

Development of advocacy in Czechoslovakia 1918-1989

The thesis described and analysed the historical development of advocacy on the territory of Czechoslovakia from 1918 to 1989. It took into account the previous historical period, thus the beginnings of advocacy in Roman law, the legal profession in our country till 1848 and the historical phase between 1848 and 1918, very important for Czechoslovakia, when the basic legal regulations were created which were first accepted by independent Czechoslovakia in an unchanged form and were modified over time. Along with the law of the Roman Empire, the Austria-Hungary law was crucial for the formation of the cornerstones of today's modern advocacy. The thesis also covered chapters that included the definition of basic and associated terms that relate to advocacy, and last but not least a description of the current legislation of advocacy as well.

The base of the thesis was represented by a historic period since the establishment of independent Czechoslovakia, through the second Czech-Slovak Republic, the Protectorate of Bohemia and Moravia, the short period after liberation and the communist regime from 1948 until after the revolutionary year of 1989, which, for the Czech advocacy, featured a return to democratic roots and First Republic's traditions of self-government. For advocacy First Czechoslovak Republic meant a very peaceful and stable period, which was however soon replaced by the hardships of war. The post-war era and the period of totalitarianism were very dismal in terms of advocacy. Litigator's profession did have neither a good position nor support in the law and in particular political cases were not decided in a fair judicial processes. This means that for a few exceptions it was not possible to completely fulfil the original mission of a litigator. The most difficult period was, of course, represented by the fifties and artificial political processes associated with this period, which had, by far, no parallel in Czech history. To attempt to express personal courage and at least to try to defend the accused at this time meant the end of one's career and long persecutions that oftentimes ended in imprisonment. In the sixties there was a brief easing of social relationships, which was reflected in the legal profession as well. Rehabilitation of some political prisoners took place and in the litigator's profession the need for its independence was discussed in public. This euphoria was interrupted by standardization which pushed advocacy and the right to a fair trial to the edge of the interests of society. The meaningless time of normalization and the eighties, when the regime was already de facto in decay, however brought about many opportunities to commemorate that advocacy, its mission and traditions did not entirely

disappear. People around Charter 77 and VONS (Committee for the Defense of the Unjustly Prosecuted) were looking for advocates as well as for means to defend the accused and led advocates to realize what the original advocate's mission lied in.

To ensure comprehensiveness of the thesis and to complete the description of the historical development of the legal profession during the twentieth century, we also introduced brief information on the statutory regulations of advocacy in the post-communist era.

In addition to the historical data and significant milestones of advocacy, attention was paid to the local government law as well, its development, structure and its leaders. Special subchapters dealt with Prague, Moravian as well as Silesian Bar Association. Brief details were also given on legal chambers in the Slovak Republic and in Ruthenia. In conclusion, we mentioned prominent personalities from the ranks of advocates and also further described the fates of such personalities like Alois Rašín, Ivan Dérer, Václav Bouček, Alois Stompfe and Hynek Bulín, who represent the First Republic advocates and Dagmar Burešová and Otakar Motejl, as representatives of advocates who exercised their occupation with dignity even in times of totalitarianism and who crowned their successful career already in a democratic state.

The aim of this thesis was description and analysis of the development of the legal profession on the territory of Czechoslovakia from 1918 to 1989. At this point it should be noted that this is a very long historical period, which, on one side, is closely interconnected with the historical period of Austria-Hungary, and on the other hand, features a certain overlap into the post-revolution period. Given the fact that the thesis dealt with legal history, it was additionally necessary to mention the context of Roman law and other important historical milestones. Moreover a description of historical events and legal history always requires thorough knowledge of facts and historical sources. These all are factors that limit the content of the thesis, its thoroughness and historical completeness. In fact it is not possible for one person to describe such a long historical stage without forgetting something important or omitting something. In this thesis we largely tried to work with the original, primary sources, in particular with legislation, but of course we did not manage to avoid the use of secondary sources, which often allowed us to state the ascertained information and data in historical context.