

# From Scientific Life

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## **On the threshold of a new age: Interdisciplinary conference on the first years of the Czechoslovak Republic, Prague, 26 – 29 October 2018**

Conference is organised by the Institute of State and Law of the Academy of Sciences of the Czech Republic, Cabinet of History of State and Law, in cooperation with the Institute of State and Law of the Slovak Academy of Sciences, the Institute of Legal History of Faculty of Law of Charles University, the Philosophical Institute of the Academy of Sciences of the Czech Republic and the Institute of History of Art of the Academy of Sciences of the Czech Republic

### **Report from conference**

Many Czech and Slovak scientific institutions recalled a memorable centenary of the foundation of the Czechoslovak Republic. On 26 – 29 October 2018 they organised an interdisciplinary scientific conference with a poetical name “On the threshold of a new age” and a subtitle “On the beginnings of the first Czechoslovak Republic”. An event that conveniently overlapped with an anniversary of foundation of our first common state, was organised by the Institute of State and Law of the Academy of Sciences of the Czech Republic together with partners from the Institute of State and Law of the Slovak Academy of Sciences, Faculty of Art of Charles University, Faculty of Law of Charles University and the Philosophical Institute of the Academy of Sciences of the Czech Republic. Rich in diversity and quantity of individual sections, the conference took place in the representative premises of the Czech Academy of Sciences in Prague. The conference was accompanied by a film programme in the nearby cinema Ponrepo, where old works of Czechoslovak cinematography were projected and then discussed by experts.

Four interesting days, filled with cross-cutting views of the “New age” in our history, occurred in the splendid premises of the Academy of Sciences on Národní třída in Prague. “New age” is not a rare name used for this period. Finally, to admirers of our architecture first comes to mind the housing estate New Age on Vajnorská street in Bratislava, which was a manifestation of Czechoslovak architecture of so-called “smallest flat” in the 1930s. These housing estates designed by the architects Fridrich Weinwurm and Imrich Vécsei still are a beautiful and functional monument from the interwar period.

The conference was solemnly opened by the vice-president of the Academy of Sciences of the Czech Republic, Jaroslav Fenyk. He eloquently said that the conference by its content would not be a lawyer’s monologue, and as the vice-president of the Constitutional Court of the Czech Republic he briefly recalled the origins of constitutional justice in Czechoslovakia. Peter Weiss, the Ambassador of the Slovak Republic in the Czech Republic, addressed the audience, while accentuating the role of the Slovaks and Slovak needs in the framework of the constitutional development of Czechoslovakia.

The plenary session was opened by Karel Malý with a topic of anchorage of democratic traditions in the new constitutional order and overcoming of the constitutional tradition of the Austrian monarchy. He noted that new legal conscience was harder to create than new legal norms. He paid special attention to gradual modification of powers of the Head of State, to emancipation of women and to the rights of nationalities. Finally, he recalled Palacky’s idea that also resonated in the period of building of a state: States are maintained on the same principles, on which they were founded.

Miroslav Hroch presented a paper on the topic “A nation state as a specific European value?”. He talked about the concept of nation state and about the present uncertainty of people (e.g. of journalists), whether they can engage themselves in favour of a nation. He explained the concept of nation and its roots in national movements, talked about the social structure, emancipation, elites, culture and education. He highlighted that the feeling of commitment to own nation is patriotism rather than nationalism. He included a nation in the protected European values and European specifics (“In Europe a nation could have existed without a state, also before a state, elsewhere the opposite was true”). He mentioned European examples, where the requirement of autonomous statehood was missing in the national movement and in particular elites recognised the legality of a state and the legitimacy of a nation, whereby the legality was violated “when the elites hoped in success”. He analysed a nation as a social group and a value entity. He pondered over a national state at present and in the future while highlighting that liquidation of liberal education (as the basis of cultural and value commonalty, where study of national literature, language, history was important) was problematic, because it approached the present to the global term “nation”, which gradually ceased to be a specific European element and value. He put into the context the present role of patriotism as the responsibility of a member of a nation for his own nation.

