

THE LEGACY OF SOCIALIST CONSTITUTIONALISM IN SLOVAKIA: THE RIGHT OF THE SLOVAK NATION TO SELF-DETERMINATION

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Albeit in 1918 the Slovak nation voluntarily became a “branch” of the single Czechoslovak nation and of the unitary Czechoslovak state, the connection with the Czechs was rather perceived as a strategic move until the Slovak nation develops its capacity for the execution of its own right to self-determination. In the context of Czechoslovakia being under pressure of Hitler’s Germany in 1938, Slovak autonomists managed to exploit the situation and Slovakia was granted autonomy within Czechoslovakia. Soon thereafter, in March 1939, an “independent” Slovak State was created, in fact being under direct control of Nazi Germany. The authoritarian political regime of the War-Time Slovakia was soon rejected by Slovaks themselves and the Slovak nation was rather willing to sacrifice its independence in order to return to the democratic regime of Czechoslovakia in 1945. Still, there were attempts to change the position of Slovaks and Slovakia within Czechoslovakia, which eventually materialized in the form of the federalization of the Czechoslovak Socialist Republic in 1968/69, giving Slovaks for the first time (apart from the Hitler-sponsored statehood in 1939–1945) their formal republican statehood, albeit only within a system of limited socialist federalism. Still, this allowed for a relatively simple change of this formal statehood into an internationally recognized independent Slovak Republic in 1993. The socialist constitutional recognition of self-determination of the Slovak nation in the form of a Socialist Republic thus paved the way to the currently existing Slovakia, hence making it the most important legacy of the (Czecho-)Slovak socialist history.

Keywords: Czechoslovakia; Slovakia; socialism; self-determination; independence; federation.

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Table of Contents

Introduction: Post-Colonialist Analysis of the Status of Slovakia in Czechoslovakia

1. The Right to National Self-Determination

2. The Execution of the Right to Self-Determination by the Slovak Nation

3. The Slovak Nation in Czechoslovakia

4. A Socialist Federation and its Structural Problems

Conclusion

Introduction: Post-Colonialist Analysis of the Status of Slovakia in Czechoslovakia

Marxist teaching and to a certain degree even the Marxist-Leninist heritage and the legacy of the period of actual (real) socialism are still omnipresent even in the current legal and philosophical thought – albeit not in a pure form but rather mixed and dialectically developed further. For example, post-colonial authors openly admit that their source of inspiration is the legacy of Marxism, and in addition to that they also often invoke feminism and postmodernism as their methodological background.¹ In this vein they point out that it is a mistake to connect colonialism only with capitalism, as it was done by the Marxist-Leninist doctrine when identifying colonialism with the imperialism of capitalist powers² and with the colonizing efforts of Western European countries. Nowadays, the term “colonial” and “postcolonial” is instead proposed to be used in a more general sense, revealing and rejecting any supremacy in inter-state and inter-cultural relations (and even inter-human relations if imbued also by elements of feminism). Thus, colonialism and post-colonialism in this postmodern, poststructuralist sense have a broader and intrinsically contradictory, dialectical meaning – not only denoting a *prima facie* meaning of relationship between Britain and India, Spain and “Indies” (Latin America), but rather denoting multi-directional and multi-layered interconnections that allow elements of colonial thought and of dominance or hegemony to be identified and revealed in colonies as well as in colonizing states. At the same time, this allows us to look for colonial and post-colonial elements even in states like those of Central and Eastern Europe that have nothing to do with colonialism at first glance.³

The elements of post-colonial or even neo-colonial thinking can thus allegedly be identified even in Eastern (East-Central) Europe,⁴ sometimes considered being

¹ Ania Loomba, *Colonialism/Postcolonialism* 5 (2nd ed. 2005).

² *Id.* at 10–13.

³ *Id.* at 16–17.

⁴ Rafał Mańko et al., *Introduction: Law and Critique in Central Europe: Laying the Cornerstone in Law and Critique in Central Europe: Questioning the Past, Resisting the Present* 1, 3 (2016).



a double periphery (*peripheria duplex*) – meaning both “Eastern Europe” as well as the westernmost part of the Soviet, socialist bloc.⁵ Socialist (constitutional) history and heritage might thus be viewed through a similar optic that was used originally by the socialist (Soviet) bloc countries when looking at colonialist countries of the West. Post-colonial power tensions can namely be identified even within the countries of the Soviet bloc – e.g. in the case of socialist Czechoslovakia, where there was a clear tension between the two united nations– the dominant Czech nation and the somewhat subordinate Slovak nation. In the very end, however, the respect for this tension and formal legal recognition of the right to self-determination for the Slovak nation in 1968/69 (federalization of Czechoslovakia) weakened this tension to a certain degree, albeit it still finally led to (a peaceful) disintegration of Czechoslovakia in 1992/93.

