

## REVIEWS AND ANNOTATIONS

### Prague Law Working Papers Series No I/2026 - New issue of Charles University in Prague Faculty of Law Research Papers

The new issue of Prague Law Faculty's open-source electronic periodical offers a set of working papers on diverse topics. The following provides a general outline of their content. Their full versions can be downloaded free of charge from <https://www.prf.cuni.cz/en/prague-law-working-papers-series/2026i>

**Charles Guillorit** wrote a paper titled **Legal Reconfigurations of Literary Freedom During the Détente (1962-1974): Reflections on Literary Freedom around May-June 68 and the Prague Spring**. His article examines literary freedom in France and Czechoslovakia during the détente period (1962-1974), demonstrating significant parallels despite different political systems. Through chronological and thematic analyses, it reveals that both countries experienced similar trajectories: initial liberalization (1962-1968) culminating in the transformative year 1968, followed by repressive measures. The study challenges binary interpretations of May-June 68 and the Prague Spring, showing both simultaneity and similarity in their evolution of literary freedom. Key commonalities emerge across both contexts: writers' influence on free speech legislation, post-1968 repression, transformation of censorial institutions from traditional preventive censorship toward economic control mechanisms, increasing tolerance for genre literature (science fiction, detective fiction), and the impact of sexual liberation on literary production. The year 1968 serves as a pivotal moment, marking both the apex of liberalization and the beginning of institutional backlash temporary in France under Giscard d'Estaing, prolonged in Czechoslovakia under Husák's normalization. However, the comparison also reveals nationally-specific repressions, particularly France's censorship of anticolonial and anti-imperialist writings. The article proceeds through two complementary approaches: first, a chronological analysis identifying 1968 as a watershed moment; second, a thematic examination of tensions between political discourse and aesthetic writing, confirming the hypothesis of meaningful similarity between French and Czechoslovak experiences of literary freedom during détente.

**Václav Šmejkal** called his contribution **From Rivalry to Uncertainty: Rethinking EU Competition Law in the Age of Technological Champions**. The author claims that the EU competition law is currently confronted with two interrelated challenges. First, digital and other advanced technologies have become the primary drivers of innovation and economic development, while traditional competition models struggle to capture the dynamics of platform-based and ecosystem markets. Second, competition policy is increasingly expected to align with a broader EU industrial strategy aimed at strengthening strategic autonomy in a geopolitically contested environment. This article argues that these developments call for a reassessment of the traditional rivalry-based understanding of competition. It proposes the concept of competitive uncertainty as an alternative analytical framework better suited to dynamic, innovation-driven sectors. By focusing on the sources and effects of uncertainty, competition law could more effectively accommodate both the specificities of digital markets and the policy objective of fostering European technological champions. The article examines the analytical value of this concept, while also highlighting its practical and doctrinal limitations. It concludes that competitive uncertainty should be applied cautiously and primarily in selected sectors where traditional approaches prove insufficient.

**Harald Christian Scheu** dedicated his paper to the issue of **Migrant Integration and the Court of Justice. Conceptual Uncertainty and Ambiguity in EU Law**. His article examines the judgment

of the Court of Justice of the European Union in Case C-158/23 *Keren* as a rare instance of judicial intervention in the field of migrant integration. It analyses how the Court applies EU asylum law to assess national integration measures. The article critiques the Court's reliance on vague notions without providing operational criteria for national authorities. It considers the implications of the judgment for the delimitation of competences between the EU and Member States, the clarity of migrant integration as a legal concept, and the practical assessment of integration outcomes. In conclusion, the article argues that, while reinforcing the protection of beneficiaries of international protection, the judgment deepens conceptual uncertainty in the field of migrant integration.

**Michal Říha** asked the following question in the title of his contribution: **Do you have EU Industrial Policy Legal Basis? And can I see it?** His article examines whether the European Union possesses an adequate legal basis for the development of a genuine European industrial policy. It argues that, despite the recent resurgence of industrial policy in response to geopolitical shocks, supply chain disruptions, and technological dependencies, the EU's constitutional framework remains structurally ill-suited for proactive market intervention. Historically, European integration has prioritized negative integration and competition based governance, embedding a liberal economic constitution that constrains both Union and Member State industrial activism. However, the European Commission in recent years has increasingly relied on flexible application of state aid rules, fiscal derogations, and common borrowing instruments to steer industrial development, giving rise to a form of "product federalism." While these developments enhance the Union's capacity to coordinate industrial policy, they also risk fragmentation, unequal development, and the erosion of the principle of conferral. The article concludes that the EU is undergoing a de facto constitutional transformation without formal Treaty change, shifting from integration through law toward integration through politics.

Kally Cunningham contributed an article titled **Legal Lipstick on Extraordinary Rendition: A Legal Analysis of U.S. Counterterrorism Tactics Recast as Third Country Deportation**. According to the author, the deportations to El Salvador carried out by the Trump administration via third countries represent a modern form of extraordinary rendition. By drawing direct comparisons with the CIA rendition program, this article establishes a legal test to demonstrate the structural similarities that allowed for the procedural evasion of international human rights law as counterterrorism tactics are now being employed in immigration policy. By establishing a five-part test for extraordinary detention comprising of: (1) the use of diplomatic assurances to circumvent legal obligations, (2) unlawful transfer across borders, (3) denial of due process and access to effective remedy, (4) transfer despite foreseeable risk of torture or ill-treatment, (5) resulting arbitrary detention, an analysis was conducted which demonstrated that the Trump administration's TCDs satisfies all defining characteristics. Ultimately, this article shows that the use of counterterrorism tactics in immigration control erodes the principle of non-refoulement, undermines the absolute prohibition of torture, and subsequently violates *pacta sunt servanda*. This practice normalizes the circumvention of international human rights law.

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