Jan Kuklík spoke on the international context of foundation of the independent Czechoslovak state. He talked about the concept of Czechoslovak nation, forming of Czechoslovak legions in France, nascent diplomacy, development of the attitude of the Great Powers (also due to success of the Czechoslovak legions in Russia), contemporary argumentation by the right of self-determination of a nation and claims of the Czech nation to own state, of course, in the context of aspirations of the other nations and states.

Libuše Heczková presented a paper on a woman's topic – “Modern – civilised –

emancipated – natural woman? Thinking about a woman as part of social and political discussions on Czechoslovak society”. She said that like the first world war changed men to invalids, it changed women to “valids”. A woman was not only part of a household anymore; she started to financially provide for her family, also in demanding professions, i.e. she became “public”, a team member. She talked about a natural and proficient woman, who was able to give birth to a child, but also about a woman in the editorial office, a woman under the spotlight of political parties as a new voter.

Stanislav Holubec presented to the audience a historiography of the first republic in the last decades. His presentation was very interesting not only for legal historians, because it put into the world history context the period of our first-republic in publications from Czech, Slovak, but in particular “foreign” (English and German) literature. He noted that recent trends brought different turning points, mental maps, new themes (travelling, proletariat, societies...). Thus he “invented” a lot of material that was almost unknown for the public.

Discussions in sections were divided into individual blocks and took place in three rooms simultaneously. From the first discussion block we can mention sections with names: “Politically, socially and culturally equal? Uneasy emancipation of women in after-war society” I and II, “The national issue – contemporary discourse, reflection, conflicts”, “Scientific and university policy”, “Work – disputes – strikes”, “Health, social hygiene and disablement”, “Czechoslovakia as the fulfilment of the philosophy of Czech history?”

The section “A republic of jurists? Worlds of law profession” was of particular interest for lawyers. Jozef Vozár described the careers of Slovak jurists - leading personalities of Slovak law, who were initially lawyers, before and after 1918: Emil Stodola, founder of *Právny obzor*, the first Slovak law magazine, Adolf Zátorecký, co-author of Slovak legal terminology, Augustín Ráth, author of the first Slovak legal monograph, Matúš Dula, chairman of the Slovak National

Council and leading personality of the Martin Declaration. He highlighted their activities that documented a significant contribution to structuring of Slovak society before 1918 – not only their defence in political processes, but also their work in the area of finance and banking, foundation of newspapers and activities in the *Evangelical Church of the Augsburg Confession*.

Oľga Ovečková presented a paper on the topic Importance of foundation of the Czechoslovak Republic for the origin and development of Slovak legal science. In the context of Austria-Hungary, the status of Slovakia and the position of Slovak as a minority language, she explained the basic problem of absence of Slovak legal terminology and specialised law literature in Slovak language. She explained the importance of *Právny obzor*, law magazine appearing in Slovak language, founded in 1917 by Emil Stodola, and of *Právnická jednota na Slovensku*, a society for development, finalisation of legal terminology and cultivation of Slovak legal science, founded in 1920.

Alexandra Letková devoted her paper to professors teaching at the Faculty of Law of Comenius University since foundation of the faculty in 1921 till the end of the 1930s. The close relationship of lawyers-scientists and lawyers-practitioners, performance of individual law professions alongside teaching at university, but also “assistance” of Czech professors in Bratislava were part of law study in Bratislava in the interwar period.

Martina Gajdošová presented a paper on the topic The Bar in Slovakia and building of the Czechoslovak Republic. The paper was devoted to the lawyers who were active at the Bar Association and at lawyers’ or jurists’ societies or who ensured mutual coordination and cooperation at important congresses of lawyers and jurists. She stated that Czechoslovakia as a new-built state had been formed with important participation of jurists, among whom Slovak lawyers played an important role.

Vendulka Valentová devoted her paper to Jarmila Veselá, the first female lecturer at the

Faculty of Law of Charles University in Prague (in 1928), and to her contribution to the development of Czech legal science in the interwar period.

