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THE GUERRILLA WAR OF 1944-1953 IN THE HISTORICAL, POLITICAL AND
LEGAL CULTURE OF CONTEMPORARY LITHUANIA

Summary of doctoral dissertation
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General Characteristic of the Dissertation

Topicality of the problem. The guerrilla war against the Soviet Union was one of the most important events of the modern Lithuanian history. Not only was it a culmination of the 19th-century-fashioned Lithuanian struggle for freedom and independence, but also a characteristic feature of the Europe between the World War II and the Cold War. Through the war of 1944-1953 Lithuania became part of the pan-European fight against the totalitarian regimes. Regimes that were conspiring against one of the most valued European historical formations – the nation-states. Lithuanians joined the lines of the European partisans and this was probably the closest to the European mentality that Lithuania have got throughout its history. However, this is not exactly the way that the guerrilla war of 1944-1953 is perceived in the contemporary Lithuania.

Even the superficial study of the three levels (historical, political and legal) of Lithuanian culture discloses inadequate perception of the guerrilla war. At the historical level the so-called “civil war version” is noticeable. It is based on the strained interpretation of “one’s own” and “alien” in the history. The main criteria of differentiation between “own” and “alien” seems to be nationality which replaces state-based identity. Therefore, e. g. Lithuanian collaborator is treated as rather “own” than “alien” and it leads to conclusion that the guerrilla-fighters who punished collaborators fought the civil war. Finally the war itself is described as national tragedy as opposed to the resistance against foreign invasion.

The political level is likewise distorted by the lack of recognition of the guerrilla war. The historical misperception of the guerrilla war as the civil war prevents it from becoming part of the Lithuanian political identity. The concept of the “national tragedy” does not allow to place the war of 1944-1953 among the historical events that shaped Lithuania as a contemporary state. According to the “civil war version” it was not a heroic struggle for freedom but rather a disgusting internal feud, which is not to be mentioned in political speeches or serve as a background of political identity. This also applies to the political commemoration of the guerrilla war and homage of the survived guerrilla-fighters.

At the legal level the misperception turns to injustice. Before receiving the legal recognition the survived guerrilla-fighters need to “regain their rights”. Such procedure

means *de facto* recognition of the soviet jurisdiction over the Lithuanian guerrilla-fighters. From the legal point of view they are considered convicted criminals that may only be exonerated if prove to be not guilty of the certain crimes.

This inadequacy of perception of the guerrilla war was the main trigger of this research. It shaped the study of all three levels of culture examining the origins and causes of the fallacy as well as its path to becoming a part of the contemporary Lithuanian “common knowledge”.

Aim and tasks of the work. The aim of this research is to define the perception of the guerrilla war that influences the contemporary Lithuanian historical, political and legal culture, to uncover the origins of such perception and its development and thus explain the inadequacy of the social attitude towards guerrilla war.

For this aim the following tasks are important:

1. Reconstruction of the prevailing perception of the guerrilla war.
2. Definition of the political interpretation of the guerrilla war.
3. Uncovering of the legal interpretation of the guerrilla war, which determines the legal status of the surviving guerrilla fighters.
4. Exploration of the substance of the soviet indoctrination and propaganda claims, in order to display the soviet cliché of the guerrilla war.

Explanation of the development of the social attitudes towards the guerrilla war, defining the influence of the soviet indoctrination and the possible ways of dealing with it.

The scientific novelty of the research. The scientific novelty of the research is first of all determined by the fact that it is the conceptual research. There were some former efforts to define the concept of the guerrilla war. Historians Kestutis Girnius and Kestutis Kasparas both have provided conceptual ideas about the period interpreting it respectively as the internal war of liberation and the defense of Lithuania against the soviet attack. However, this research goes beyond these efforts as the concept of the guerrilla war is its primary topic. The research deals explicitly with the existing perceptions and concepts of the guerrilla war, defines their origin and seeks to determine the conditions for the appearance of the new concept of the guerrilla war. Thus the studies of the guerrilla war and the soviet totalitarianism are provided with a new quality.

Not only separate claims of the soviet sources are defined as untruthful, but the whole process of formation and introduction of the fictitious historical concepts is uncovered.

The theoretical basis of the research. From the theoretical point of view the research is based on the works of Jörn Rüsen, Hannah Arendt and Nerija Putinaite. Rüsen provided the idea of the historical culture and its dynamics. The historical culture which includes scientific researches as well as popular thoughts and oral histories evolves from the exemplary narratives to the genetic narratives. This evolution indicates the acceptance, criticism and evaluation of the past experience by the certain society. In the soviet-occupied Lithuania normal dynamics of the historical culture was impossible because of the censorship and other restrictions of the regime. Moreover, taking into consideration the Arendt theory it may be stated that the soviet totalitarian regime was not only preventing the formation of the real historical culture, but also creating its own quasi-historical culture. The negative action of censorship was extended by the positive means of indoctrination. Inside its boundaries the totalitarian regime was creating a fictitious world with the fictitious quasi-history. Finally Putinaite provided the inner view of this fictitious totalitarian world. She described the “survival strategies” of the people living under the soviet rule and also disclosed the extent and influence of the soviet indoctrination.

The methodology. The complexity of the research has also determined the variety of methods used. The research itself belongs to the theory of history and deals mainly with the problem of concept of the guerrilla war. The term “concept” is here used to describe the system of facts and interpretations outlining the common features of the phenomenon (guerrilla war), its origins and its meaning in the wider historical context. However, as the research deals not only with historical, but also political and legal culture the methods of sociology and jurisprudence are also used to examine specific problems.

