also the others.

The state security of the necessity of resolving the most crucial social issues (e.g. the circumstances of country people), according to the Catholic Solidarists, allowed to impose limitations on the property. L. Caro remarked that socially useful property was to be protected by law, and the regulation of ownership by the state was meant to serve the purpose of the

[1] In Leopold Caro's opinion, the model of corporatism postulated by Pius XI is a socioeconomic system executing the rules of "justice and freedom for everybody", cf. *ibid.*, p. 78.

property fulfilling its social function. The scholar also deemed the limitation of property reasonable in order to fight monopolies, and also he supported the institution of expropriation for public purposes. The standpoint of L. Caro and bp Kubina on the question of property referred to the theory of Léon Duguit, emphasizing the social function of property. The views of Catholic Solidarists on land reform were various. L. Caro and Rev. Jan Piwowarczyk were the most radical among the Catholic Solidarists in their opinions on the land reform. The assumptions of the land reform outlined in the Law of 1925 were generally accepted by Catholic Solidarists. Leopold Caro was an author from their circle, who spoke most definitely about the possibility of the state interference into private property.

Polish Catholic solidarism specified work as a right of a human being (Stefan Wyszyński, but also Leopold Caro and Juliusz Makarewicz spoke about it openly). The current also drew attention to the regulations protecting a hired worker, particularly in the scope of safe and hygienic work conditions and specified remuneration, as well as the work of the juveniles and women. Makarewicz deemed work as a factor facilitating the democratisation of society. A similar standpoint was taken by L. Caro. Following Leo XIII, Catholic Solidarists proposed for the pay to be specified at a level which would enable the worker to support himself and his family. Aleksander Wóycicki was for legal regulations in the scope of family allowances and minimal wages. Leopold Caro and Rev. Szymański recognised the legitimacy of introducing working time standards. Juliusz Makarewicz and Ignacy Czuma opted for limiting women's work, which in their opinion, had a negative impact on the institution of the family. However, there was no question of prohibiting women from performing gainful work.

Catholic Solidarists generally supported the development of trade unions. They thought, though, that the union movement should not be dominated by political parties. According to Rev. Wóycicki, the regulations in force in the 1920's were too liberal if it comes to creation of trade unions. This caused harmful, in his opinion, fragmentation of the union movement. Antoni Szymański supported the introduction of compulsory membership in a trade union. Moreover, Polish Catholic Solidarists agreed for giving the workers the right to strike. However, Rev. Szymański perceived strike as an ultimate means used by the employees. Makarewicz, in turn, was against the use of sabotage by them. The representatives of the analysed current raised the question of legal regulations in the scope of broadly understood social policy, recognising that this policy is supposed to serve the family and lead to the elimination of social phenomena detrimental to this social institution. The most attention was devoted to this subject by Rev. Szymański.