In the following pages, the Slovak right to self-determination is legally recognized as a part of the Czechoslovak socialist constitutional legacy and will thus be looked at through a prism of post-colonialist optics which is itself a legacy of socialism (Marxist-Leninist theories of oppression). History and present thus overlap – being the essence of any “legacy.”

1. The Right to National Self-Determination

The right of a nation to self-determination is not a “Slovak invention.” The origin of this right can be found already in the context of the U.S. Declaration of Independence (1776) and in the French Declaration of the Rights of a Man and Citizen (1789). In practice, however, it was carried out in Europe only in the 19th century, especially in the context of the unification efforts of Italy and Germany.⁶ The very first official and practical application of the right of a nation to self-determination in the form of creating a national state allegedly occurred in 1830, when the world powers – Britain, France and Russia – recognized Greece, fighting for liberation from Ottoman rule, as an independent state.⁷ Subsequently, since the 1840s, the ideas of the collective rights of nations were also present in the Habsburg Empire, but still mostly respecting the traditional historical state borders.

⁵ Cf. Violeta Kelertas, *Baltic Postcolonialism and its Critics* in *Baltic Postcolonialism* 1 (Violeta Kelertas ed., 2006). German expansion to Eastern Europe was perceived similarly. See Simon Segal, *Nazi Rule in Poland* (1943); Wiebke Keim, *Colonialism, National-Socialism and the Holocaust: On Modern Ways of Dealing with Deviance* in Ari Sitas et al., *Gauging and Engaging Deviance, 1600–2000* 41 (2014).

⁶ Juraj Jankuv, *Právo národov na sebaurčenie v kontexte judikatúry Výboru pre ľudské práva [The Right of Nations to Self-Determination in the Context of the Case Law of the Human Rights Committee]* in *Právo národov na sebaurčenie v kontexte moderného medzinárodného práva [The Right of Nations to Self-Determination in the Context of Modern International Law]* 47–48 (2012).

⁷ Dagmar Lantajová, *Otázka sukcesie vo vzťahu k uplatneniu práva národov na sebaurčenie [The Question of Succession in Relation to the Exercise of the Right of Nations to Self-Determination]* in *The Right of Nations to Self-Determination in the Context of Modern International Law*, *supra* note 6, at 90.



The concept of the right to self-determination in the meaning of crossing traditional borders' the *status quo*, i.e. the right to self-determination including the right to "tear-apart," emerges specifically at the end of World War I. Vladimir Ilyich Ulyanov (Lenin) was already devoted to this topic in his works from the years 1915 and 1916, and subsequently, he expressed this right formally and in a legally binding way in the Decree on Peace of 26 October 1917 (8 November 1917). This decree suggested in one of its provisions that nations forcibly restrained in another state should have the right to freely decide on the form of their national existence.⁸ Approximately at the same time, the US president Woodrow Wilson expressed the recognition of the right to self-determination in his (non-binding) political declaration of "14 points" on 8 January 1918.⁹ The Transatlantic world was thus both legally as well as politically inclined to the possibility of the collapse of centuries-old monarchies, which actually took place in late 1918, foremost in the form of the collapse of the Austro-Hungarian monarchy, confirming the existence of the right of nations to self-determination.

In the interwar period of the 20th century, nevertheless, the right to self-determination was not enshrined in any international legal instrument. The Covenant of the League of Nations did not provide for this right.¹⁰ A milestone in expressing the right of nations to self-determination at the international level arrived with the so-called Atlantic Charter, adopted in 1941, by the U.S. President Roosevelt and the British Prime Minister Churchill, when they both declared their will to respect the right of nations to choose their form of government and to execute their sovereign rights, which had been forcibly restricted during World War II.¹¹

Another important document of international law which addressed the issue of the right of nations to self-determination, was subsequently the U.N. Charter of 1945. Already in its Art. 1(2) the objectives and aims of the U.N. included a goal to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of nations.¹² At least from the moment of adoption of the UN Charter, the right of nations to self-determination thus became an explicit integral

⁸ Jankuv 2012, at 48.

⁹ Art. X: *The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity to autonomous development.*

¹⁰ The International Court of Justice in the *Namibia* case in 1971 stated that the true meaning of Article 22 of the Covenant of the League of Nations, albeit not explicitly invoked, was the right to self-determination. Jankuv 2012, at 49.

¹¹ *Id.* at 50.

¹² The Charter of the United Nations, Art. 1:

The Purposes of the United Nations are:

... To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

... and

To be a centre for harmonizing the actions of nations in the attainment of these common ends.



part of international law, being one of its fundamental principles.¹³ Some authors even consider this right to be *ius cogens*, although this is not universally accepted.¹⁴

Further development of this right and its expression in normative and policy texts took place again especially at the United Nations level. The U.N. General Assembly Resolution of 16 December 1952 emphasized that the right to self-determination is a prerequisite for the full exercise of fundamental human rights. The right of nations to self-determination was then further enshrined in the International Covenant on Civil and Political Rights (1966),¹⁵ and in the International Covenant on Economic, Social and Cultural Rights (1966),¹⁶ being embraced also by the socialist countries of the Soviet bloc.

