

Abstract

A History of Criminal Law in the Czech Lands in 1848–1989

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The dissertation is dedicated to more recent history of Czech and Czechoslovakian criminal law and deals systematically with all of its important periods and milestones. This work traces back not only the most significant adopted criminal laws and legislative attempts to adopt draft bills of criminal laws in a chronological sequence, but also presents a story of jurisprudence on the background of the development of criminal legislation, which was, sometimes more, sometimes less, influencing the real character of criminal law. Along with the development of criminal jurisprudence, this work records the fate of some key figures of Czech criminal law, criminology or criminalistics.

The dissertation does not only follow the history of adoption of criminal laws, but also aims to record the profiles of several Czech jurists, who were given the task to build the fundamentals of Czech and Czechoslovakian criminal jurisprudence in later years of the studied period of time. The dissertation also maps the establishment of various research institutes and institutions related to the field of criminal law. The work dedicates some space to scientific conferences, seminars and discussions on criminal law issues.

The author of the work relies on a deeper and thorough research of not only the criminal legislation, but also on relevant law periodicals and monographic literature, by which he aims to unveil the forces exerting influence on the shape of criminal law in the presented periods of time. The history of criminal law elicits knowledge that criminal law has been a politically sensitive branch of law, mutually interconnected with the realm of politics, as has been documented by numerous examples.

The dissertation is divided into seven parts according to delineated historical periods of socio-political developments.

In the first period of the Austro-Hungarian monarchy, the Czech criminal law was closely connected with the criminal law of Austria. Nevertheless, at the end of this period, Czech criminal law and jurisprudence develop fairly originally and autonomously.

The second period of criminal law was influenced by the events of the First World War and headed towards the foundation of an independent state of Czechs and Slovaks in 1918.

The time of the first Czechoslovak Republic was the most interesting and valuable period in our history in respect to the development of criminal law jurisprudence. The dissertation documents this fact on a number of events, due to which the Czech jurisprudence of 1918–1939 has since been a continuing source of great inspiration.

The fourth period of criminal law is marked by the Nazi occupation of Czech lands. In the Protectorate of Bohemia and Moravia existed a duality between Czechoslovakian and forced German criminal laws.

In the next years of 1945–1948, criminal law had to cope with the aftermath of the Second World War.

The sixth period represents the shocking chapter in the history of Czechoslovakian criminal law, when political trials were conducted following the 1948 coup d'état in Czechoslovakia, under the monopoly of power of the Communist Party. The result of this atrocious period in the history of Czechoslovakian criminal law was a significant number of unlawfully and unjustly convicted and punished people. The work observes the criminal law statutes and power mechanisms that facilitated these events. Subsequently, the work records the democratization process leading towards the Prague Spring of 1968, which brought release, cultivation and humanity into Czechoslovakian criminal law and criminology.

In the last researched period, the time of so-called normalisation, Czechoslovakian criminal law inclined yet again towards the example and practice of the Soviet Union. Czechoslovakian criminal jurisprudence also stagnated and degenerated.

The dissertation *A History Of Criminal Law in the Czech Lands in 1848–1989* makes efforts for a systematic, transparent, and objective view on the development of Czech and Czechoslovakian criminal law in the selected period of time, which has not yet been complexly researched.

Key words: Czechoslovakia, history, politics, jurisprudence, penalty, death penalty, criminal law, criminal code, prisons, criminality.