

Importance of foundation of the Czechoslovak Republic for the origin and development of Slovak legal science

Ovečková, O.*

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Importance of foundation of the Czechoslovak Republic for the origin and development of Slovak legal science. Formation and development of Slovak legal terminology and the beginnings of Slovak legal science are directly linked with foundation and existence of the Czechoslovak Republic. The foundation of the Czechoslovak Republic brought codification of the Slovak language as one of the official languages, which initiated the formation and development of Slovak legal terminology and Slovak professional and scientific legal works. It is also linked with the existence of the then only Slovak law magazine *Právny obzor*, founded in 2017, and with establishment and activity of the society Právnická jednota na Slovensku (Slovak Lawyers' Society), founded in 1920. The two institutions played an important role at the origin and formation of both Slovak legal terminology and Slovak legal science.

Key words: Czechoslovak Republic, Právny obzor, legal terminology, legal science

Introduction

In order to fully realise the importance of foundation of the Czechoslovak Republic (1918) for the origin and development of Slovak legal science we must perceive certain events in the context of the period, i.e. in the Austro-Hungarian Monarchy and related position of Slovakia and Slovak as a minority language. It also determined the situation in the legal area. It was aptly described by one of the leading Slovak lawyers of that period *Vladimír Fajnor*. He pointed out that before foundation of the Czechoslovak Republic legal regulations, law literature and lawsuit files in court were not written in Slovak. The use of Slovak in court was (not only by the law, but also by violent practice) limited to the communication of judges or lawyers with parties that spoke no language other than Slovak. Slovak could get into the record of legal proceedings only in exceptional cases such as certain types of oaths and quotes.¹

In the law-making, in the area of application of law as well as in professional literature **Latin was the historically first language used. In the following periods Latin and Hungarian were applied equally, and after the Austro-Hungarian Compromise exclusively Hungarian was used.**

* Prof. JUDr. Oľga Ovečková, DrSc., Institute of State and Law of SAS. *This paper was written as part of the grant supported by the Reseach and Development Agency on the basis of contract No. APVV-15-0456, with the title Long-term and recent development tendencies of positive law in selected branches of the legal system.*

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¹ FAJNOR, V. Work of Slovak lawyers before the upheaval and in the first decade of the Republic. In *Právny obzor*, 1928, p. 705.

Before the foundation of the Czechoslovak Republic elementary conditions for the existence of professional or scientific work in the area of law in Slovak language were missing for several reasons.

The main reason was **the absence of specialised magazines** appearing in Slovak language, **institutions** supporting them and (with rare exceptions) **authors with required professional and language skills**. Consequently, the basic condition of the development of scientific law literature in Slovak language – **Slovak legal terminology** – was not fulfilled.

In this unfavourable environment it was clear that the prerequisite of foundation and development of Slovak professional law literature was **formation and stabilisation of Slovak legal terminology**. The two areas – legal terminology and foundation and development of Slovak legal science or professional law literature – were interconnected. One was the condition of development of the other.

The foundation of the Czechoslovak Republic had a decisive importance for the origin, existence and development of these two areas, because it allowed their formation and development. On the other hand, formation and development of legal terminology and development of Slovak legal science *vice versa* helped to develop education in the area of law and to develop and form the legal thinking, and thus contributed to the democratic development of the young Czechoslovak Republic. We can therefore talk about interconnection and interconditionality of the foundation of the Czechoslovak Republic and of the beginnings and development of Slovak legal science and Slovak legal terminology. The existence of the then only specialised magazine for the area of law **Právny obzor** (2017) and the foundation of **Slovak Lawyers' Society** (1920) played here an important role.

Beginnings of formation of Slovak legal terminology

The existence of Slovak legal terminology is undoubtedly one of the basic conditions of the very possibility of the origin and development of professional law literature in Slovak language.

To describe the situation regarding formation of Slovak legal terminology in connection with foundation of the Czechoslovak Republic first we must explain the situation before and after its foundation.

a) **Before foundation of the Czechoslovak Republic** the situation was characterised by **exclusivity of Hungarian language** not only in the law-making, but also in the legal practice and professional law literature. This situation was not favourable at all for the use of Slovak language and thus for the origin of legal terminology. Therefore the interest in Slovak legal terminology before foundation of the Czechoslovak Republic was related to the **enforcement of Slovak in the public life** and the related need of formation of Slovak legal terminology.

Attempts at formation of Slovak legal nomenclature, represented by works of *Michal Mudroň*, appear in the end of the 19th century as the condition of enforcement of Slovak

language in the public life, and of laying foundation of Slovak law literature and education of Slovak lawyers.

