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SCSTI 10.87.07**LITHUANIA – KAZAKHSTAN 30 YEARS AGO:
RETURN TO THE NATURAL VALUES****S. Nefas¹**¹*Micholas Romeris University Vilnius c., Litva***ЛИТВА – КАЗАХСТАН 30 ЛЕТ НАЗАД:
ВОЗВРАЩЕНИЕ К ЕСТЕСТВЕННЫМ ПРАВАМ****Нефас С.¹**¹*Университет имени Миколас Ромерис, г. Вильнюс, Литва***ЛИТВА – ҚАЗАҚСТАН 30 ЖЫЛ БҰРЫН: ТАБИҒИ ҚҰҚЫҚТАРҒА ОРАЛУ
С. Нефас¹**¹*Миколас Ромерис атындағы университет, Вильнюс қ., Литва***Annotation**

This article is devoted to a conceptual question, i.e. an approach to natural rights in Lithuania and Kazakhstan 30 years ago, when there were indications that the Soviet government would collapse, i.e. the epoch of rebirth began.

An important part of the human life of that time was the personal choices of everyone, how people views and values freedom, faith, personal property and human identity. Every individual 30 years ago could have appeared as a representative in one of two paradigms: either perceives himself as a bearer of natural rights or as a person who lost his identity. Most people in Lithuania and Kazakhstan chose the first paradigm, and as a result, both states declared independence.

However, as a person, as an individual, the person must express himself as a bearer of natural rights in contemporary times, and here is the relevance of this article, because if we do not talk about natural rights, if we do not fight for them, we will soon be at the same place, where we were 30 years ago.

But fighting is always very difficult if you are alone. Therefore, with the help of the comparative analysis method, in this article we do prove that even countries of the different size or development as Lithuania and Kazakhstan, 30 years ago and even before that, have found a similar approach to natural rights. The relevance of the article is also in this, do we find this approach nowadays.

Key words: natural rights, traditions of the nation, ethnoculture, freedom, faith, identity.

Аннотация

Статья посвящена вопросу развития концепции *возвращение к естественным правам* в Литве и в Казахстане 30 лет назад, когда появились первые признаки распада Советского Союза и началась эпоха возрождения.

Важной составной частью прошедшей эпохи в образе жизни каждого человека был личный выбор относительно того, как он смотрит на свободу, веру, частную собственность, идентичность человека и как это оценивает.

Каждый индивид 30 лет назад мог и теперь может выступить одновременно в двух парадигмах: он воспринимает себя представителем *носителя естественных прав* или может быть манкуртом. Большинство и в Литве, и в Казахстане выбрали первую парадигму и в этом ключе провозгласили независимость страны.

Актуальность данной статьи в том, что как представитель человеческого рода, как личность, как индивид, человек и сегодня выступает в качестве носителя *естественных прав*. Поскольку, если не будем говорить о естественных правах, если не будем бороться за них, то очень быстро окажемся там, где были 30 лет назад.

А бороться всегда трудно если остаемся наедине. Поэтому, в статье методом сравнительного анализа доказываем, что даже такие разные по территории и развитию страны, как Литва и Казахстан имеют общий взгляд на естественные права как раньше, так и сейчас.

Ключевые слова: естественные права, народные традиции, этнокультура, свобода, вера, идентичность.

Андатпа

Осыдан 30 жыл бұрын Кеңес Одағының тарауының алғашқы белгілері пайда бола бастағаннан және қайта жандану дәуірі басталған кейінгі Литва мен Қазақстанның табиғи құқықтарға оралу тұжырымдамасының даму туралы мақала.

Өткен дәуірдің әрбір адамның өмір сүру жолындағы маңызды бөлігі оның бостандыққа, сенімге, жеке меншікке, адамның жеке басын және оның құндылығын қалай бағалайтындығына қатысты жеке таңдау болды.

Әрбір жеке тұлға 30 жыл бұрын да, қазір де бір мезгілде екі парадигмада бола алады: ол өзін табиғи құқықты иеленушінің өкілі ретінде қабылдай алады немесе маңқұрт болуы мүмкін. Литваның да, Қазақстанның да халқының көпшілігі бірінші парадигманы таңдады және осы бағытта елдің тәуелсіздігін жариялады.