Stanislav Balík presented a paper on the topic “Overproduction of lawyers in the first republic and attempts at its elimination”. He described the situation in Czech lands and the possibilities for a lawyer to be active at the Bar, at a court or in state administration. He mentioned competition between lawyers and notaries public, as well as measures for elimination of overcrowding of the Bar (for example evaluation of articulated clerk’s experience, whereby he also mentioned an interesting question of his period – whether an articulated clerk can take a part-time job of veterinary surgeon, and others).

The Saturday sessions were divided into several sections: “Religion versus secularism”, “Local power in the first years of the Republic between inertia and change”, “Art, state and representation”, “State structures: government, self-government and their officials”, “Economic independence and economic nationalism”, “The Roma and the Jews: repression, emancipation and possibilities of conciliation?”, “Transformation of borders, economic area and communication networks: movement and energy on other roads”.

In the section “International contribution to the foundation of a state and the beginnings of its diplomacy” Petr Prokš spoke on the subject of World War I and Central Europe in the international context of 1914 – 1918. He described the context of the fight of democracy against autocracy, fight for liberation of small nations, fight of the powers for colonies, the context of the imperialist war of the powers, the proletarian revolution and individual interests of the powers in Central Europe. Interest in Czechoslovak history was shown by László Bence Bari, who spoke on the project of his dissertation thesis “In Between Concept of Freedom: Self-determination and the (Czech(oslovak) National Movement, 1917 – 1918”. Jan Malíř and Petr Novák presented

a paper on Treaties of Spa (12 May 1918) and foundation of Czechoslovakia and talked about reflections on a separate peace between Austria-Hungary and the Allies.

The section “New constitutional solutions in Central European constitutions and practice of the 1920s” was opened by Václav Pavlíček. He talked about a centenary of foundation of Czechoslovakia, but also about the millennium of Czech statehood, the Czech state as a democratic state of citizens and the Czech state idea. He lingered over the conflict of the value orientation and the question whether the state would protect its citizens or go against them, which is however on the state alone to decide. He remarked that traditions of picking up on Czechoslovakia are not unambiguous and it was the politicians who would decide what they want to prefer or pick up on. Ivan Halász presented new Central European constitutions after 1918 and their place in modern constitutional history of the region. He said that three constitutional waves rolled over Central Europe: the first after World War I, which was both revolutionary and democratic, the second after World War II, which was revolutionary, but not democratic, and the third in the end of the 20th century, which was not revolutionary (because it represented a compromise between the political elites), but was democratic. He analysed the individual aspects of clarification of own statehood by Czechoslovakia, Poland and Hungary after World War I. He touched the voting right and titles of nobility, but also mentioned an interesting aspect concerning the law study of women. Thanks to the Vienna Arbitration female students of law from Bratislava, Brno and Prague (i.e. from territories affected by it) came with pressure on continuation of their law study in Hungary, which had not been opened yet for women in that period. Due to Czechoslovak inspiration legal education was made accessible also for women in 1938 in Hungary. Władysław Pęksa presented a paper entitled *The new constitutions of Central Europe – and tool for the gentle political revolution* (co-authored by Anna Kociólek-

Pęksa). He picked up on the creation of new states, the new social and political elites, new models of states and their constitutions, social and economic changes, changes in legal systems and the new path to legitimization of power of the new European states. A republican form of state, guided by a new philosophy of thinking about a state, became a new model of constitutional system. Ana Knežević Bojović (with Vesna Čorić and Vladimir Durić as co-authors) presented *The territorial integrity norms in post-World War I peace settlement and selected post-WWI national constitutions*. She talked about the concepts of territorial integrity, uniformity and inviolability in international public law in their development and gradual appearance of the norms of territorial integrity in constitutions of the individual states after World War I. Michal Šejvl presented the topic “Principle of proportionality in case-law of the Czechoslovak Supreme Administrative Court in the period of 1918 - 1939 as a predecessor of the present test of proportionality?”. He put his paper into a context: “Everybody talked about changes, but I will talk about something that lasts – about the principle or test of proportionality in our public administrative law...”. With historical introduction from the end of the 18th century (thoughts of state intervention into natural rights or their proportionate limitation in favour of general welfare, inspirations by the Prussian administrative court...) he pointed out to the presence and methods of application of the “degree of proportionality” and “inevitable necessity for a purpose” (drawing parallels with the present test of legitimacy), e.g. from the perspective of expropriation of land from the Supreme Administrative Court Reporter. From the evaluation it is clear that judges in the first republic gave reasons for their rulings preferably by making reference to laws (unlike the present courts referring to the legal principles).

