

Abstract

The aim of this work is to describe and analyze the concept of the state citizenship in general and in the Czech Republic from a theoretical and practical point of view. At the theoretical level, this work explores the concept of state citizenship and the related terms such as nationality analyzed in the first chapter that has a broader conceptual content. Nationality is used as a benchmark concept to distinguish vertical and horizontal levels of state citizenship. At the vertical level, often referred to as functional citizenship, the focus is on the relationship between the state and its citizens. By contrast, the horizontal level concentrates on ties between citizens within a state that are based on solidarity and collective sense of belonging. This leads to the particular role of state citizenship that provides an individual with a set of privileges such as legally enshrined special treatment by the state.

The second chapter of this work studies the historical development of the state citizenship on the Czech territory since 1918. This chapter clearly demonstrates important institutional legacies from the first Czechoslovak Republic that were overtaken by the new regime after 1989. Related legal resources of state citizenship are examined in the next chapter that scrutinizes them as part of the constitutional law as well as other types of law such as administrative, civil, criminal, or business. Chapter 4 is dedicated to the topic of dual or multiple citizenship that are of particular interest especially given the current integrative and global trends that have gradually been changing our thinking about them. Conflict of faith commitments and indivisible state sovereignty have been sidelined in favour of the individual. The concept of dual citizenship is also relevant for homeless, i.e. stateless people. This topic is further explored in Chapter 5 that also looks at how international law has dealt with homelessness and the potential conflicts with the law it creates. The most important international treaty on the state citizenship is the European Convention on State Citizenship, analyzed in Chapter 6. The Convention in a comprehensible manner governs all possible aspects related to the state citizenship and includes a novelty in paying attention to all foreigners within a state. The European dimension of citizenship, especially within the European Union, is further explained in Chapter 7, whereby its most important aspects lies in the complimentary nature of European citizenship that does not deny any particular state citizenship.

Fundamental questions related to gaining and losing citizenship at the general level and within the Czech Republic are analyzed in Chapter 8 to 12. The various legal acts and international treaties governing the processes of gaining or losing citizenship are in detail described in the individual chapters. The Czech case is very particular for its extremely rigid process of gaining Czech citizenship, especially because of the multiple ambiguities in interpretations by the authorities and the related unpredictability of the situation an applicant

might be facing. This is due to the historical principle of free and absolute discretion of the state authorities that was established under the First Czechoslovak Republic and that today leads to a rather arbitrary process. Even in cases where an applicant has fulfilled all legal requirements, the state authorities are entitled to reject his or her application, or set more conditions. The major turning point came in 2005 with the ruling of the Supreme Administration Court that declared the principle of free and absolute discretion as impermissible in a modern rule of law state.