Осы мақаланың өзектілігі, адамның адам ретінде, жеке тұлға ретінде, өткен және қазіргі уақытта да табиғи құқықтардың өкілі екендігін көрсетеді. Өйткені, егер біз табиғи құқықтар туралы айтпасақ, олар үшін күреспесек, онда біз 30 жыл болған жағдайға ораламыз.

Ал жеке– жеке күресу әрқашан қиын. Сондықтан, мақалада салыстырмалы талдау әдісін қолданып Литва мен Қазақстанда аумақтар бойынша да және даму деңгейлері әртүрлі болса да, бұрын да, қазіргі уақытта да табиғи құқықтарға ортақ көзқарас бар екенін дәлелдейміз.

Түйінді сөздер: табиғи құқықтар, халық дәстүрлері, этномәдениет, еркіндік, сенім, бірегейлік.

Introduction

Relevance. Modern global society and political leaders often see the development of countries on the basis of economic potential in the conditions of market development and completely forgets the morality of the individual and the community. We hear a lot about the ecology of nature. What about the ecology of the spirit? After all, culture is very connected with the native land. Mass culture has no terrain. The purpose of this article is to analyze natural rights and how they acted on the important historical events of Lithuania and Kazakhstan.

Research methods

The methodological basis of the study is the work of scientists of the world, Kazakhstan and Lithuania. The method we use here is a comparative analysis. We analyze countries (Lithuania and Kazakhstan) and subjects in them (natural rights), in which a comparison of the state of one object with another is made, with which a comparison may be appropriate. Comparative analysis is one of the main methods used in scientific research not only quantitative but also qualitative (natural rights) indicators (terms, principles). When making a comparative analysis, we use the document– analytical method.

The results of the study

A person is entitled to a natural rights by the mere fact of birth. Natural rights are “natural” or “inborn,” that is, absolute and unchanging. These include, in particular, the right to life, liberty, personal integrity, etc. The rights people have from nature i.e. without any arrangements, or in the absence of any political or legal institutions. Natural rights, therefore, belong to individuals regardless of time or place. They need to be distinguished from positive rights that are endowed or guaranteed by a particular legal system. Natural rights were ridiculed on the grounds that it is meaningless to talk about rights if it is not possible to use them, because it is possible to use it only when there is a legal system capable of seeking this opportunity and by coercion. Moreover, even among those who recognize natural rights, there is no unity regarding their content. Natural rights were considered as a gift from God, as “amendments” to the duties of man imposed by God, as component parts, independent of

human nature and mind [1]. The discussion on natural human rights started by the philosophers of antiquity, but we will not analyze it here, and only take on the support one thought of Heroclitus, which was chosen by the famous professor of University of Chicago Leo Strauss who published the book “About natural law and History” in 1953 i.e. everything is beautiful, good and fair to God, and only people picked up that some things are wrong, others are right” [2]. Strauss said that human rights and freedoms are acquired at birth and do not depend on their citizenship or other circumstances. But, as history has shown, as had often been the case and happens today that people, especially who have the power, allow themselves to say what is right and what is not right. This also applies to natural rights in the studied countries of Lithuania and Kazakhstan, when ours, to put it mildly, are not friends and not gently invaders, we were told what natural rights are and how to understand them.

But before the analyzing them we need to answer one question, i.e. whether it possible to compare at first glance no comparable countries? After all, Lithuania has 3 million residents while in Kazakhstan there are 18 million residents, the area of Lithuania is 65,000 km², and Kazakhstan's 2,725,000 km². How we can compare the two? Yes, naturally there are no such criteria, but if we take the criterion where terms such as big, strong, expensive, cheap does not play an important role, then how about this?! Comparing by the criteria of natural rights, comparison is not only possible, but even useful because here you can achieve what scientists call synergy. This is the kind of synergy that appeared between people 30 years ago, which were shared thousands of kilometers (Lithuania and Kazakhstan, Baku, Riga, Tbilisi, Ashkhabad, Talin, etc.) but people thought and did very similar and maybe even identical things. The words freedom, faith, identity were perceived by all equally and the actions for their realization in life were very similar. And this is because these words just express what we want to analyze here on the method of comparative analysis.