The concept of the right of nations to self-determination was also specifically emphasized in the U.N. Resolution 1514 (XV) of 1970, where this right was extended to colonial and non-independent nations, Soviet bloc countries thereby openly pointing to the oppressive nature of colonialism and imperialism of capitalist powers. The U.N. Resolution 1541 (XV) then referred to the obligations of the mother country, in particular the obligation to ensure a full degree of autonomy for the non-independent nations.

Finally, the U.N. General Assembly Resolution No. 2625 (XXV) of 1970 contains the “Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the U.N. Charter,” whereby the Declaration states as one of its principles the principle of equal rights and self-determination of nations.¹⁷ This may also serve as evidence on the general acceptance

¹³ Ian Brownlie, *Principles of Public International Law* 596 (1990).

¹⁴ Adam Giertl, *Štát in statu nascendi [State in the State of Education]* in *The Right of Nations to Self-Determination in the Context of Modern International Law*, *supra* note 6, at 19.

¹⁵ International Covenant on Civil and Political Rights, Art. 1(1): *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

¹⁶ International Covenant on Economic, Social and Cultural Rights, Art. 1:

1. *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
2. *All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*
3. *The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.*

¹⁷ *By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.*

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to



of the right to national self-determination by both capitalist and socialist bloc countries alike. Interestingly, the socialist bloc countries and Communist Parties of Eastern Europe, Asia and Africa thereby claimed that it was actually the Marxist-Leninist teaching that made space and provided for tools for the world-wide liberation movement of oppressed states and nations all over the world. Even nowadays these ideas are accepted by leftist representatives of international legal scholarship building upon the Critical Legal Studies traditions and on the ideas of post-colonialism – thus still representing a clear socialist legacy in legal theory and in international law.

2. The Execution of the Right to Self-Determination by the Slovak Nation

Up to 1918, the position of the Slovak nation in Austria-Hungary (its eastern part, Hungarian Kingdom) was characterized by a lack of guarantees for freedom of national development. The collective rights of nations did not exist legally, and the individual rights of members of the nations were not effectively implemented due to various legal obstacles (e.g. limited right to vote, limited right to education, etc.). In such a situation, during the Great War (World War I), Slovak patriots did not hesitate to cooperate with the Czech national movement experiencing a similar situation with the Austrian (Germanizing) attempts to restrict Czech national equality.

Ever since the early modern times, due to religious protestant cooperation between Czechs and Slovaks, and the use of Czech language among protestants in the territory of Slovakia, there already existed (albeit being minor in terms of its acceptance) the idea of a common Czecho-Slovak national unity, which also helped to streamline cooperation between the Czechs and Slovaks both before and during the Great War.

In the Memorandum of the Slovak League of America (the Slovak national organization in the US) of 10 September 1914, however, the emigrant Slovaks still strived for the Slovak national independence without the Czech nation, requesting for *“the Slovak nation a self-government and a freedom to work out its own destiny politically, educationally and economically.”*¹⁸ The innovation here is the use of the term

render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle ...

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

¹⁸ On details, see Jozef Beňa & Tomáš Gábriš, 1 *History of Law in the Territory of Slovakia* 204 (2008). *“To secure to the Slovaks of Hungary the natural rights of life, liberty and the pursuit of happiness, which have*



“self-government” together with “self-destination,” which replaced the previously established legal concept of “equality of nations of Hungary” being invoked in the previous political documents authored by Slovaks living in Hungary. The employment of this new legal concept is to be subject to further research, however, it appears it might have been influenced by the contemporaneous theories on the right of nations to self-determination, which ultimately came into general acceptance when Lenin and Wilson voiced their actual support for this right in the years of 1917/1918.

Nevertheless, two subsequent agreements of 1915 and 1918 concluded between the Czech and Slovak migrants in the USA abandoned the idea of an independent Slovak state and instead called for the establishment of a common state of Czechs and Slovaks. The same objectives were followed since 1915 also by the Czechs and Slovaks in Europe. In particular, the Czechoslovak National Council in Paris had played an essential role in the establishment of the new Czechoslovak state and in its international recognition. Specifically due to forming allied military forces consisting of Czechs and Slovaks under the name of so-called “Czechoslovak legions,” the Czechoslovak National Council was soon recognized by the Allied powers as a representative of an allied nation, and as the future government of Czechoslovakia.

The idea of a common state since then began to take priority also on the domestic ground – the Czech deputies in the Vienna Parliament publicly called for the federalization of the monarchy on 30 May 1917, whereby the Czech Lands and Slovakia were expected to form a common state – a member state of the Habsburg federation.