The main results and conclusions. The research leads to four conclusions. First is that the perception of the history of the guerrilla war in Lithuania is still very much influenced by the quasi-historian concept of the civil war. This concept evolved as the part of the soviet indoctrination, but have survived the collapse of the regime. Secondly, the civil war version affected not only historian tradition, but also contemporary politics. The guerrilla war did not become part of the political identity as it happened in the

Western European states. The efforts to honor their memory crumbled because of the complexes felt in the post-soviet society and the return to power of the ex-communists who recognized these complexes. The inability to come to terms with the memory of the guerrilla war prevents Lithuanian society from final liberation from the soviet totalitarian fiction. Third conclusion is that the misperception of the guerrilla war turns into miscarriage of justice in the legal sphere. It is indicated by the process of rehabilitation. This process was transferred to Lithuanian laws from the soviet legal tradition and is incompatible with the civilized jurisprudence. It is a mere extension of the soviet terror against the survived guerrilla fighters and other soviet political prisoners. The existence of such process proves the strong influence of the quasi-history in the Lithuanian legal culture. Finally, the soviet quasi-history and the concept of the civil war may only be countered with the true concept of the guerrilla war of 1944-1953. Such concept should be based on the absolute denial of the soviet indoctrination, critical evaluation of sources and the study of the Lithuanian guerrilla war in the context of the common European history of the 20th century. This study is likely to lead to conclusion that Lithuania fought the war of independence against the Soviet Union. The ideological position of the Lithuanian volunteer-soldiers was close to the other members of the European resistance movements. It was one of the most important political events of the 20th century Lithuania that marked an important step of its becoming the European state.

Short content of the dissertation

The guerrilla war in the historical culture of contemporary Lithuania

Some components of the “civil war version” are noticeable even in the studies of the professional historians. It is especially true if the works of the so-called “liberal school” historians are brought to attention. They claim that the armed resistance against the soviets was the expression of “radicalism” and that it was not supported by intellectuals. The latter are said to have been more insightful to understand the hopelessness of the war and therefore proposed to spare the “strength of the nation” and resist only in the peaceful way. These ideas are close to popular perception of the guerrilla war as mutual (Lithuanian and soviet) radicalism that caused the “national tragedy”.

The misperception of the guerrilla war is even more evident in art and literature. First of all it is improbable that this subject although dramatic enough is avoided by the artists. The image of the guerrilla fighters is rare both in cinema and in literature. This leads to conclusion that considerations concerning the war of 1944-1953 are not welcome in Lithuanian society. On the other hand, when authors risk to include the “postwar theme” into their works the “civil war version” and the regrets about “national tragedy” usually prevail over the epic stories.

Finally, the “civil war version” often appears in the popular memory. This was approved by the sociological researches of the Lithuanians who have survived the guerrilla war. Many of them indicated to have feared the violence from both sides (the guerrilla fighters and the soviet officers) and to have not sympathized to any of them. This is quite common for the civilian memories about the war. However the absence of any tendency to identify oneself with one of the fighting sides is unusual. This is especially true if the fact that the guerrilla fighters themselves for the most part being the offspring of the farmers represented the largest body of the population is taken into account.

There are no difficulties in tracing the roots of the “civil war version” back to the soviet indoctrination. The simple analysis reveals that the elements of the conception of the “national tragedy” are constantly appearing in both soviet “documentary” literature

and “fiction”. The more improbable detail is that these elements have survived so long in the popular memory. The soviet “studies” and most works of fiction were dismissed as lies shortly after the restoration of independence of Lithuania. All of the indoctrination was seemingly forgotten. However the further research revealed that this is not actually the case.

The explanation is to be found in the studies of the soviet system of terror. The soviet terror is often described as chaotic and carried out according to the subjective (against the enemies or opponents of the regime) rather than objective (against nationalities, social classes, etc.) criteria. Thus the soviet terror is understood to be the repressions of the different variety than the genocide policy carried out by the Nazis. However the totalitarian terror is always structured and the soviet repressions also seem to be “impersonal” and have their own “objective” logic.

The key to understanding the soviet policy of violence is the concept of the “bourgeois society” which was openly declared to be the main enemy of the communism. The “bourgeois society” was not only the economical formation, but also the political one. It was not only the “bourgeois society”, but also the political nation which was the backbone of the nation-states-world-order. It was also the main obstacle in the course of the “world revolution” and therefore it was to be eliminated.

Having presumed that the political nations were the target-groups of the soviet terror its system becomes apparent. The short analysis of the Lithuanian example makes this position more clear. The Soviet actions from the beginning of the occupation in 1940 speak for themselves. The first waves of repressions targeted the politicians, the officers of the Army, the policemen, the intelligence officers, the other higher state officials, the journalists, the intelligentsia, the students and the youth organizations, the teachers and the richest farmers. The most active part of the society, which, to the occupant’s opinion, had the ability to mobilize the political nation and organize resistance, was to be either eliminated or isolated, i. e. either killed or imprisoned. The Soviets did not succeed completely with their purpose because of the war with Germany. And when they came back in 1944 they had already to face the real war with the Lithuanian political nation. Despite of that, the Soviets proceeded with the policy of repressions, which changed a bit, because of the new circumstances. During the World War II many members of the former target groups have gone West. Moreover, it became clear that the farmers composed the

real “spine” of the Lithuanian society. They provided human, material and territorial resources for the guerillas. Therefore it was these people that the Soviets targeted from 1944 on. The new waves of repressions came and more people were executed or sent to Siberia.

Together with the most cruel physical repressions the less cruel methods were used against those, who were allowed to stay, i. e. against the people weak enough to be maid into the *hominis sovieticus*. The nationalization of the private property, the collectivization of the farming enterprise, the persecution of culture and religion, the encouragement of alcoholism – all these actions served the purpose of the destruction of the national pattern and the imposition of the oppressor’s one.

This way the repressions of the active part or the society were coordinated with the oppression of the passive part and both made up the system of the Soviet policy, which is easily identified with the Raphael Lemkin’s concept of genocide. Although the concept of genocide experienced a long evolution and the question of the soviet genocide is still under fierce discussion it must be admitted that the soviet system of terror meets the criteria provided by Lemkin. It also meets the criteria of the totalitarian policy provided by Arendt. Therefore in the ambit of this research the conclusion is drawn that the soviet policy in Lithuania was the policy of genocide directed against the Lithuanian political nation.