Although in the title of this article, we decided that we will just say that it was 30 years ago, but we cannot say what the prerequisites were much earlier.

The colonization or accession of Kazakhstan began in 1731, as Kozybaev writes, “Such as“ Military sentiments ”,“ Hidden war” that sometimes turn into open war, took place between the empire– metropolis and the Asian colony since 1731 [3, 182]. Lithuania lost independence a little later – 1795. When after 1795 “the III partition of Poland and Lithuania”, the Russian Empire annexed the rest of the Grand Duchy of Lithuania [4]. The occupation lasted for more than 100 years and the Kazakhs resisted because it is known that from the time of colonization the Kazakh people until the 20th century raised the banner of the national liberation struggle about 300 times. Essentially there was a continuous people's war of independence. However, Soviet historiography considered each national liberation action of the people of the United States locally, aside from each other, as a domestic phenomenon [3, 172]. In this period (1795 – 1915) Lithuania belonged to the autocratic empire of Russia, and this was the story of a divided, occupied, annexed, adapted, and militant land [5, 98].

At the beginning of the 20th century, Kazakhstan was again in the blood because 95 companies with 8,750 bayonets, 24 hundreds and 3,900 sabers, 16 guns and 47 machine guns were sent to suppress the revolt in Semirechye. There were 12 cavalry hundreds, 11 reinforced infantry companies led by General Yagodkin were sent against the rebels of Akmola and Semipalatinsk regions. As Kozybaev wrote, “I believe that at this historical stage (1916) the insurgent people, expressing the will of the nation, put forward as a strategic tasks not the overthrow of autocracy and the bourgeoisie, but national freedom, independence” [3, 173]. At the same time, events took place in Lithuania which we call “the expression of the will of the nation and the struggle for national freedom, independence” and the result was

the proclamation of an independent Republic of Lithuania in 1918. February 16 and this year, Lithuania is celebrating the 100th anniversary of the restoration of independence.

Especially it would be desirable to note that the terms that evaluate those events – colonization, the national liberation struggle, the war for independence and others in Kazakh and Lithuanian historiography are the same.

After 1918, Kazakhstan and Lithuania entered into a phase of historical period that can be viewed by Kazakh historians as “totalitarian and barrack socialism” [3, 219]. Lithuanian historians call this period as an occupation since the end of the Second World War when Nazi oppression ended in Europe did not bring freedom to Baltia: the brown occupation was changed to red. In 1944, the Soviet regime was again in Lithuania which were supported by the Communist Party, the NKVD, the Prosecutor's office, the local government, the army and fighter groups” [6, 277]. People say that the liberators from the Nazis simply forgot to leave and became occupiers. But there is a principle and it is clearly expressed by the historian A. Kekilbayev that “the December events had objective prerequisites that matured in the depths of the totalitarian regime, resulting from an erroneous national policy. The December events in Kazakhstan blew up the silent resistance of the Union republics to the center's dictatorship, violated the “calm before the storm”. In Alma–Ata, the process of the collapse of the “colossus with feet of clay” began, which seemed to be an unshakable communist empire. From this point of view, the movement can be regarded, firstly, as an event of national importance (awakening national self–consciousness), secondly, as an event of an all– Union scale (which gave impetus to the sovereignty of the Union republics), thirdly, as a phenomenon of world significance (the beginning of the collapse of the “socialist camp”) [7, 12].

Both nations survived the period of genocide, deprivation of the spiritual elite. As M. Kozybaev writes, “In 1916–1937 the Kazakhs survived the period of genocide and ethnocide” [7, 34].

Events in Kazakhstan of 1986 in Lithuania have brought about important changes in decision–making. And on August 23, 1987 a rally was held in Vilnius to condemn the Molotov– Ribbentrop`s Covenant. On August 23, 1988 150,000 people participated in the rally in Vilnius, and on August 28 they began to beat protesters with batons. In these meetings, Stalin`s aggression was condemned and demanded to restore historical justice and independence. On August 23, 1989 the Baltic Way was carried out, which was attended by 2 million people, and which united the three Baltic States – Lithuania, Latvia and Estonia.

