

## Summary

Dissertation builds an objective, transparent, systematic and yet concise interpretation of the history of criminal law in the Czech lands in 1848–1989. The aim of this work is, however, not only to chronologically present the most important criminal codes, but also to tell a parallel story of criminal law science and criminology, which to a bigger or lesser degree substantially influenced the development of criminal law and criminal legislation. Therefore, this work also includes biographical and bibliographical profiles of leading Czech educators, criminal law scientists and criminologists – the founders and pioneers of Czech and Czechoslovak criminal law science, whose lives have been closely linked with the complicated socio-political events of the given historical period. History of criminal law shows a strong interconnection of criminal law and policy, which consequently causes the criminal law without proper criminal law science and criminology to be the most politically affected branch of law. For this dissertation is symptomatic the search for critical causes and factors that lead to progress or, on the contrary, to the decline of criminal law. In such moments, the criminal law science and criminology emerge again, naturally and clearly, from a scientific analysis of historical events of criminal law, due to their ability to improve the criminal justice system substantially through its most important representatives, pioneers and reformers.

Writing of this dissertation has primarily been motivated by effort to shed light on unknown but significant events in modern history of Czech and Czechoslovak criminal law, since there is still a lack of systematic work of this kind. The work is based on the scientific research of not only the criminal codes and archival materials, but it also involves a relevant research in scientific monograph and journal literature. Therefore, it is not reducing the problems of history of criminal law only to the development and list of criminal codes, but at the same time, it also reflects the related history of criminal law science and criminology. Attention is paid to the educators and criminal law scientists, criminologists, universities, scientific institutes, monographs, conferences, seminars and discussions on criminal law, criminological and penological problems.

According to the circumstances of the research, the scientific complexity of the problems involved in this research and the opportunities offered by it, this dissertation can serve only as an introduction and a contribution to laying the foundations of

systematic research on the modern history of Czech and Czechoslovak criminal law.

This Dissertation is divided into seven parts, while its chronological structure reflects the generally accepted landmarks of socio-political development.

After the revolution of 1848, during the second half of the 19<sup>th</sup> century, periodic attempts to reform the Austrian criminal law occurred, leading to numerous versions of non-legalized drafts of criminal codes. However, at the end of this period, foundations of Czech criminal law science were laid, followed by the Czech criminology, which centre was after the division of Charles-Ferdinand University in 1882 the Czech Charles-Ferdinand University.

In the period after the World War I, when Czechoslovakia was founded, the Czech and Czechoslovak criminal law science and criminology could utilize great amount of pioneering and original work from the previous years and quickly produced number of works, outstanding even today, considering both local and international context. Educational and scientific achievements of some of the contemporary personalities are and for their high scientific value will probably remain for a long time a crucial natural source of inspiration for criminal law scientists and criminologists.

Protectorate of Bohemia and Moravia was specific for the duality of Czechoslovak and German enforced criminal law, which also affected the post-war years of 1945–1948, when the Czechoslovak criminal law has dealt primarily with the legacy of the Nazi occupation during World War II.

The following period of communist totalitarianism since 1948 brought widespread decline of Czechoslovak criminal law, with such characteristic features as: a monopoly of power, personality cult and abuse of criminal law, lawsuits and political repressions against opponents of the communist totalitarian regime.

The gradual democratization process leading to the so-called Prague Spring affected the Czechoslovak criminal law, criminal law science and criminology by a partial release and progress, but soon after the Soviet occupation of Czechoslovakia in 1968 it was again frozen for another twenty years. For Czechoslovak criminal law, the post-1968 “Normalization” meant further deformation, stagnation and one-sided focus on the Soviet model.

Modern history of criminal law should primarily demonstrate the progress of criminal law, criminal law science and criminology, which scientifically investigates and justly punishes the criminality. The modern history of criminal law can provide an

authentic source of understanding of its current state, while its openness to scientific research guarantees its vitality.