The soviet policy of genocide resulted in the formation of the “new type of society”. It was a society of intimidated and easily controlled individuals. These people were forced to live the new soviet life. The restrictions and directions of the regime concerned not only the public sphere, but also the place of life, family, religion and other private domains. Thus the Lithuanian population was completely reorganized and grew accustomed with the soviet “morals”, “customs”, “politics”, “social life” and etc. All this was compatible with the concept of the fictitious totalitarian world provided by Arendt.

One of the most important aspects of this “new life” was new “history” which is here referred to as quasi-history. All the modern history of Lithuania was rearranged according to the needs and objectives of the communist ideology. This new creation became live through the repressions that were carried out according to the quasi-historian logic (for example the statesmen of Lithuania were punished for the high treason of the Soviet Union). The further continuous remaking and reshaping of the quasi-history was

done in a way best described by George Orwell. The “soviet people” were deprived of the real information, intimidated and then forced to admit the soviet indoctrination as a replacement of the real historical tradition. This was accomplished using not only the “documentary” literature and “fiction”, but also the cinema. The movie of Vytautas Žalakevičius “Niekas nenorejo mirti” (“Nobody Wanted to Die”) was in a way the culmination of the process of indoctrination. It was also the most important source of the “civil war version”.

Being the soviet creation quasi-history has nothing to do with the real historical studies and is doomed to wither after the collapse of the soviet regime. However for now it is still alive in the Lithuanian society and affects not only its memory and popular historical interpretations, but also the political and legal spheres of life.

The guerrilla war in the political culture of contemporary Lithuania

In the political sphere the political potential of the guerrilla war was not exploited. It is known that the resistance against the Nazis was not only a military accomplishment, but also the political revival of Europe. Similar effect was to be expected in Lithuania after the restoration of independence. This meant the achievement of the objective sought by the guerrilla fighters and the movement for freedom in the 1990’s might have been considered their political legacy. However, this was not the case.

Some politicians of the independent Lithuania actually acknowledged the importance of the full recognition of the guerrilla war. During the 1990’s the important laws were passed that confirmed the status of the guerrilla fighters as the members of the resistance and officers and soldiers of the restored Lithuanian army. In the same years the investigation of the soviet crimes committed in Lithuania was initiated. However this firm position of the first Sajudis government (later shared by the government of conservatives) did not receive popular support and was forgotten when the ex-communists returned to power.

Even during the period of the liberation the suggestions to honor the memory of the guerrilla fighters were often met with distrust. The study of the discussions in the press and other public forums reveals that the large part of the society still hung to the “civil war version” and was dissatisfied with the efforts to heroize the persons that it

considered accountable for the “national tragedy”. These were the first signs of the approaching wave of the soviet nostalgia which revealed the true state of the Lithuanian society. It is comparable to the state of the liberated hostages suffering from the Stockholm syndrome. The people were happy to be free, but also afraid of the true reality and true history revealing their selves.

These complexes of the post-soviet society were “mirror imaged” by the political identity of the ex-communists. Although more and more memoirs of the once-soviet-party-nomenclature are dismissed as lies the factor of certain “totalitarian inertia” should also be taken to consideration. The ex-communists also had certain fear concerning the true reality. It was the unconscious fear of losing control over the world. The members of the party nomenclature were used to act as intermediaries between the real world and the soviet society. To their ideological belief (also not necessarily consciously expressed) the reality was too dangerous for the soviet people and it had to be “adapted”. It was done through the indoctrination and not in the last place through quasi-history. Therefore the reaction of the ex-communists to the collapse of the Soviet Union and the restoration of independence of Lithuania was one of taking the challenge. They tried to “adapt” the new reality to the soviet people. For that a new version of the quasi-history was created which supposed that the Lithuanian communists were all the time in the secret resistance to regime and gradually led people to independence. It is obvious that there was no place for the honor of the guerrilla war in such “interpretation” of history. The guerrilla-fighters were still represented in the civil-war-style – as radicals who ran their heads against the wall. As it is impossible to fake history without having the totalitarian control over the society, the “totalitarian inertia” soon turned against the ex-communists as they were exposed as liars. However this remaking of the quasi history has sufficiently prolonged its impact on the people.

Therefore what happened in Lithuania during the first years of independence was not a simple political confrontation between the Sajudis and the ex-communists. It was mere a clash of reality with the totalitarian fiction, which is still going on. There is no doubt about the final “victory” of reality as it is inevitable. But on the other hand the fairness and clearness of the true perceptions of the guerrilla war as well as that of the other important historical events depends strongly on the ability of the contemporary

Lithuanian society to face the soviet past and make not only factual, but also moral judgments about it.

The guerrilla war in the legal culture of contemporary Lithuania

In the legal sphere the historical misperceptions turn into miscarriage of justice. Even after the collapse of the soviet totalitarian regime and the restoration of independence the survived guerrilla fighters do not receive the fair treatment from their own government. It happens so because the lawyers are even more tempted to keep up with the tradition. However the “tradition” to which they so vigorously follow is the soviet one.

This problem is best reflected in the analysis of the so called process of rehabilitation of the political prisoners. This process is applied to all guerrilla fighters who were sentenced and punished by the soviet courts and administrative institutions. It is the condition-sine-qua-non for those who pretend to the status of the soldier-volunteer. This status guarantees pensions and other privileges with which the state provides the survived guerrilla fighters. The existence of the process of rehabilitation proves that while the guerrilla fighters are supposedly privileged they are actually treated as criminals at the same time.

The history of the rehabilitation of political prisoners goes back as far as 1950's. Then after the Stalin's death Nikita Khrushchev came to power in the Soviet Union. The “stalinism” was denounced and the “destalinisation” started. The rehabilitation was a part of it. The second wave of rehabilitation of political prisoners appeared during the Gorbachev era. From the soviet point of view this process had a certain legal logic. All political prisoners were considered sentenced criminals, but there also were some innocent victims of terror among them. If those were rehabilitated the “justice” would be restored.