As in Kazakhstan and Lithuania, all these events were assessed equally nationalistic by the authorities in the republics: directed against other nations, including the Russian one. And it was not true, as well as the official authorities have been saying for a long time. Like Lithuania and Kazakhstan, “They did not went out for the sake but not against Kunaev, as they tried to imagine, the Russian people, but defended natural national rights, national honor and dignity, freedom from foreign dictate and arbitrariness, the national future of their native people. In other words, it was a vivid manifestation of the national liberation movement, due to the awakening of the national identity of the Kazakh people in an emerging democracy like this. It could be concluded: the December events are a direct result of protest, long accumulated in the minds of the people, against the hardest and incessant infringements of the national rights and freedoms of the Kazakh people by the imperial center ... ”[3, 35–36]. That it was not true has been confirmed that independence in Lithuania and Kazakhstan was proclaimed peacefully.

The same can be said about other natural rights, like faith or identity. For many years, the Lithuanians and Kazakhs used to say that God was Lenin, Stalin, the party wanted to

change God and take away the faith, as the barbarians did in the Middle Ages. And as the Lithuanian philosopher Cardelis said, “The present barbarian rejects God, but regarded himself as a God, and this was his difference from the medieval barbarian” [8]. And speaking of one more natural right – the identity of a person, C. Aitmatov all clearly said, speaking of mankurt and that “You can take away the land, you can take away wealth, you can take away life, but who thought up who dares to encroach on a person’s memory ?! Oh my God, if you are, how have you inspired such people? Is little evil on earth and. The son did not remember her ... asking the owners, received the answer that he has no mother ... he was handed a bow and arrows, with which he kills his mother”[9, 153].

Today it is usually accepted to think that all this remains in the past, not to repeat. But for the natural rights of the past there is no – they are for us, now living for those who govern.

After all, the present days (summer 2018) give us new examples of how two people can understand each other if natural rights are important to them. As example, in Lithuania, there is a youth project “Mission of Siberia” since 2006. For 13 years, within the framework of the project, in the places of deportation – the majority in Russia more than 150 Lithuanian cemeteries were put in order (during the Soviet occupation, more than 280 thousand inhabitants from Lithuania were sent to exile and camp). Since Moscow refused to issue visas to the expedition members (the reason for the refusal was a political project), this year the “Mission Siberia” went to Kazakhstan instead of the planned departure to the places of exile in the Krasnoyarsk Territory because the Kazakh authorities went to meet the Lithuanians. In the former Kazakh SSR there were several dozen camps that contained about 20,000 political prisoners from Lithuania. By the scale of references and burials of Lithuanians, the territory of Kazakhstan is ahead of only Russia. During the mission, monumental memorials were restored, Lithuanian graves were searched in common city cemeteries, and Lithuanians or their descendants, who still live in Kazakhstan, were searched [10]. But to respect those who have left is not a politics but a natural law!!!

Conclusion

After a comparative analysis of natural rights in Lithuania and Kazakhstan, we see that the events that took place from the XVIII century until 1986– 1991, losing freedom and the struggle for freedom were very similar. We need such a comparison because to ask a question – if it was in the past as it is now because the Universal Declaration of Human Rights (a document for all UN member states, adopted at the third session of the UN General Assembly by resolution 217 A of December 10, 1948) increases the significance of each rights for the postulates of natural freedoms and legal equality (“Every person is born free and equal in dignity and rights” – article 1) [11]. This doctrine recognizes a man rights and freedom as inalienable and the progressivity is that laws may not be legal. To become legal, they must be determined in accordance with such moral values as justice, freedom, equality, etc.

And if in the 21st century we consider power as a constitutional structure with exceptional powers, where does the declared natural freedom of a person and legal equality begin? Probably it happens not only because of the historical tradition, but also because the citizens are constitutionally divided into “power” and “people”. Therefore, the basis for the protection of natural freedoms and equality under the law is not the separation of powers, but the balance of rights and duties of every citizen, regardless of the area, whether private or public. Freedom of public life in terms of their condition is a state of balance of rights and duties of citizens.

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