Subsequently, in the 14 points of President Wilson declared in January 1918, the US president openly recognized the right of peoples of Austria-Hungary to self-determination, meaning a free option for the nations of monarchy to decide on their future, regardless of the integrity of the empire. This was a clear confirmation of the right of nations to self-determination. The culmination of the Czechoslovak fight for independence peaked in the “Washington Declaration of Independence of the Czechoslovak Nation” of 18 October 1918, already declared under the situation of recognition of the Czechoslovak National Council by France (the French Governmental Declaration of 29 June 1918 recognized the right of the Czechoslovak nation to independence), as well as by the United Kingdom (in August 1918), and the USA (in September 1918).

*been denied them by the dynasty; to procure for them the opportunities to develop their national genius and aptitude as well as the natural resources of their native country; to assure to them the realization of their national ideals and aspirations, which have been up to this time ruthlessly trampled upon by the tyrannical Magyar government; which rights, opportunities and aspirations are considered inalienable by the present age and are so highly prized that millions of lives are being sacrificed and rivers of blood are being shed to secure and to perpetuate them. [...] We demand for the Slovak nation a self-government and a freedom to work out its own destiny politically, educationally and economically. The idea of national identity, the principle of self-destination and self-government of and by every nation is stirring the world, and today no statesman, no state organization can oppose it with impunity or without detrimental consequences to the entire community.” Quoted from Albert Mamatey, *The Situation in Austria-Hungary*, 6(2) J. Race Dev. 203, 212 ff. (1915).*



In response to these documents, Slovak national representatives in the territory of Hungary could no longer await the establishment of Czechoslovakia passively – first on 19 October 1918 Ferdinand Juriga, Member of the Hungarian Parliament of Slovak nationality proclaimed that the Slovak nation invokes the right to self-determination, and a few days later, when Austria-Hungary surrendered, on 28 October 1918 the Czechoslovak state was spontaneously declared in Prague, supported additionally by Slovaks at their national meeting convened on 30 October 1918 in the town of St. Martin in the territory of Slovakia. The St. Martin Declaration thereby stated that the Slovak nation is a “part of the historically and culturally unified Czechoslovak nation” and for this nation it demanded the unlimited right to self-determination. The Slovaks have thus proclaimed their will to become a part of the Czechoslovak State as a state of one nation – the Czechoslovak nation – albeit mostly due to strategic reasons, the Slovak nation being politically and culturally underdeveloped.

3. The Slovak Nation in Czechoslovakia

Albeit in 1918 the Slovaks voluntarily became a “branch” of the single Czechoslovak nation and of the unitary Czechoslovak state, the desire for an ethnic Czechoslovak nation was in the minority among the Slovaks, and the connection with the Czechs was rather perceived as a strategic move until the Slovak nation develops capacity for the execution of the right to its own self-determination. Still, given the proclaimed Czechoslovak unity, there was an absence of any constitutional regulation of the position of Slovaks and Slovakia within Czechoslovakia. This turned out soon to be a problem. A number of proposals of legal solutions, pursuing the objective of the autonomous status of Slovakia was prepared and submitted to the Czechoslovak parliament in the 1920s and 1930s, but all of them were unsuccessful.¹⁹ Only in the context of a weakened Czechoslovakia after the surrender of the territory occupied by Germany in 1938, Slovak autonomists managed to use the situation and autonomy was finally granted to Slovakia through a Constitutional Act of 1938.

Subsequently, on 14 March 1939, the autonomous Slovak parliament declared the independent Slovak State – this time under direct pressure from Hitler. Czechoslovakia disintegrated temporarily for the period until 1945. Strangely, however, the right to self-determination was not invoked in this respect by Slovak politicians at all, since the Slovak leaders realized the actual circumstances of the establishment of the Slovak state²⁰ – being rather a brainchild of Hitler than of Slovaks themselves. The

¹⁹ See Jan Rychlík, *Češi a Slovinci ve 20. století: Česko-slovenské vztahy 1914–1945* [Czechs and Slovaks in the 20th Century: Czech-Slovak Relations 1914–1945] 104–106, 121, 138 (1997).

²⁰ Valerián Bystrický & Tomáš Gábriš, Valerián Bystrický & Tomáš Gábriš, *Kontinuita a diskontinuita v dejinách: Slovenská republika 1939 a Slovenská republika 1993* [Continuity and Discontinuity in History: Slovak Republic 1939 and Slovak Republic 1993] in *20 rokov samostatnej Slovenskej republiky: Jedinečnosť a diskontinuita historického vývoja* [20 Years of the Independent Slovak Republic: Uniqueness and Discontinuity of Historical Development] 49 (2013).



particular circumstances of its creation also contributed to the short-lived duration of this State. The authoritarian political regime led to its rejection by the Slovak nation which was rather willing to sacrifice its independence in order to return to the democratic regime of Czechoslovakia in 1945.