The transfer of such procedure into the law of independent Lithuania was less logical. The rehabilitation or the restoration of rights as it is officially called supposes the presumption of guilt. In the direct opposition of the rules applied in the criminal process the person undergoing the rehabilitation is considered guilty until proved otherwise. This is not written *expresis verbis* in the Law on Rehabilitation of Persons Repressed for

Resistance to the Occupying Regime, but follows from its content. If a special notification is needed to restore some person's rights and his innocence then the general rule is his guilt. However such blind following of the soviet tradition is not as natural as it is sometimes supposed to be. Lithuania is a different state and has a different legal attitude to the events of the guerrilla war. The existence of the rehabilitation in Lithuania is therefore only possible under three conditions all of which have to be fulfilled. First of all the acts of the guerrilla fighters that were considered crimes by the soviet regime must also be considered crimes according to Lithuanian law. Secondly, the soviet jurisdiction over the Lithuanian guerrilla fighters has to be proved. And finally, it has to be also confirmed that the soviet regime exercised its jurisdiction in a proper way, i.e. applying the proper rules of the criminal procedure.

As to the first condition it must be noticed that most of the acts that brought on the criminal liability according to the soviet law were from the Lithuanian point of view heroic deeds. The soviet regime did not recognize the Lithuanian right of defense nor did it acknowledge the state of war between the two countries. Therefore the guerrilla fighters were sentenced for high treason and "counterrevolutional activities" as well as for the creation of the "counterrevolutional organizations". In Lithuanian law these acts are considered the defense of the country against the foreign aggression. On the other hand it is possible for the soviet and Lithuanian attitudes to coincide. These were mostly the cases concerning the killing of the civilians which is the ground to deny the rehabilitation under the Law on Rehabilitation of Persons Repressed for Resistance to the Occupying Regime.

But even if the civilians were killed by the guerrilla fighters it was not always a crime under the Lithuanian law. The guerrilla fighters had some authority over the civilian population and even the right to execute the death penalty. Therefore some of the killings were justified. It complicates the problem even more as the responsibility for the killing of the civilians may not be automatically transferred from the soviet cases to Lithuanian ones.

The problem of jurisdiction is even more complex. The Lithuanian guerrilla fighters fitted the criteria of volunteer army provided in the then international law. The soviets respectively had to recognize them as the enemy soldiers and in the event of capture treat them as the prisoners of war. The only jurisdiction that the soviets might

theoretically have over the Lithuanian guerrilla fighters was the enemy jurisdiction over the prisoners of war. According to the international law of the time the prisoners of war might only have been brought to trial for spying and war crimes. Both exceptions might have in certain cases been applied to Lithuanian guerrilla fighters.

If captured during some operation without wearing the uniform or distinctive signs the guerrilla fighters might have been prosecuted for spying. However this exception could not have justified the prosecution of all guerrilla fighters. Moreover the criterion of uniform should have been applied flexibly because the soviets persecuted people who kept at home or tailored the uniforms of the guerrilla fighters. This was itself a brutal breach of the laws and customs of war and therefore it justified the behavior of the guerrilla fighters who fought in civilian clothing.

The Lithuanian guerrilla fighters might also have been prosecuted for war crimes. However in that case the soviet regime had to act according to the rules of trial of the prisoners of war. Such rules are set in the international law and they guarantee the fair trial of the captured enemy soldiers. The prisoners of war have the right to have the attorney of defense and other common rights of the defendant under the criminal procedure recognized by the civilized countries. But all these theoretical considerations are only valuable for the comparison. In reality the soviets did not recognize the status of the guerrilla fighters and prosecuted them as if they were citizens of the Soviet Union. This circumstance is enough to declare all soviet "judgments" of the Lithuanian guerrilla fighters null. Punishment without the jurisdiction is lynching.

These considerations already cast serious doubt over the process of rehabilitation. On the other hand the history of the guerrilla war is quite complicated and such process might be justified as a compromise which does not allow making heroes out of war criminals. But the compromise would only be possible if the third condition of applying proper criminal procedure to the guerrilla fighters was fulfilled.

The rules of the soviet criminal procedure are important because of the role such procedure plays in establishing the truth. When in the Modern Era the state evolved as an apparatus it gradually denied the society the right of vendetta or the possibility of compensation for the criminal acts. Instead the criminal procedure was invented which meant that not only the direct victim but also the state itself was offended by the crime. The intention of the state was respectively not only to satisfy the victim but also to

punish the true criminal. The evolution of the criminal procedure was further facilitated by the defense of the citizens against the false accusations. Thus the modern criminal procedure finally emerged. It has some standard rules that are traditionally recognized as the tools for the establishing of the truth about the crime. These are the defendant's rights to have attorney and otherwise defend himself against the charges, the obligation of the prosecutor to prove the charges beyond reasonable doubt and other basic provisions recognized by all civilized countries. The state may recognize the judgments of the other state's courts only if they are reached while applying the proper criminal procedure.

The laws that the soviet regime named "the criminal procedure" had nothing to do with these civilized standards. First of all, the "political criminals" (the Lithuanian guerrilla fighters also belonged to this category) were prosecuted under the different rules than the "criminal criminals". This was by itself a breach of the civilized standards. The guerrilla fighters in Lithuania were prosecuted either in military tribunals or received summary punishment from the so called "troikas" – the "special counsels" of the head of the soviet security service. The military tribunals might at least formally be considered courts. But the trial itself was by no means fair. There was a possibility to simplify the procedures so that even the attendance of the defendant was not necessary, not to mention that the other rights of the defense were denied. The "special counsels" on the other hands were administrative structures that passed criminal judgments. Such model is unimaginable in any civilized country. Therefore the soviet system of the prosecution of "political criminals" was the system of terror. There is no legal ground to recognize the "judgments" of the soviet institutions in Lithuania. Moreover, if the soviet prosecution was terror than the contemporary rehabilitation is the extension of terror.