Among scientific sections of the Saturday programme on 27 October 2018 the section *Housing and architecture in the post-war*

*discourse of Central Europe*, was particularly interesting. P. Prouza presented a paper on German socio-democratic architecture in interwar Ústí nad Labem and L. Nozar described the workers' urban agglomeration in Hradec Králové, using the example of so-called "two Klumpar's streets" built with support of local self-government in 1919 - 1920. The paper of Polish colleague Peter Martyn of the Fine Arts Institute of the Polish Academy of Sciences in Warsaw on urban planning in the exposed cross-border territory of Upper Silesia in confrontation of selected Czech, Moravian and Polish cities was written along similar lines. Two follow-up lectures of the Czech colleagues Martina Pachamnová and Marcela Suchomelová thematised partial results of their research, in particular from Czech urban homeware, women's work and modernisation of homeware in the interwar period.

The afternoon fine arts section with name *Film as a pop-culture phenomenon and industry* was opened by an interesting lecture of L. Marek on the subject Uzhgorod cinemas as an instrument for making available film production in Ruthenia. F. Pavčík of the Institute of History of SAS picked up on this lecture with his paper on partially similar topic Film industry in Slovakia before appearance of sound film, illustrated by the example of selected film companies, which followed the beginnings of cinematization as an important means of spreading the mass pop-culture. Two Czech colleagues from the Institute of Film Studies and Audiovisual Culture of the Faculty of Philosophy of Masaryk University in Brno, Š. Gmíterková and M. Kos, dedicated their paper to one of the most talented film directors and actors of the first republic Karol Lamač, while mentioning his early works from so-called era of silent motion pictures. Their conclusions on the originality of Lamač's film production and his obvious Hollywoodization of Czech film production in filmmaking work, concrete filmmaking (and innovative) techniques, grasped attention of the audience. Their paper on this leading personality of Czech cinematography can be regarded as a suitable example of

a rational and professional pop-cultural approach of the filmmaker to nascent film art, which showed typical signs of industrial production. The last two papers were devoted to other issues linked to film production: film critics and censure. P. Hasan processed the topic of practices and problems of domestic catholic censure in the first republic, from the perspective of processed themes of catholic censure, the institutional and theoretical basis of catholic morality prevailing in that period, accentuating the system of catholic schools. The second paper of F. Podhájsky approached work of the known left-wing journalist Július Fučík as a film critic on pages of the evening newspaper of the communist party *Rudé právo*. The paper was written on the basis of a prepared monograph with an interesting conclusion that in many of his critics of contemporary Czech or world cinematography J. Fučík could be perceived as a real expert in modern cinematography of that period.

The conference continued on Sunday in sections "Brother, investor, colonist? The east of the Czechoslovak Republic – approaches and reflections", "Newly created and removed places in the memory – physical and symbolic spaces", "Migration – memberships – asylum". Lawyers and legal historians found useful also the section "A preserving republic: changes and visions in archiving and conservation of monuments". Jan Dobeš presented archives and archivists in the new state, Jan Kahuda and Eva Drašarová approached the details of Czechoslovak-Austrian archiving separation after 100 years, its legal, professional and ethical aspects. Michal Novotný talked about monument preservation without a law on historical monuments, Martina Orosová spoke on the topic "Tattered hopes of conservationists and archivists in liberated Slovakia". She analysed the influence of political-social conditions in Slovakia on the development of a different legislative environment, created by government regulations of the minister Vavro Šrobár in the area of preservation of the Slovak cultural heritage. She pointed out to penetration