Thus, the defeat of Germany in World War II brought as a consequence both the refusal of the imposed Protectorate of Bohemia and Moravia as well as of the allegedly independent Slovak state from the years 1939–1945, and the return to Czechoslovakia. Still given the previous experience, in 1945 this was not a return to a unitary Czechoslovakia built on the idea of Czechoslovakism but on the contrary, it recognized also the particular Slovak national identity. The experience of a Slovak state, although in non-standard conditions of World War II, was impossible to be deleted. The Slovak nation therefore enjoyed even after the year 1945 a certain level of autonomy within Czechoslovakia although this was soon deformed by the political centralism of the Communist Party of Czechoslovakia which ruled in Czechoslovakia from 1948 until 1989.²¹

The manifestation and proof of this was the destiny of the Slovak National Council (hereinafter referred to as “SNC”) as a state body for Slovakia. It was already established during World War II as an illegal body of Slovak resistance and of fight for the return to Czechoslovakia. It even organized an anti-Nazi Slovak National Uprising in 1944. Still, albeit it was not abolished after Czechoslovakia was re-established, it exerted only very limited competences for the territory of Slovakia based on both post-war constitutions of Czechoslovakia (1948 and 1960). Its status was only that of “*the national authority of state power in Slovakia*.” This meant that it was essentially an extended arm of the central state power located in Prague.²² At the same time, inscenated show-trials (monster-trials) with Slovak “bourgeois nationalists” in the 1950s did not leave anyone in doubt about the impossibility of the real independence of Slovak politics.

Albeit the SNC remained a formally independent authority of state power in Slovakia, it was gradually forced to giving up and transferring its competences to the central authorities of the Czechoslovak Republic. This was performed by a series of three “Prague agreements.” The so-called first Prague agreement between the Prague government and the SNC came into force as of 2 June 1945. Subsequently, on 11 April 1946, the second Prague agreement was signed between Prague government and the SNC, further limiting the competences of the SNC. On the same day, the Constitutional Act no. 65/1946 on Constitutional Assembly was enacted, in which, for the very first time (!), the SNC was explicitly mentioned in a Czechoslovak text of constitutional relevance, previously being only accepted in the documents of political nature.

The third Prague agreement, adopted within the so-called National Front (grouping of all political parties in Czechoslovakia) on 27 June 1946, again further limited the

²¹ Jozef Beňa, *Vývoj slovenského právneho poriadku [Development of the Slovak Legal System]* 343–346, 353 (2001).

²² *Id.* at 335–342.



competences of the SNC, subordinating the SNC to the Czechoslovak government's preventive control, while subordinating its Board of Trustees as an executive body of the SNC to the Prague government. Moreover, the agreement was also introducing parallel competences of the Trustees and of the Prague ministers in the same matters for the territory of Slovakia.²³ All the activity of the SNC was thus at the end of the day subordinated to preventive and posterior control of the Prague government. The Board of Trustees of the SNC was in effect turned into an executive body of the Prague government. This, of course, eliminated any elements of federalism or autonomy that might have been present up to that date in Czechoslovakia. Instead, an evidently asymmetric model of Czecho-Slovakia was established in 1946 – should one not speak directly of paternalism, control or oppression, using post-colonialist terminology.

Hence, since 1946, the position of the SNC as a national parliament, embodying a sovereign of Slovakia, was largely degraded. After the third Prague agreement, there even occurred a clear reduction in normative production (legislative activity – enacting of laws), while more than half of the published legal texts were only implementing regulations.²⁴ Still, the SNC and its Board of Trustees remained a formal part of the Czechoslovak constitutional system. According to the Constitution of 9 May 1948, the Slovak National Council was a 100-member assembly elected for 6 years. However, under the same Constitution, it was entitled to exercise legislative power only in very limited fields.

Interestingly, as for the mechanism of creation of the SNC, it is important to note that the SNC was elected neither during the wartime, nor after the war or after the enactment of the Constitution in 1948. Elections to the Czechoslovak National Assembly taking place on 30 May 1948 were only used for the calculation of the ratio of votes for the Communist Party upon which the SNC was supplemented, while individual representatives were delegated by political parties represented in the SNC without any elections. The parties could even withdraw their representatives from SNC at any time – a *de facto* imperative mandate was thus introduced for the SNC.²⁵ Only on 28 November 1954 under the Act of the Slovak National Council No. 7/1954, finally the first general and direct elections to the SNC took place since its inception in 1943.

Soon another important change in the position of the Slovak national authorities took place. In 1956, the resolution of the Central Committee of the Communist Party of Czechoslovakia from 30 March 1956 entrusted the political bureau of the

²³ On the Prague agreements, see Martin Kvetko, *Dohody o štátoprávnom usporiadaní pomeru Čechov a Slovákov v oslobodenej vlasti* [Agreements on the State Law Arrangement of the Relationship Between Czechs and Slovaks in the Liberated Homeland] (1947).

²⁴ Beňa 2001, at 282, 286.

²⁵ Michal Barnovský, *Slovenské národné orgány v čase vyvrcholenia mocenskopolitických zápasov (jeseň 1947 – február 1948)* [Slovak National Authorities at the Time of the Culmination of Power-Political Struggles (Autumn 1947 – February 1948)] in *Slovenské národné rady* [Slovak National Council] 147 (1998).