The only moral and legal alternative to the process of rehabilitation would be the procedure which would allow to solve the question of the responsibility of the guerrilla fighters for the possibly committed war crimes in a civilized way. That would mean either the utilization of the common criminal procedure or the creation of the special set of rules based on the criminal procedure. However the implementation of such rules would be more problematic. If the survived guerrilla fighters would be charged with war crimes, several obstacles would complicate their trials.

First of all it should be brought to attention that the guerrilla fighters had a certain authority over the civil population of Lithuania. Moreover this authority was officially recognized by the Lithuanian laws. Therefore the actions (punitive as well) of the guerrilla fighters against the civilians would have to be presumed lawful until proved otherwise. It is the same presumption of legality which supplements the presumption of innocence in the cases of ordinary civil servants brought to trial for malfeasance. But in the case of the guerrilla fighters it would be even more complicated to disprove such presumption. The archives of the guerrilla fighters were mostly destroyed or lost by the soviet services. Without those archives and with little witnesses it would be very difficult for prosecuting attorneys to achieve convictions.

The execution of orders would also be an important mitigating circumstance in such trials as it is always the case with war crimes. The experience of the other countries provides that soldiers are being convicted for the mistreatment of civilians only if the criminality of the actions is obvious. Otherwise the execution of orders excuses them as the interest of the state in having the effective army prevails over the necessity to investigate and punish crimes.

Under these circumstances the prosecution of the guerrilla fighters for war crimes would be theoretically possible but practically hardly accomplishable. Moreover it would make little sense. The soviets committed many breaches of the international law that prevent the fair and successful legal investigation of the events of the guerrilla war. Besides that the natural interest of Lithuania is to honor the survived guerrilla fighters and thus present them as a worthy example of loyalty. Therefore the most logical decision would be to abolish the process of rehabilitation and provide all survived guerrilla fighters with honorable privileges.

The existence of the rehabilitation process is one more indicator of the influence of the quasi-history in the contemporary Lithuanian society. The misperception of the war itself and of the true role and nature of the guerrilla fighters leads not only to the loss of tradition and political identity, but even to injustice. Otherwise the legal recognition of the soviet “judgments” that served as cover-documents for organized terror of the regime would not be possible.

The possibilities of the alternative concept of the guerrilla war

The problem of the soviet quasi-history is even more complex because it exists as a finished concept of the guerrilla war. The result of the soviet indoctrination is not that some facts are misinterpreted or that some lies about the guerrilla fighters are wide spread. The more damaging outcome of the soviet rule is that there exists the whole system of ill-founded beliefs concerning the guerrilla war. It is the real quasi-historian concept of the guerrilla war, which makes the people think that there was a civil or nearly civil war going on in Lithuania. That the guerrilla fighters were the “radicals” who fought the other “radicals” and the “common” people have suffered for the things they had nothing to do with.

This misperception may not be countered with simple denial of some separate soviet claims. Moreover the discussion makes the quasi-history even more alive as it creates the illusion of reality (if some concept has faults it may as well have advantages). Thus the unmasking of the fictitiousness of the soviet quasi-history is continuously postponed. The fact that the quasi-history has become personal and may be independently passed to the generations to come complicates the problem even more. Thus the situation becomes paradox: although the quasi-history is the fossil of the totalitarian age and is doomed to extinction it not only outlives the regime itself, but also disturbs the life of the liberated society.

The only effective way to accelerate the agony of the quasi-history is to counter the fictitious concepts with the true concepts. The concept of the guerrilla war is of special importance. The guerrilla war meant not only the end of Lithuanian independence but also the end of the true history in Lithuania. Therefore this period of time was so important in the soviet indoctrination. The truth about this period is respectively the truth about the quasi-history itself as well as about the regime that created it. The truth about the guerrilla war is the truth about the soviet conquest of Lithuania and also the truth about the origin of all things soviet in Lithuania. If there is a way to “fight” the influence of the quasi-history it is the true concept of the guerrilla war. Therefore the challenge for the historians is not to tell some war stories but to answer the conceptual questions of what happened in Lithuania in 1944-1953 and why was it not the history of some Lithuanians but the history of Lithuania.

For that several preconditions are necessary. First of all the absolute denial of the soviet indoctrination. The considerations based on the quasi-history should have no part in the historian discussions. The historians should have to agree between themselves that there was no civil war in Lithuania. However such an agreement as well as the recognition of the existence of the quasi-history would have some wider consequences.

Firstly it would affect the evaluation of sources. The soviet archives would be put to question. The creation of the quasi-history meant not only that the soviets hid the circumstances that were disadvantageous for them and disclosed the advantageous ones. The creation of the quasi-history was the creation of the circumstances themselves. Therefore the historians studying the soviet archives should pay due attention to the fact that the documents were not only used to document some events, but also to create the totalitarian fiction.

On the other hand the problem of sources is even more complicated because the soviet security structures destroyed a great deal of the archives of the guerrilla fighters. Thus the contemporary historians were denied the possibility of finding the “balance of truth” between the positions of the fighting sides. This gap may partially be filled with the memoirs and oral testimonies of the survived guerrilla fighters. These on the contrary are sometimes underestimated. The testimonies of the survived guerrilla fighters are important because they were less affected by the soviet indoctrination and represent the authentic worldview of the people who fought and lived through the war of 1944-1953.

The denial of the concept of civil war and the cautious use of the soviet archives are both negative preconditions of the true concept of the guerrilla war. The most important positive precondition is the provision of perspective. The Lithuanian guerrilla war is ought to be studied not as an isolated event, but as a part of the European history of the 20th century.

One of the most important reflections of the European guerrilla wars was the theory of the German philosopher Carl Schmitt. He attributed to the partisans (Schmitt used this term for the guerrilla fighters) four important features: irregularity, mobility, telluric character and political activity. In other words, Schmitt considered the partisanship the most extreme step that a man takes in defense of his homeland.