At the beginning of the past century they were enforced by two lawyers: *Augustín Rát* and *Emil Stodola*. However, publication possibilities for enforcement of this idea were missing. The situation partially improved in 1917, when *Emil Stodola*, Slovak lawyer working in Budapest, founded and started to publish in Budapest the first law magazine written in Slovak - *Právny obzor*².

The leading motive for foundation of the magazine was the **absence of Slovak legal terminology as a system of legal terms**. Therefore in the introduction of the first issue *Emil Stodola* highlights the need of discussion about Slovak legal nomenclature, saying:

*We are without a nomenclature; we are unable to discuss legal matters with each other in our mother language, not to mention our ability to properly write something. When it comes to the exercise of our language rights we feel greatly embarrassed. Therefore we start our work with free discussion about Slovak legal nomenclature, submitting our (incomplete) proposal. Language experts are welcome to speak on the matter.*³

Právny obzor accomplished this task with big verve. In the first issue of the magazine, which appeared in 1917, *Emil Stodola* published his essay **Legal nomenclature**. It is basically Hungarian-Slovak legal terminology. In the double issue 2-3 of the first volume, which appeared in 1918, the continuation of this essay in cooperation with *Adolf Záturský* was published. In the introduction *Emil Stodola* addresses the expert public when writing: *Professional nomenclature is the result of hard work of every nation; it does not leap out of the head of one person fully formed like Minerva from Jupiter's head – it requires involvement of several people.*⁴

In this double issue *Notes and supplements to the nomenclature*, written by *Adolf Záturský* and *Michal Slávik*, were published as well. The following part of nomenclature appeared in the 4th issue of first volume in 1918 together with notes and supplements to the nomenclature of *Michal Slávik*.

The first four issues of first volume of the magazine *Právny obzor*, dated of 1917–1918, devoted a substantial part of their content to legal terminology and professional discussion about its formation. Thanks to important lawyers such as *Emil Stodola*, *Adolf Záturský* and *Michal Slávik*, from the very beginning *Právny obzor* as the single law magazine appearing in Slovak language was a forum for presentation of results of work on Slovak legal nomenclature, but also of the theory of its formation. The results of this pioneer work were used later, when several dictionaries of terms were published.

b) **After foundation of the Czechoslovak Republic** further reasons justifying the need of formation and development of Slovak legal terminology appeared. Slovak became **official language** – this fundamentally changed the conditions, but also

² The magazine *Právny obzor* holds several primacies. It is not only the oldest Slovak scientific law magazine in Slovakia, but also the oldest professional scientific magazine in Slovakia at all and the oldest scientific magazine of the Slovak Academy of Sciences.

³ STODOLA, E. Príhlas ku obecstvu (Approaching the Audience). In *Právny obzor* 1917, issue no. 1, p. 1.

⁴ STODOLA, E., ZÁTURSÝ, A. Legal nomenclature. In *Právny obzor*, 1918, issue no. 4, pp. 115-119.

highlighted the need of systematic work on formation and development of Slovak legal terminology.

In 1919 the second volume of *Právny obzor* appeared. The magazine continued to address the issue of legal terminology, but in new, more favourable conditions. **Emil Stodola** highlighted this fact in the editorial to this issue, where he expressed resolution to contribute to the development of the young Republic also by cultivation of law in Slovak language and by enhancement of legal awareness in society.⁵

Michal Slávik in the paper **Legal nomenclature** points out to this new situation also in relation to the Regulation of the Ministry of Administration of Slovakia on the establishment of the Translations Office.⁶

The formation of legal terminology upon foundation of Czechoslovakia was so important that it was addressed, among the first items of agenda, by the **First Congress of Slovak lawyers in Žilina on 20 December 1918**. The congress charged *Emil Stodola* and *Adolf Záturcký*, who were dealing with Slovak legal terminology, to compile a **Manual of Slovak legal nomenclature**, as a primary task of that period. Their work **Draft Slovak legal nomenclature**⁷ was published in 1919.

Slovak Lawyers' Society, founded on 12 May 1920 in Bratislava, played an important role in general, but specifically for the development of Slovak legal terminology. It was a professional organisation of lawyers with a mission to represent and defend their interests. Slovak Lawyers' Society did a lot already upon its foundation, in particular as regards formation and stabilisation of Slovak legal terminology.