Central Committee of the Communist Party to introduce measures increasing the powers of the Slovak national authorities and, similarly, of the regional and district committees. These issues were also addressed by the National Communist Party Conference, which was held on 11–15 June 1956. In the government's declaration, the increase in powers of the Slovak authorities was presented as the prerequisite for the success of the planned development of the economy and culture in Slovakia and as a further step to consolidate the unity of the Republic and to deepen the fraternal relations of the two nations.²⁶ However, the impetus to adjust the position of the Slovak authorities in 1956 did not stem from the actual fundamental need to change the position of the Slovaks and Slovak authorities, but rather from the necessity of the internal stabilization of the state after the critique of Stalinism voiced in mid 1950s in the USSR.

According to the respective Constitutional Act no. 33/1956 of 31 July 1956 on the Slovak National Authorities, the SNC was still "*the national authority of state power in Slovakia*." In fact, this was still to mean that it was essentially only an extended arm of the centralized state power seated in Prague. Moreover, as soon as the shock from the horrors of Stalinism weakened, the Czechoslovak Communist Party leaders once again reinforced the centralization of the Republic in its new Constitution of 11 July 1960.

New limitations of Slovak national authorities reflected in this new "Socialist Constitution" were preceded by political reasoning approved by the political bureau of the Central Committee of the Communist Party of Czechoslovakia on 2 February 1960.²⁷ The reasoning stated that the Slovak National Council was to become a national authority of state power and administration in Slovakia as an "inseparable part of the unitary net of Czechoslovak state authorities."²⁸ The cancelling of the traditional Slovak authority of the executive power, Board of Trustees was hidden in this statement. The SNC Presidency was to become the new executive body of the SNC instead of the Board of Trustees. Thus, the SNC itself embodied both legislative and executive power – following the idea of the unification of state power in the spirit of the Marxist-Leninist ideals.

In fact, however, Party bureaucracy and state bureaucracy prevailed in their informal competences above any formal competences and powers of any of the parliaments of Czechoslovakia (either the National Assembly or the SNC).²⁹ Article 4

²⁶ Beňa 2001, at 333–334.

²⁷ Jan Pešek, *Politický vývoj na Slovensku: od prevratu 1948 do prelomu rokov 1967/68* [Political Development in Slovakia: From the Coup of 1948 to the Turn of 1967/68] in *Rok 1968 a jeho miesto v našich dejinách* [1968 and its Place in Our History] 12, 29–31 (2009).

²⁸ Michal Štefanský, *Postavenie SNR v rokoch 1948–1967* [The Position of the SNR in 1948–1967] in *Slovak National Council, supra* note 25, at 156.

²⁹ Pavel Peška, *Úvahy nad popřením ústavnosti v letech 1948–1989* [Reflections on the Denial of Constitutionality in 1948–1989] in *Vývoj práva v Československu v letech 1945–1989: sborník příspěvků* [The Development of Law in Czechoslovakia in 1945–1989: Proceedings] 192, 202–203, 206 (2004).



of the 1960 Constitution clearly expressed the leading role of the Communist Party of Czechoslovakia:

The leading power in the society as well as in the state is the working class vanguard, the Communist Party of Czechoslovakia, voluntary association of the most active and most conscious citizens from among the workers, agrarians and intelligence.

This in itself encrypted the obviously secondary position of the Czechoslovak parliament, and a tertiary position of the Slovak representative authority, the SNC, albeit the Czechoslovak Socialist Republic (this new name of the Republic was confirmed by the 1960 Constitution) was, in accordance with the constitution, a single state of two equal brethren nations, the Czech and the Slovaks.

The inequality of the parliaments, along with the asymmetry of the Communist Party – in favour of the Prague-seated Communist Party of Czechoslovakia and at the expense of Bratislava and the Communist Party of Slovakia, both confirmed the asymmetric “autonomy” of Slovakia. In accordance with the modifications introduced in the Constitution of 1960, within the scope of the SNC was to enact laws only “in subject matters of a national or regional character,” and only “if the general economic and cultural development of Slovakia required a particular modification.”³⁰ These mentioned conditions actually paralyzed and minimized the activities of the SNC. In comparison with the situation from prior to 1960, the SNC did not even approve the plan of development of the national economy, nor Slovakia’s budget. Such a modification was in accordance with the constitutional concept of Czechoslovakia as a unitary, centralized state with only a formal, or rather “virtual” acceptance of Slovakia’s autonomous position.³¹ Some subsequent changes in the years 1964–1967 were merely of a quantitative nature – they broadened the sections of state administration under the control of the SNC or increased the number of executive committees of the SNC. The unitary centralized nature of the Czechoslovak state remained untouched.³²

It was only with the process of democratization in the 1960s, connected also with the rehabilitation of the so-called Slovak bourgeois nationalists³³ that the Party came up with reflections about a new position of Slovakia in Czechoslovakia. This started with a decision of the Central Committee of the Communist Party of Czechoslovakia from 7 May 1964 with the title “For a better use of the Slovak National Council”. This marked the beginning of works which eventually ended with the federalization of

³⁰ Cf. Jozef Beňa, *Diskontinuitná kontinuita slovenských ústavných dejín [Discontinuous Continuity of Slovak Constitutional History]* 146–147 (2014).