However Schmitt paid much more attention to the evolution of this phenomenon as well as to its possible future prospects. He thought the partisan to be the reflection of

changing character of enmity in the war as well as in the politics. To the European order after the Vienna congress of 1815 Schmitt attached the concept of the relative enmity. The political opponent or the enemy in war were fought, but respected. Not only the political debates, but also the battles of war proceeded according to the strict sets of rules respected by both sides. According to Schmitt that was the true meaning of the famous thought of Carl von Clausewitz that war is extension of politics. This balanced approach to enmity was for Schmitt the real victory of the humanism as it allowed to treat even the enemies with the respect necessary for human beings.

However von Clausewitz was for Schmitt also the prophet of the new type of enmity. He was one of several European strategists that noticed the growing force of the patriotic irregular fighters. Von Clausewitz dedicated the whole chapter of his work “On war” to the question of national resistance. This tendency which according to Schmitt began with the Spanish guerrilla war against the Napoleon was naturally concerned with the growth of national sentiments and the evolution of the nation-states. But the partisans were not officially recognized as a lawful participants of war. They were left outlaws of the relative enmity. Therefore Schmitt draws the conclusion that they turned to real enmity. They awaited no mercy from their enemy, but were no more merciful themselves.

The next step in the evolution of the idea of partisanship was taken by the communists who propagated the world revolution. As Schmitt notices, it was Lenin who after reading von Clausewitz turned his ideas around. For Lenin war was not extension of politics, but vice versa. The real enmity under the influence of communists turned into the absolute enmity. The world revolutionaries were to fight their absolute enemies not only with all possible means, but all over the world. Thus the partisans lost their telluric character.

For Schmitt the future was terrifying. He thought that the unlimited terror used against the absolute enemy will invoke as unlimited counter-terror and that this process will lead to total annihilation. His ideas are still valid and alarming in the context of “war on terror”. But for the true concept of Lithuanian guerrilla war it is important to concentrate more on the telluric partisans and the real enmity they represented. These ideas left a considerable mark in the history of the European mentality.

The resistance movements of the World War II had a great importance in the shaping of the political and social order of the post-war Europe. Although the guerrilla fighters were a minority they had won the victory for the majority and therefore become naturally the ideological leaders of some kind. The history of the different European states after the World War II differed much, but there were also some ideas that were shared and became European. At least three important achievements may be attributed to the “guerrilla Europe”.

The first is peace. Whatever awaits the European countries in the future they have already lived through the real *pax Europæana*. For fifty years not even the real danger of war has emerged between them. It is quite possible that the real enmity of Schmitt actually had a double-effect. It not only made the war more cruel, but also the peace more welcome. Knowing the possible outcome of terror and counter-terror the states were less likely to turn to war as a means of policy.

The second achievement was the victory against the totalitarianism. Not only the Nazism, but also the communism. It looks like the telluric character of the European guerrilla fighters has resisted the temptation of the world revolution. Despite the huge efforts of the soviet regime to ideologically seduce Europe the western part of it remained faithful to the West.

Finally the last achievement was the extraordinary good-living of the post-war Europe. Although the American money was necessary for the start the Europe was not merely rebuild. It became the social paradise with the world’s shortest working ours, longest holidays and most comfortable pensions as well as the healthcare for all. This strive for social justice and common comfort also stemmed in part from the ideological position of the guerrilla fighters of the World War II.

Various documents and testimonies of the Lithuanian guerrilla fighters prove their attachment to the common European tendencies. The strive for peace, democracy, Western culture and good-living was no less familiar to the Lithuanian guerrilla fighters then it was to their counterparts in Western Europe. The only really important difference in Lithuania was the attachment of the guerrilla fighters to the rules and customs of the regular army. The Lithuanian guerrilla fighters had the uniforms, the military ranks, the statutes, the drills and other attributes of the army. This fact had important consequences.

First of all it must be noted that it was not the unique phenomenon of Lithuania. The Polish and Ukrainian guerrilla fighters have similarly respected the rules and customs of the regular army. The causes of this may only be guessed. It might have been the eagerness of the guerrilla fighters to demonstrate their connection with the particular state or the manifestation of the common Eastern European “conservativeness”. However the Eastern European guerrilla fighters have not overstepped the boundaries of the legal war. Politically they were a part of the new European tradition. But legally and militarily they were a part of the old Europe.

The formations like that of the Lithuanian guerrilla fighters had a special status in the contemporary international law. It was the status of the volunteer army. Its members had to be treated in the same way as the soldiers of the regular army if they respected the laws and customs of war. On the other hand such status was undoubtedly interconnected with the status of the state itself. Basically two circumstances are important for the definition of the true identity of the Lithuanian guerrilla fighters: the international status of Lithuania and the status of the fighters from the point of view of Lithuanian laws and customs.

As for the international status of Lithuania in 1944-1953 little new might be said. It is already acknowledged by many authors that the soviet regime committed a brutal breach of the international law by occupying Lithuania. It was done using various threats and military force, first introducing the soviet military bases in Lithuania and then pushing the government to “legally” pass the power to the soviet henchmen. Thus Lithuania was in the position of state under attack and was free to use all the possibilities of self-defense.

The status of the guerrilla fighters in the national law of Lithuania was first of all defined by the fact that they exercised the constitutional duty of the citizens to defend the state. As the guerrilla fighters did so voluntarily it was logical to require support from the other citizens. The state was no longer able to organize its defense so the citizens organized themselves. Reliance on self-organization and civic initiative was compatible with Lithuanian political tradition as the independence of Lithuania in 1918 was also first pronounced by the self-organized civic institution and only later approved by the democratically elected parliament. Finally the length of the guerrilla war itself indicates

the strong popular support for the guerrilla fighters as the natural conditions made it very difficult to wage such war in Lithuania.

This not only means that the Lithuanian guerrilla fighters might have lawfully enjoyed the status of the volunteer army. They also had the status of the only lawful military and political authority in Lithuania. Therefore it is very likely that the discussions about the true concept of the guerrilla war will lead to conclusion that it was the war of occupied Lithuania against the Soviet Union. Regretfully it was lost.