It set as one of its primary tasks **to help the formation of Slovak legal nomenclature** as an integral part of Slovak legal culture. The forum for a professional discussion in this process should have been its own specialised magazine. As a symbol of thanks to *Emil Stodola* for the foundation of the first professional law magazine published in Slovak language and with his approval it decided to **take over the magazine Právny obzor and to continue its publication**. It was also a rescue for *Právny obzor*, the publication of which *Emil Stodola* was forced to cease after two years because of the lack of funds. The third volume of *Právny obzor* was already published by the Slovak Lawyers' Society. From the very beginning the new editors planned to publish legal terminology gradually as a supplement to the magazine. However, they later concluded it would be more advantageous to ask *Adolf Záturcký* to publish the terminology, completed by contributions of *Vladimír Fajnor*, in the form of a book. He agreed and gradually published two parts of the **Dictionary of legal terms**.⁸

In particular two factors significantly contributed to formation and stabilisation of legal terminology.

⁵ STODOLA, E. At dawn of the new times. In *Právny obzor*, II. 1919, issue 1-3, p. 1.

⁶ SLÁVIK, M. Legal nomenclature. In *Právny obzor*, 1919, issue 1-2, p. 8.

⁷ STODOLA, E. – ZÁTURCKÝ, A. *Draft Slovak legal nomenclature* (Hungarian-Slovak legal terminology). Turčiansky Sv. Martin. Financed by the Letterpress Printing Society in 1919.

⁸ FAJNOR, V., ZÁTURCKÝ, A. *Dictionary of legal terms*. Part I Hungarian-Slovak dictionary. Turčiansky Sv. Martin : Published by Matica Slovenská in 1921; Part II Slovak-Hungarian dictionary. Bratislava : Published by Slovak Lawyers' Society in 1923

The first concerned important supplements to the magazine *Právny obzor*. The **Journal of the Ministry of Unification of Laws and Organisation of Administration** had appeared in the form of a supplement to *Právny obzor*, at request of the Ministry of Unification, since 1922. Another supplement called **Official Collection of Decisions of the Supreme Court of the Czechoslovak Republic in Civil Matters**, published for Slovak lawyers, was added to the magazine in 1929. In particular the Collection of Decisions became a place for cultivation of Slovak legal terminology.

The second factor which significantly contributed to cultivation of Slovak legal terminology was **work on the unification of Czech and Slovak private law**. An important act in terms of terminology was gradual publication of revised paragraphs of the Austrian Civil Code in Slovak translation, the validity of which should have been extended to Slovakia and Ruthenia.

Without any exaggeration we can state that not only in the first years of existence of the Czechoslovak Republic, but in the whole interwar period the care of Slovak legal terminology on pages of *Právny obzor* was traditional and systematic. In this period the magazine was the most important institution, which took care of formation and development of Slovak legal terminology, and thus fulfilled the task set by its founder *Emil Stodola*, as well as the Slovak Lawyers' Society as its successor.

Without foundation of the Czechoslovak Republic such an intensive development of Slovak legal terminology would be unthinkable. There would be no Slovak professional law magazine, serving as the platform for communication in this area. Without foundation of the Czechoslovak Republic, *Právny obzor* as the only professional law magazine written in Slovak language would have disappeared because of the lack of funds after two years of its existence.

Beginnings of development of Slovak legal science

What was said about the situation in the area of law and the use of Slovak language in Slovakia before foundation of the Czechoslovak Republic in relation to legal terminology also holds for the area of beginnings and development of Slovak legal science.

Finally, it is only logical that where the use of Slovak language in justice, advocacy and other areas of the public life was limited to the minimum, there were also unfavourable conditions for formation of Slovak legal terminology or for development of professional law literature, in particular when a professional law magazine in Slovak language did not exist.

In this area the foundation of the Czechoslovak Republic was a decisive change, which led to **promotion of Slovak among official languages**. It meant an acute need to start intensive work on formation and stabilisation of Slovak legal terminology as the prerequisite of the development of Slovak professional law literature. Moreover, there was the only (but already existing) Slovak professional magazine **Právny obzor**, which thanks to the changed situation after foundation of the Czechoslovak Republic did not

disappear after two years of its existence but, quite to the contrary, became the only place for publication in Slovak language.

After foundation of the Czechoslovak Republic due to so-called “Reception norm” (Act no. 11 of 28 October 1918), taking over all legal regulations from the Austro-Hungarian Monarchy, **both Austrian and Hungarian laws** were received and the **state of legal dualism** was thus created in the unitarian State. Consequently, strong efforts at unification, in particular of private law, were observed from the beginning. It was not a simple process, because the subject of unification was partly the system of written law (*lex scripta*) and partly the system of common law, i.e. two systems having a different origin and basis.