³¹ *Id.* at 149.

³² Beňa 2001, at 343–346, 353.

³³ Pešek 2009, at 32–38.



Czechoslovakia. The culmination of these reflections and intentions peaked in 1968 when the Communist Party of Czechoslovakia in cooperation with the SNC confirmed this direction of legal evolution – first, the SNC made its own announcement on 15 March 1968 on the necessity of a federal arrangement of Czechoslovakia and subsequently the Action plan of the Communist Party of Czechoslovakia from 5 April 1968 was approved which aimed against the asymmetry in Czecho-Slovak relations.³⁴

The result was – after briefly considering other possible constitutional solutions – the Constitutional Act on the Czechoslovak Federation No. 143/1968, sometimes referred to as “the small constitution” which changed the unitary state into a triple one – Czech, Slovak and federal.³⁵ This transformation to the compound state was prepared by the Constitutional Act No. 77/1968 on the preparation of the federal arrangement of the Czechoslovak Socialist Republic. Based on this law, the tasks related to the preparation of the federal arrangement were entrusted to the Czech National Council and the SNC as national authorities of the Czechs and Slovaks. The Czech National Council had not existed until then and it was only set up in 1968 as a temporary institution of the constitutional political representation of the Czech nation. Its task was basically only to formally express the Czech national political position to the arrangement of relations between the Czech and the Slovak nation. The Czech National Council was elected by the National Assembly from among the members of the National Assembly elected in the Czech regions and from other significant representatives of the public life from the Czech nation who were not members of the National Assembly. In contrast to the Czech National Council, the SNC was created on the basis of general elections.³⁶

The Constitutional Act on the Czechoslovak Federation³⁷ was approved on 27 October 1968 and signed on 30 October 1968, on the 50th anniversary of the Martin Declaration, by which the Slovak nation as “a part of the Czechoslovak nation” declared its will to join Czechs and create a common Czechoslovak state in 1918. The Constitutional Act was published under the number 143/1968 claiming it is

recognizing the inalienable right for self-determination until the division and respecting the sovereignty of every nation and its right to freely create the manner and form of its national and state life.”

³⁴ See documents in Jozef Žatkuliak, *Federalizácia československého štátu 1968–1970: Vznik česko-slovenskej federácie roku 1968* [Federalization of the Czechoslovak State in 1968–1970: Establishment of the Czech-Slovak Federation in 1968] 33–39 (1996).

³⁵ Peška 2004, at 207.

³⁶ Beňa 2001, at 358.

³⁷ On its preparation see Rychlík 1997, at 236; Stanislav Sikora, *Československá jar 1968 a Slovensko* [Czechoslovak Spring of 1968 and Slovakia] in 1968 and its Place in Our History, *supra* note 27, at 82.



The lawgivers were further

convinced a voluntary federative state union responds to the right for self-determination and equality and is the best guarantee for our full inner national development and the protection of our national separateness and sovereignty.

According to the preamble to the Constitutional Act on the Czechoslovak Federation, it was an agreement of the Slovak and the Czech nations who used and performed their national sovereignty and their right for self-determination with the aim to create a joint federation. In fact, however, the whole process went the other way round – from above. The unitary state was changed into a federation by a decision of the Communist Party of Czechoslovakia. Still, this was at the same time convenient for the Slovak nation as it answered its calling from “below.” But this was not the case with the Czech nation which felt more identified with the idea of a unitary Czechoslovakia, at most with a weak autonomy for Slovakia. Hence, without the intervention of the Party, the federalization would have never materialized. As a consequence, in spite of the fact that the asymmetric system changed formally into a symmetric federation of two national republics, the real Czech Socialist Republic, clearly distinguishable from Czechoslovakia was never fully formed. This was also due to the system of distribution of state power and competences within the federation, which made the member republic rather a formal creature:

Formally, the competencies were divided into exclusively federal ones, common (shared between federation and republics) and exclusively republican. Foreign policy, national defence, federal material reserves, federal laws and administration, control of the federal authorities’ activities and protection of the federal constitution belonged to the exclusive scope of the federal authorities, naturally. Planning, finances, foreign economic relations, industry, agriculture and nutrition, transport, postal services and telecommunications, science and technology, labour issues and social politics, issues of measures and weight, inner order and state security, press and other information resources belonged to the scope of common competences shared by the federal and republican bodies. The republican National Councils (Czech one with 200 members of parliament and the Slovak one with 150 members) were elected for four years and were entrusted to decide on constitutional and other laws of the republics, to follow up how they are implemented by the local authorities, they were to approve fundamental issues of internal politics, a medium-term national economic plan and the state budget, examine its fulfilment and approve the final state account of the republic, elect and dismiss the Head of the National Council and other members of its leadership, discuss the republican government plan and control its activities, establish new ministries and other central institutions of the state administration, elect and dismiss the members of the Constitutional