Reziume

Tyrimo problema. Svarbiausias tyrimo problemas nuleme akademinuose darbuose, viešojoje erdveje, politineje ir teisineje veikloje susiklostes neadekvatus partizanų karo suvokimas. Ji galima išvelgti visuose trijuose tiriamuose lygmenyse, disertacijoje ivardijamuose „kulturomis“.

Visais trimis atžvilgiais situacija Lietuvoje yra paradoksali, lyginant su kitomis pasipriešinima Antrojo pasaulinio karo metu išgyvenusiomis valstybėmis. Kaip rodo ju patirtis, iš karto po pergales prieš totalitarini režima-užkariautoja pasipriešinimo dalyviai yra smarkiai heroizuojami. Istoriniame lygmenyje, tyrimai vykdomi preziumuojant pasipriešinimo kovos ir jos pergales teisetuma ir teisinguma, politikai stengiasi kaip nors save susieti su pasipriešinimo dalyviais, pasirodyti ju iškovojimu saugotojais ir tradicijos tesejais, o teisiniu požiuriu rezistentai išvengia bet kokios atsakomybes už savo galimai nusikalstamus veiksmus ir igyja privilegijuota teisini statusa (gauna apdovanojimus, specialias pensijas, atskirais atvejais igyja kitu specialiu teisiu). Tik praejus keliems dešimtmečiams po pergales atsiranda istorines studijos, skatinancios giliau pažvelgti i pasipriešinimo istorija, ivertinti pasipriešinimo sąjudžiu problemas, keliancios ju galimai ivykdytu nusikaltimu klausimus. Taciau net ir šios studijos nesuponuoja pilietinio karo sampratos.

Taigi, visuomenes ir valstybes reakcija i partizanų kara Lietuvoje yra atvirkščia iprastai. Tokia padetis savaime kelia klausima apie neadekvacių nuostatu kilme ir ju susiformavima itakojusius istorinius veiksnius. Išreiškus tyrimo problema klausimu ji skambetu taip: kodel Lietuvoje partizanų karas vertinamas taip itariai?

Tyrimo tikslas ir uždaviniai. Tyrimo tikslas – atkleisti partizanų karo samprata šiuolaikineje Lietuvos istorineje, politineje ir teisineje kulturoje, nustatyti šiu nuostatu kilme, atkleisti ju istorine raida ir paaiškinti prieštaranga visuomenes nusistatyma partizanų karo atžvilgiu, pasireišskianti visuose trijuose tiriamuose lygmenyse.

Siekiant tokio tikslo svarbu atlikti šiuos žingsnius:

1. Tiriant istorines kulturos išraiškos formas, rekonstruoti visuomeneje vyraujancia istorine partizanų karo samprata.
2. Fiksuojant politines kulturos išraiškos formas, atkleisti partizanų karui teikiama politine reikšme.

3. ? pžvelgiant teisinės kultūros išraiškos formas, nustatyti partizanų karo teisinės puses suvokimą ir buvusių partizanų teisinį traktavimą.

4. Atsigrežiant į sovietų istorinę politiką, pasigilinti į propagandą išorei ir vidinei indoktrinacijai, siekiant išgryninti sovietinio režimo skiepytas partizanų karo sampratos klišes.

5. Pameginti pateikti nuoseklu šiuolaikinės Lietuvos visuomenės nuostatų partizanų karo atžvilgiu formavimosi vaizdą, atskleidžiant sovietų indoktrinacijos įtaką šiam procesui, identifikuojant iš propagandos perimtus klišius vartojimą ir nurodant galimus jų įveikos būdus.

Darbo mokslinis naujumas. Tyrimo naujuma labiausiai lemia tai, kad tai *sampratu* tyrimas. Partizanų karo istoriografijoje jau buta bandymu suformuluoti savarankiška šio karo *samprata*. Pirmasis tai padarė Girnius, teigęs, jog Lietuvoje vyko vidaus išsivadavimo karas. *Samprata* – partizanų karas kaip Lietuvos gynyba nuo užkariavimo – išryškėjo ir Kasparo darbuose. Tačiau šis tyrimas yra bene pirmasis, išimtinai skirtas partizanų karo *sampratos* problematikai. Jo tikslas – kompleksiskai pažvelgti į partizanų karo *sampratos* problemą, įvertinti šiuo metu egzistuojančias *sampratas*, atskleisti jų kilmę ir kritikuojant ydingą tokiu *sampratu* prigimtį nurodyti prielaidas, reikšmingas naujos *sampratos* susiformavimui. Tokiu būdu šis tyrimas suteikia partizanų karo studijoms naują kokybę, kai atskleidžiamas ne tik atskiru sovietinės „istoriografijos“ teiginiu netikslumas ar melagingumas, bet visas fiktyvių istorijos *sampratu* formavimo mechanizmas. Šia prasme tyrimas naujomis išvalgomis papildo ir totalitarizmo studijas. Jeigu eugenika, socialinė inžinerija ir kiti totalitarinių sąjudžių atsiradimui prielaidas sudarę reiškiniai bei totalitarinės politikos instrumentai tyrinetoju jau yra gana plačiai aptarti, tai apie *istorijos primetimą* ir jo pasekmes diskutuota palyginti nedaug.

Tyrimo metodai. Atliktas tyrimas pirmiausia vertintinas kaip istorijos teorijos tyrimas. Jo kontekste svarbus ne patys praeities faktai, įvykiai ar žmonių veiksmai, o tos praeities kaip visumos suvokimas, istorinių įvykių sampratos, jų susiformavimas ir išitvirtinimas moksle ir visuomenės gyvenime. Vienas iš svarbiausių šio tyrimo aspektų yra pacios istorijos (tam tikro praeities suvokimo ir „priemimo“) kaip socialinio ir politinio faktoriaus reikšmė.

Kita vertus, toks tyrimas savaime yra tarpdisciplininis. Tiriant tam tikru sampratu susiformavima (suformavima) ir isitvirtinima (itvirtinima) visuomeneje, neimanoma apsieiti ne tik be iprastos politines istorijos, ideju istorijos ar istorines samones tyrimu, bet ir be ne visai istoriniu disciplinu. Vertinant sovietu režimo politika ir pastangas suformuoti tam tikra istorijos samprata, tampa svarbios totalitarizmo studijos, susikurusios istorijos, filosofijos, sociologijos ir politikos mokslu sanduroje. Pagaliau, istoriniu sampratu reikšmes visuomenes gyvenimui ivertinimas apima ir teises sriti, kuria paprastai tiria teises mokslas.