of centralist and bureaucratic methods of management and to competence problems between the Office of the Minister with full powers for administration of Slovakia in Bratislava and the Ministry of Education and Popular Enlightenment in Prague. She described the interesting, but also difficult role of the renowned Slovak architect Samuel Jurkovič in position of government commissioner for preservation of monuments in Slovakia. Jana Michalčáková talked about planning and the conception of restoration process in Czechoslovakia on the background of European restoration tendencies.

The section “The nature of law from the perspective of Central European legal theory and legal philosophy of the 1920s” had a legal-philosophical dimension. Tatiana Machalová presented a paper on Importance of the Brno school of legal theory for development of modern legal thinking in the first half of the 20th century. She highlighted the normative theory and the contribution of Masaryk University, as well as the lasting respect for this school of legal thinking, but also new approaches and new “readings” of these texts (in particular those of František Weyr, professor of law, and Frantisek Engliš, professor of national economy). She talked about the concept of law as a system, sovereignty of legal system (i.e. not only of state power), the impossibility to describe normativity solely by differentiation, the autonomous way of thinking (form is constitutive), the purpose and openness of normativity without menacing its purity. She pondered on the current trend of openness of law to the moral content of law with the aim to make law more flexible for new technologies and noted that incorporation of ethical standards in the content of law was a good reason, nevertheless it is not rule-making. She highlighted the purity of legal system and critical thinking about law. Vladimír Goneč presented a paper entitled Two concepts of František Weyr from the end of World War I. He talked about the place of law in the world of values and its position on the top rung of the cultural ladder. He interestingly concluded that

professors should write substantial and provocative theses rather than compendia and highlighted that Frantisek Weyr came with substantial issues that had almost sparkling impact (e.g. constitutional transformation of Cisleithania). Petr Čechák spoke on the topic of freedom of will in law-making and presented a discussion of Frantisek Weyr and professor of criminal law Jaroslav Kallab.

The Sunday program on 28 October 2018 can be described by presentation of topics discussed in the section *Sexual reform: liberated emotions, liberated bodies*. The section was opened by a paper of the chief presented of this section Dr. Jan Seidl of Masaryk University in Brno, approaching to the audience punishment of homosexuality in the first republic, illustrated by the example of investigation of F. Seifert. The following paper was presented by J. Jablonická-Zezulová, who introduced the forgotten personality of Slovak fighter for decriminalization of homosexuality Imrich Matyáš. She described his effort as unofficial lawyer or legal counsellor of defendants. The Slovak environment was also mentioned by the following presenter M. Mako, who described criminal cases of persecuted persons, members of homosexual minority, from so-called „grey zone“. The last two papers opened other issues related to the sexual reform. In the first of them M. Halířová addressed criminalization of illegal abortions in the environment of Czech birth assistants (punished for prohibited angel making), and the final paper was presented by V. Lacinová-Najmanová on the topic Contraception – yes or no? Three views of contraception in the period of the first republic.

The last day of the conference (29 October 2018) can be approached by description of discussions held in the section Social policy in Central Europe after World War I. The first paper was presented by the chief presenter, doc. J. Rákosník of the Institute of Economic and Social History of the Faculty of Philosophy of Charles University, to the generalising topic of heritage of the Austrian social policy in the

period of the first republic. The following papers were more specific. Klára Čermochová spoke on the subject Women, war and social relations, focusing on the opinions of the leading Czech journalist M. Fastrová of women's emancipation in Czech lands in the pre-war and war period, expressed on pages of *Národní politika*. Her presentation was followed by a paper of A. Švecová and M. Laclavíková of Trnava University in Trnava on the legal status of a child and his socio-legal protection in Slovakia as part of the first republic. The final paper presented by V. Rigová of the Faculty of Philosophy of the Constantin the Philosopher University in Nitra was devoted to the unexplored topic of educational and social rehabilitation work of the Comenius Correctional Facility in Košice during the first republic.

