

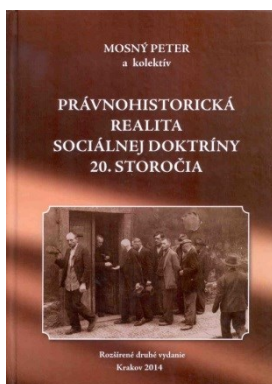
Mosný, Peter, et al.:
Právnohistorická realita sociálnej doktríny
20. storočia
[Legal-Historical Reality of Social Doctrine
in the 20th Century].

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Abstract: *Reviewing the monograph Mosný, Peter, et al.: Právnohistorická realita sociálnej doktríny 20. storočia [Legal-Historical Reality of Social Doctrine in the 20th Century].*

Key Words: *Review; Monograph; Legal-Historical Reality; Social Doctrine; the 20th Century.*



“Legal-Historical Reality of Social Doctrine in the 20th Century” is a monograph written by the team of the Slovak and Czech legal historians which was released in 2014 as the second extended edition for both the professional and lay publics. It is an influential publication about the social doctrine in Czechoslovakia during the pre-Munich era and in the Slovak Republic during the World War II. Furthermore, the book acquaints its readers with formation of labour law and social security law.

The aim of this review is to provide an overview of the publication in question whose main idea comes from the reciprocal relation of the State and State inhabitants and, especially, from the possibility of fulfilling themselves as adequate society members.

The monograph has nine chapters.

The first chapter called “Social Doctrine of the First Czechoslovak Republic and its Reflection in Law” was written by Professor JUDr. Lad-

islav Vojáček, CSc., who described the social doctrine in the First Czechoslovak Republic as a very generally formulated ideal. It is Tomáš Garrigue Masaryk who is considered to be the doctrine's creator as he introduced its concept already in the Washington Declaration as *a reflection of the majority's desire*. The bottom line of the doctrine stemmed from an up-to-date attitude that it is the State which must correct the social inequality by means of legal regulations. This doctrine evolved in two conjoint fields, i.e. in legal regulations change and in social security and social care for the population. Even though different circumstances such as Marxism, inconsistent advocacy of laws, and war consequences restrained it from consolidation, they did not impede the adoption of the different laws which gradually improved the social status of the population.

Professor JUDr. Dr.h.c. Peter Mosný, CSc., the supervisor of the collective of authors, linked the second chapter called "Starting Points of Social Doctrine in the Slovak Republic from 1939 to 1945" to the first chapter. He particularly devoted himself to the analysis of the social doctrine in the First Slovak Republic which propped itself up the Christian religion and represented the ideology of those political parties which once had the real power and determined the politics. During the existence of the World War II Slovak State, it was the Hlinka's Slovak People's Party (HSLŠ) which was the most dominant and determining party. The social doctrine then resulted from five different sources: canonical gospels from the New Testament, two Papal encyclicals (*Rerum Novarum* and *Quadragesimo Anno*), the ideological political programme of the HSLŠ (Slovak National Socialism), and the Constitution of the Slovak Republic which came into effect in 1939. Originality of the social doctrine in that time was due to the fact that it was founded on moral laws not endorsed by any other state, not even by Germany.

The third chapter called "Labour Law and Social Security Law in the Slovak Territory during the Second Half of the 19th Century and the Beginning of the 20th Century" was written by Docent JUDr. Miriam Laclavíková, PhD. It presented the shaping of the content and character of the labour law and social security law in the former Kingdom of Hungary and so in the Slovak territory. Here we find a precise analysis of the labour and social security law acts' key elements such as the employment contract, the decision making in labour law disputes, and the right to strike. The first half of the 20th Century was the time when protecting function of the labour law regulations strengthened and safety, health, and welfare at work regulations became an inevitable part of the labour

law legislation. Just to make a demonstration – it was e.g. the age restriction on children and juvenile working and the eight hour working time which were introduced. The author highlighted that as the labour law and social security law are interconnected and a change in one field might have an outreach on the other one and vice versa, such a change must be always explored in advance and made only if preserving human dignity.