Toks kompleksinis tyrimo pobudis nulemia ir jo specifinius metodus. Visu pirma pažymetina, kad tai *tipologinis* tyrimas. Jo pagrinda sudaro tam tikru tipiniu nuostatu, veikianciu istorineje, politineje ir teisineje kulturoje, išskyrimas, aptarimas ir ivertinimas.

Tyrimas taip pat gali buti apibudintas ir kaip *kontekstinis*. Konkretus faktai ir ivykiai tiriami ne izoliuotai, o atsižvelgiant i ju kilme ir aplinka, nustatant ryšius su kitais faktais.

Pagaliau, tyrime naudojami ir kiti humanitariniu ir socialiniu mokslu metodai. Tiriant konkrečiu nuostatu apie partizanų kara kilme, susiformavima ir raida, taikytas *istoriografinis* metodas. Studijuojant šaltinius siekta sukurti problemini santyki su juose pateikiamais duomenimis – išgryninti ne visada tiesiogiai šaltiniuose atspindima partizanų karo samprata. Ši metodologine prieiga artima kartais aptariant istorijos metodus išskiriamai *probleminio istorizmo* savokai.

Nagrinejant teisineje praktikoje isitvirtinusio partizanų karo suvokimo ydinguma daugiausia remtasi *sisteminio teises aiškinimo* metodu. Šio metodo esme – atskleidžiant atskiros teises normos ar teises akto reikšme, turi buti atsižvelgiama i šios normos (akto) vieta teises sistemoje ir santyki su kitomis normomis (aktais). Aptariant su partizanų karu susijusio teisinio reguliavimo problemas prisilaikyta ir kitu teises argumentacijos ir teises logikos nuostatu.

Tyrimo rezultatai ir ginamos išvados.

1. Šiuolaikineje Lietuvos istorineje kulturoje nera adekvacijos partizanų karo sampratos. Nepaisant dalies istoriku kryptingu pastangu atkuriant partizanų karo atminti, visuomeneje vis dar stipriai isitvirtinusi pilietinio karo versija. Istoriskai ši versija yra nepagrįsta, taciau emociškai labai priimtina didžiajai daliai Lietuvos gyventojų.

2. Pilietišio karo versija tiesiogiai kyla iš sovietinės indoktrinacijos. Greta bandymu pavaizduoti partizanus kaip kriminalinius nusikaltelius, iškeliant „kovos su banditizmu“ ivaizdi, aiškiai išvelgiama ir kita linija: Sovietu Sajungos remiamu komunistu ir kitu „pažangiuju“ kova su nacių Vokietijos, o vėliau – Vakarų proteguojamais „buržuaziniais nacionalistais“. Ypač didelė reikšmė šioje versijoje turejo „kencianciojo treciojo“ elementas, sustiprines asmenini emocini indoktrinuojamu žmonių santyki su aptartais ivykiais.

3. Sovietinė indoktrinacija šiuolaikinei Lietuvos visuomenei padarė itin giliu poveiki dėl to, kad buvo sistemingos totalitarinės politikos dalis. Sovietų represijas, politines santvarkos primetima, kolektyvizacija, socialinė politika, švietimo sistemos pertvarkyma – šias ir kitas priemones būtina vertinti kaip vieningą totalitarinio poveikio visuomenei kompleksą, kurio paskirtis buvo sugriauti Lietuvoje egzistavusia visuomenine ir valstybine santvarka ir pakeisti ją nauja – sovietinė sistema. Tokia sovietų politikos analizė patvirtina totalitarizmo ir genocido tyrinėtojų teiginius apie totalitariniu režimu ekspansionistinę politiką – užkariautame krašte privalo būti sunaikintas egzistuojantis gyvenimo budas ir primesta nauja, „tobulesnė“ ir „pažangesnė“ santvarka.

4. Sovietinės politikos pažeista istorinė samonė itakoja ir politinius bei teisinius procesus ir trukdo visuomenei normaliai funkcionuoti. Politinėje plotmeje neadekvatus istorijos vertinimas neleidžia valstybei ir visuomenei igyti aiškaus istorinio identiteto. Lietuva turi visus istorinius argumentus būti pripažinta valstybe, kurios susikurimas buvo tiesioginis pergalės prieš totalitarizmą vaisius. Tačiau partizanų karo kaip pilietišio karo sampratos gajumas visuomenėje neleidžia tinkamai ivertinti Lietuvos indelio politinėje Vakarų pasaulio kovoje su totalitarizmu ir trukdo kurti vakarietiškomis politinėmis vertybėmis pagrįstą identitetą.

5. Teisineje plotmeje pažeista istorinė samonė trukdo teisingumo vykdymui. Dėl teisininkų nusistatymo, su buvusiais partizanais valstybėje elgiasi neteisingai. Šiuo asmenu atžvilgiu priimami sprendimai dažnai primena sovietų represijų pratesimą. Be to, ypač svarbu tai, kad priimdami sprendimus buvusių partizanų atžvilgiu teisininkai ignoruoja galiojancius istatymus. Ši aplinkybė ypač aiškiai atskleidžia istoriniu nuostatu reikšmę visuomenės gyvenime.

6. Kadangi sovietu totalitarine politika paveike istorine, politine ir teisine kultura, o kartu ir samone, tai ir teigiami pokyciai turi ivykti butent samones lygmenyje. Tai reiškia, kad sovietu totalitarines politikos padariniai negali buti iveikti vien tik politiniais ir teisiniais sprendimais. Labai svarbu, kad istorijos studijos atskleistu primestos *pseudoistorijos* melaginguma ir tokiu budu pašalintu sovietines indoktrinacijos padarinius.

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