As a positive result of the whole scientific conference we can commend the very cultivated and lively discussions of the scientific forum, that followed the presentation of papers and were held in individual sections. It is impossible to ignore the lasting interest of Czech and Slovak historiography and related branches (e.g. literary science, fine arts disciplines, sociology etc.) in the common past and the huge effort to understand the different starting positions of both state-forming nations in the first republic.

The Monday sessions were devoted to discussions in sections: "Economic power, its structure, interests and dynamism", „Transformations of state armed forces", "With a new school to a new world? Fights for a school reform and school experiments", "New roads in Central Europe", "Living standard and leisure".

In the section "Unification of law" Ladislav Soukup presented his paper devoted to individual personalities who participated in preparatory works on the draft codifications of criminal regulations of the first Republic, in particular to August Miříčka, dean of the faculty and later rector in Prague at Charles University. Petra Skřejpková focused on

a group of German professors (or professors of the German Faculty of Law of Charles University in Prague in the first Republic) and their biography. Lukáš Králík presented a thesis emphasising combination of appearance of a new official means of publication – Collection of Laws and Regulations – established in 1918, on one hand, and the process and problem of unification of the legal system in the new common state, on the other hand. The unification occurred not only in terms of content of regulations, but also in the form of proclamation of legal regulations. He stressed that one of the most substantial features of unification had been elaboration of the Collection of Law in the other languages and their real republishing in the form of official translations. Finally, he highlighted the phenomenon of so-called "legislation archive" as a plan for unique summary of texts of all valid regulations of that period and their republishing in new authentic languages of the republic – Czech and Slovak. The chief organizer of the event Ján Kober presented a paper entitled "Unification of civil law as a procedure: the Czechoslovak and Polish case". He addressed in detail the Polish model and experiences, how Poland faced a similar problem of unification of the legal system following restoration of the state (after a longer period than our country) in 1918. He underlined that, as compared to the Czechoslovak experience, in the Polish case much more attention, effort, money and personnel was assigned to the system of recodification commissions and works in general. Tomáš Gábriš presented an interesting paper addressing the Act no. 4/1918 of the Collection of Laws and Regulations on competence for decision about claims against the state.

The conference "On the threshold of a new age" by its date was placed in the middle of the biggest celebrations taking place in Prague. Its dignity and importance are underlined also by different accompanying events, among others the silent film Colonel Švec, offered by the organisers of the conference. The unique

opportunity to see the remarkable film adaptation of the subject of soldier's bravado and honour and Czechoslovak legions in Russia, inspired by the play of Rudolf Medek Colonel Švec staged in Prague in 1928. The film of Svatopluk Innemann from 1929 and the play Colonel Švec (Rudolf Medek, Jiří Havelka, Marta Ljubková) new-staged at the National Theatre symbolically on 28 October 2018 are beautiful contemporary documents showing how beneficial feelings can be invoked by means of art and dramatically used in favour of higher feelings, with the potential to invoke the

sense of pride and community. If we complete them, from the perspective of visual arts, by exhibition František Kupka – legionnaire and patriot (1914 – 1920) and his visual search and processing of new symbols of the new republic (from French environment of the Czechoslovak Legions), held in Sovovy mlyny on Kampa, we can conclude that the four-days visit to Prague fully satiated the participants of the conference.

**Gajdošová, M.,  
Laclovíková, M.,  
Švecová, M.\***

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\* Doc. JUDr. Mgr. Martina Gajdošová, PhD., Department of Theory of Law, Faculty of Law of Trnava University; Doc. JUDr. Miriam Laclovíková, PhD., Department of History of Law, Faculty of Law of Trnava University; Doc. JUDr. PhDr. Adriana Švecová, PhD., Department of History of Law, Faculty of Law of Trnava University, in Trnava on 28 November 2018.