

CONFERENCES AND REPORT

Report from the Scientific Conference Constitutional Continuity between the Czech Republic and the Czechoslovak Tradition

International scientific conference “*Constitutional Continuity between the Czech Republic and the Czechoslovak Tradition*” was held in Prague on May 10–11, 2018.

The Faculty of Law of Charles University organised the conference as a part of the project “*The University and the Republic*” (1918-2018) and the programmes Progres Q 04 “*The Law in a Changing World*” and Progres Q 05 “*Legal and Social Aspects of Migration and the Issues of Minorities’ Status.*”

Professor Tomáš Zima, the Rector of Charles University, under whose auspices the conference was held, and many leading constitutional officials as well as outstanding Czech and foreign jurists participated at the inauguration of the conference in the magnificent Patriots’ Hall of the ancient building of Karolinum.

Professor Jan Kuklík, the Dean of the Faculty of Law of Charles University, welcomed the participants on behalf of the organisers of the conference. Short speeches were given by **Professor Tomáš Zima**, the Rector of the University, **Milan Štěch**, the Chairman of the Senate of the Parliament of the Czech Republic, **Dr. Pavel Rychetský**, the President of the Constitutional Court, and **Dr. Peter Weiss**, the Ambassador of the Slovak Republic in the Czech Republic.

Subsequently, the key speeches presenting various aspects of the main topic of the conference, namely the issues of continuity and discontinuity of Czech statehood, were delivered. **Professor Aleš Gerloch**, the Vice-Rector of Charles University and the Head of the Department of Constitutional law and the Department of Legal Theory, outlined the basic attributes of the constitutional system of the Czech Republic, the normative arrangement of the constitutional order and the dynamics of its functional parameters in his speech “*The Constitutional System of the Czech Republic: Tradition, Changes, Perspectives.*” He paid special attention to the extent of continuity and discontinuity with the Czechoslovak tradition. He did not omit newly emerging factors which might influence the functionality of the Czech constitutional system as well.

Professor Jan Kuklík, the Dean of the Faculty of Law of Charles University and the Director of its Institute of Legal History, in an interesting manner described the process of establishment of the independent Czechoslovak state in his speech “*The Constitutional System of the Czech Republic from a Historical Perspective.*” He stressed that this act had raised many questions which have been impacting on the form of our statehood to the present day. The questions of the organisation of the state and its legal system, republican form, and continuity or discontinuity with Austria-Hungary were decided, among other things, during the first days of the existence of the new state.

Recent milestones of the development of the Czech Republic were not left aside. **Professor Michal Tomášek**, the Vice-Dean of the Faculty of Law of Charles University and the Head of its Department of European Law, delivered a speech called “*The Constitutional Continuity of the CSFR and CR in Relation to the Membership in the European Union.*” He described, partially from his own experience, the relatively complicated initial stage of the path preceding the accession of the Czech Republic to the European structures.

The second day of the conference was held on the premises of the Faculty of Law of Charles University. Fifty contributions were presented in three parallel sections reflecting the topics of constitutional law, international law, and the legal theory and history.

In the first section called “*Constitutional Institutes in Changing Times*” mainly speeches were delivered outlining the development, frequently not unswerving and problem-free, of various constitutional institutes in the course of the past one hundred years. Attention focused, among other things, on the position of the deputy and deputies’ club, parliamentary culture, caretaker govern-

ments, position, and powers of heads of state. Time analysis of courts' decision-making was presented, which provided the possibility to track down various sources of inspiration for the current justice. Traditionally, a big number of speeches focused on a variety of human rights questions emphasising time connections. The topics for discussion were state citizenship, freedom of movement, asylum, migration, and the issues of minorities generally.

The second section "*The Constitutional System from a Historical Perspective*" was primarily focused on the initial years of existence of the independent Czechoslovak state. The change of the constitutional and legal order of the monarchy after the establishment of the Czech Republic was presented. Other analysed topics were, for example, the constitutional basis of judicial power before the legal effect of the constitutional charter of 1920 or the electoral right of 1920. The creation of Czechoslovakia was also thoroughly analysed from the point of view of international law. Selected moments from the development of Czechoslovak and Czech constitutionality were critically treated (the so-called London conception of the reform of the constitutional order of the Czechoslovak Republic, the intention to re-draft the constitutional charter of 1920, and the programme of domestic resistance movement PVVZ were discussed, among other topics). The issues of Sudeten German revanchism, legal and economic relationships of the emergence of the Czechoslovak and Czech currency, language (dis)continuity of the texts of national constitutions, and the tradition of promulgation of laws and collections of legal rules were analysed.

A complete block of the third section "*Constitutional Continuity and Recent Problems*" was reserved for the theoretical conception of legal continuity and discontinuity with special focus on Czech institutions. The issues of direct democracy, particularly its theoretical conception and the prediction of possible local development in relation to current foreign trends were followed with great interest. Contributions of foreign guests, mainly from Slovakia and Poland, enabled comparison of the recent development of various state law categories. Some other topical questions of constitutional law were also addressed. For example, the question of whether the character of constitutional law may be influenced by a certain ideology and specific legal interests was discussed. Attention also focussed on the admissibility of breach of the so-called eternity clause in constitutions of democratic states, or the issue of elections generally.

The speeches presented at the conference brought a lot of new information about and original insights into the past century of the development of Czechoslovak and Czech statehood. Thus, they contributed to a worthy commemoration of and tribute to the establishment of the Czechoslovak Republic.

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