This process became important for the development of legal science in Slovakia, because it served as the basis for the development of Slovak professional law literature, which intensively entered into discussions about main problems of unification. The existence of a professional magazine *Právny obzor* supported it as well. We can say that after foundation of Czechoslovakia the process of unification became a platform for the beginnings of more compact formation of Slovak legal science.

Also here it must be said that already mentioned supplements to the magazine *Právny obzor* were of great importance for the development of Slovak professional and scientific law literature. The supplement Journal of the Ministry of Unification promoted *Právny obzor* to an official body of this ministry. Not only official reports of this ministry, but also professional articles about unification works were published in the supplement.

The intensity, the level and the importance of influence of the Slovak lawyer public on unification and codification works and related formation of Slovak legal terminology and the beginnings of Slovak legal science are proved by pages of the magazine *Právny obzor*.⁹

However we must not forget the importance of the second supplement to *Právny obzor* – the **official collection of decisions of the supreme courts**, published for the Slovak area of law, which significantly helped the development, not only of Slovak legal terminology, but also law professional literature. Š. Luby highly appreciated this fact as one of very few on the occasion of the 30th anniversary of foundation of *Právny obzor*, when he wrote:

*...in particular the collection of civil decisions has overgrown the idea of a normal collection of case-law and become a reservoir of lawyer's wisdom and purity of expression. It is known that Dr. Adolf Zátorecký here continues work started in the first volumes of Právny obzor. The greatest credit for the existence in present Slovak legal language of an instrument, that is also suitable for scientific tracing of an abstract scientific discipline such as law, is due to this work, which also significantly contributed to the progress of legal thinking and knowledge.*¹⁰

Summary

Foundation and existence of the Czechoslovak Republic permitted the development of legal terminology and the beginnings of Slovak legal science, in particular by **codifi-**

⁹ For details see OVEČKOVÁ O., VOZÁR, J. A Centenary of the magazine *Právny obzor*. Bratislava : VEDA 2017.

¹⁰ LUBY, Š. Tridsiaty ročník Právneho obzoru. In *Právny obzor*, 1947, č. 1, s. 2.

cation of Slovak as one of the official languages – since then Slovak started to be legally used in the whole state administration, not only in the area of justice. It initiated the development of Slovak legal terminology and Slovak professional and scientific law literature, which is also related to other facts.

First of all we can say that the foundation of Czechoslovakia had a fatal importance for the **existence of the magazine *Právny obzor*** as the then only Slovak law magazine. It is true that in Austria-Hungary the magazine would not have survived and would have disappeared after two volumes. Only thanks to the foundation of Czechoslovakia and the establishment of Slovak Lawyers' Society the magazine not only survived, but became an opinion-forming phenomenon in that period and in many respects represented the basis and condition of development of legal science in Slovakia.

On the other hand, the existence of *Právny obzor* itself was of importance and played a role in the foundation of Czechoslovakia. *Právny obzor* started to form and develop legal terminology and legal science still before foundation of the Czechoslovak Republic. In an important area such as law, Slovakia entered into a new system of government with clearly formulated roles. This importance of the magazine has not been sufficiently highlighted and valued so far.

Another important event that resulted from foundation of Czechoslovakia and significantly influenced the development of legal terminology and legal science in Slovakia was the **establishment of Slovak Lawyers' Society**. Slovak Lawyers' Society set the objective to help the formation of Slovak legal nomenclature, but also to accomplish the scientific mission until the moment when the professors of the new-established Faculty of Law in Bratislava take over this role. It gradually extended its activities in many areas. It regularly organised a lot of lectures and successfully developed its activity in different regions of Slovakia. It published a series of professional law monographs. From this perspective we can say that it stood at the very origin of legal science in Slovakia and significantly contributed to its development. It regularly organised congresses of Slovak lawyers. We will mention at least two congresses that prove the importance of these events.

In **1933** it organised the **First Congress of Lawyers of the Slavic States**, which is linked to comparative legal terminology of the Slavic states.

Another important event was the unification **Congress of Lawyers from Slovakia and Ruthenia, held in Bratislava in 1937**. It discussed the unification of the legal order and significantly accelerated unification works.

During the 20-year existence of the Czechoslovak Republic Slovak legal terminology and Slovak legal science achieved an important development. Institutions such as the Slovak Lawyers' Society and the magazine *Právny obzor* as the most important professional forum, where opinions of many complex and disputable issues of legal science and legal practice crystallised, are directly and inseparably linked to this process.

We can say that foundation of the Czechoslovak Republic permitted and accelerated the shift in the formation of legal terminology and by the origin and development of Slovak professional and scientific law literature as part of national culture, which contributed to the overall cultural development of Slovakia.