Professor JUDr. Ján Kuklík, DrSc., the author of the fourth chapter called “Discussion about Socialisation in Czechoslovakia during the First Years of its Autonomous Existence”, defined the social doctrine called socialisation which started to develop after the World War I. It followed the influence of Marx’s and Engels’ theories which got into the political programme of different socialist and social-democratic parties. However, as the author admitted, the real attempt to carry through these programs turned into a moderate socialisation in the end.

The fifth chapter was written by Docent JUDr. Vladimír Kindl and was entitled as “Social Content of Domestic Law in the Czech Countries and Czechoslovakia (1848 – 1948)”. Within this chapter, the genesis, development, and fundamental elements of the domestic law were discussed. The author saw the genesis of the domestic law in the resolutions originating back to Maria Theresa in 1754. The basic rule emerged from the so-called subsidiarity principle according to which the municipality was responsible for taking care for the poor if all the other ways and means had been exhausted. The author specified the conditions of the domestic law realisation and pointed out how the social care for the poor began to be slowly given over to the State.

The sixth chapter which bears the title “Care for Socially Weak Minorities in Slovakia during the First Czechoslovak Republic” was written by Docent JUDr. PhDr. Adriana Švecová, PhD., who linked it up to the previous chapter. The author described the care for the poor – firstly in the Kingdom of Hungary and on the territory of Slovakia afterwards. Within the chapter, the minority of unemployed was portrayed firstly. In this minority were included mainly socially disadvantaged people such as beggars, vagabonds, Gypsies, war invalids, poor or orphan children, and youth and mentally or physically handicapped people. Secondly, the author drew attention to those subjects (municipalities and political bodies of the State) which were charged with the execution of the public care for the poor in Slovakia. Towards the end, an important matter of fact was

pointed out stating that for the social politics in the First Czechoslovak Republic became crucial the guarantee of the existential subsistence level and the reduction of various social risks and severities.

“Social Legislation in the German Empire (1871 – 1918)” is the title of the seventh chapter written by Docent JUDr. Peter Vyšný, PhD. The author’s aim was to introduce the historical background and legal basis of the State social politics in the German Empire since 1871 to 1918, paying attention mainly to the substantive law. Different social security laws concerning insurance were analysed by the author. Among these were namely acts regarding the workmen’s sickness insurance (1883), the accident insurance (1884), and the disability and old-age insurance (1889). It was outlined how the State took over the responsibility for the social welfare of its citizens to pivotal extent and so gave the citizens guarantees for the case of sudden life changes.

JUDr. Ján Drgo, PhD., the author of the eighth chapter named “Social and Legal Status of Employees in the Totalitarian State, at the Example of the German Empire after 1933”, analysed the social and legal situation of the employees in Germany during the existence of the so-called German Reich. The impact of the ideology then manifested itself very clearly in the collective labour law relations and led towards oppression of the individual’s freedom. This era was distinctive also due to liquidation of independent labour unions and due to loss of the employee’s influence on the company’s wage policy. So the employees were forced to resign to the economic and political interests of a totalitarian State regime.

The author of the last, ninth chapter called “Two Approaches to Forming of Social Doctrine” is JUDr. Mgr. Štefan Siskovič, PhD. He compared two different approaches, namely liberalism and socialism. The main theme of the whole chapter was the human dignity value.

The monograph itself introduces readers to the genesis, development, and realisation of the social doctrines in the 20th Century. The fresh insight and perception of the topic are a real scientific contribution. At the same time, it is a challenge for all the experts of the law fields in question as the monograph traced the ideal coexistence of the *State and social* which would introduce a fair balance between the State and an individual, emphasising the respect towards human dignity. The key position remains the faith for social progress.

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