

Abstract

The purpose of the thesis is to analyse the law approach to duels in Czech law history and by analysis of selected legal texts to confirm the hypothesis that rather than idea of social development with ideas of humanity it is the fact that duel by its nature is competing with the law that determines the prevailing law approach to duels and the progress of this approach. This matter, the law approach to duels changing dynamically in history, is observed particularly from a law-giver point of view.

The thesis consists of eight chapters, including introductory and ending part. The division into chapters is made chronologically with respect to prevailing law approach to duels (with the exception of the first and second chapter).

In Introduction are briefly listed and evaluated works dealing with the abovementioned matter as well as introduction to the methodology used in the thesis.

Chapter One examines meaning, origins and development of meaning of the word duel („souboj“ in Czech) and its equivalents.

Chapter Two deals with origins of the duel. It is divided into two parts. Part One presents the main approaches in recent literature to the matter of duel origins. Part Two focuses on one of the most important sources of duel - a feud.

Chapter Three is addressed to the duel as a part of legal proceedings - judicial duel. In this chapter the texts of the most important written sources of Bohemian and Moravian land law of the Middle Ages where judicial duel is mentioned are analysed.

Chapter Four pays attention to the duel which was arranged-in-advance by the parties with assistance of high land officer or another member of nobility. This type of duel took place mostly to solve disputes over honour between the parties. It was not reflected by the law however not considered illegal. This chapter also compares this type of duel with another coexisting violent acts. Analysed written sources are mostly of Moravian land law of 16th century.

Chapter Five concentrates on duel-abolishing regulations issued by the monarch from 16th to 18th century. In these regulations duel was prohibited mostly for its nature that was in competition with the law over the matter of settling disputes. The monarch, who considered himself to be representative of God and protector of the peace, public order and law, felt personally offended by these acts and considered them as disrespect

for his authority.

Chapter Six deals with the regulation of duel in the criminal codes of 18th and 19th century. In these codes the main purpose of prohibiting duel has changed from protection of the law itself to protection of life, health and integrity of an individual person. From 1950 the codes prohibiting duel are no longer in effect which means the end of duel regulation (as a specific offence) in Czech law history.

Conclusions are drawn in the ending part of the thesis. The main aim of the thesis was to prove the initial hypothesis of the nature of duel as competitor of law which determines the development of law approach to duels.