Court and establish an authority to control the National Council. Due to the fact that constitutional courts were not established, the exclusive competence of the republics basically only comprised the issues of health, education and culture, given the gradual limitations of their competences by laws introduced in 1969 and 1970³⁸ that centralized the executive power by giving the federal government the right to veto or cancel activities of national governments that would oppose the measures of the federal government.³⁹

4. A Socialist Federation and its Structural Problems

The importance, or better say the lack of it, of Slovak national institutions, in particular of the SNC and of the republican government of Slovakia within the Czechoslovak Federation was determined not only by the above mentioned limitation of powers of republican authorities. Their importance was limited essentially, structurally – by the nature of the representative authorities, including parliamentary institutions in the socialist Czechoslovakia and in any socialist country of that period.

The idea of popular representation generally reflects the concept of the sovereignty of the people, which is materialized in electing the representatives of the people – in particular the members of parliament. The representative body as bearer of “the totality of the power”⁴⁰ should therefore take the position of the strongest institution of a state whose legitimacy comes directly from the people. But in the conditions of Czechoslovakia, this clashed with the problem of a class understanding of sovereignty and a class and party view on the representative bodies:

The axiom of sovereignty of the working people means above all a constitutional responsibility of all representative bodies, of the whole set of representative bodies, to the working people. But also ... the responsibility of all state institutions including the representative bodies to the Marxist-Leninist party...⁴¹

Even the right to vote itself, on the basis of which the representative bodies were created, had certain specific features. In the first place, elections, as based on the official doctrine, did not have the features of a fight for political power. The issue of

³⁸ Ján Uher, *Slovenská národná rada v roku 1968 [Slovak National Council in 1968]* in *Slovak National Council, supra* note 25, at 166, 185–186.

³⁹ Jaromír Císař & Vladimír Kindl, *Vývoj zákonodárství na území ČSR 1945–1990 [Development of Legislation in the Czechoslovak Republic in 1945–1990]* in *Příspěvky k vývoji právního řádu v Československu 1945–1990 [Contributions to the Development of the Legal Order in Czechoslovakia 1945–1990]* 91 (2003).

⁴⁰ Václav Pavlíček at al., *Ústavní právo a státní věda II. díl [2 Constitutional Law and Political Science]* 216 (2008).

⁴¹ Stanislav Zdobinský & David L. Zlatopolskij, *Ústavní systémy socialistických zemí [Constitutional Systems of Socialist Countries]* 215 (1988).



power was clearly decided in favour of the working class. Therefore, the elections could not decide on a possible change of power balance. Their meaning was different – to choose and to elect the representative bodies the best representatives of the working class, from among the workers, the cooperative farmers and working intelligence. The so-called National fronts participated in the preparation and organization of the elections in Czechoslovakia – a federal one and two republican National fronts. They not only participated in the preparation and organization of the elections, but also on the selection and registration of candidates, on determination of the election results and also on the dismissal of members of parliament. They also designed the electoral programmes for the representative bodies' elections. This was to ensure that the representative bodies expressed only such individual will that was not opposed to the interests of the whole society, foremost the interests of the construction of socialism and communism.⁴²

National Front(s) (hereinafter referred to as "NF") thus represented a shadow representative body, putting the importance of the parliaments into third place after the Communist Party of Czechoslovakia and NFs. Since the constitution of 1960, the NF was also an official constitutional body, within which the leading position was reserved to the Communist Party of Czechoslovakia.⁴³ The NF's position as a constitutional body representing a corporate representative body with shadow functions of the parliament materialized also in the right to nominate candidates for judges from between professional judges as well as lay judges from among citizens. The NFs even nominated members of federal and republican governments and also could propose the dismissal of particular members of governments.⁴⁴ This meant a fundamental change in the nature of traditional parliamentarism where the cabinet of ministers (government) is responsible to the parliament and depends on the confidence voiced by a majority of the members of the parliament.⁴⁵ In contrast, in Czechoslovakia, the governments were responsible first to the NF as a shadow representative body, and only then to the parliament (be it federal or republican ones).

The activities of the federal as well as the republican parliaments were only minor even after the federalization. Lenin's ideal of the so called working parliament in which a fundamental part of the work is performed in the parliament as opposed to the so called debating parliament where a fundamental part of the decisions and parliamentary work is performed backstage, was not fulfilled. In fact, Czechoslovak

⁴² Ľubor Cibulka, *K obsahu pojmu socialistický zastupiteľský orgán* [On the Content of the Concept of Socialist Representative Body], 66(8) *Právny obzor* 654–655 (1983).

⁴³ Jaroslav Chovanec, *Postavenie Národného frontu v politickom systéme Československej socialistickej federácie – ČSSR* [The Position of the National Front in the Political System of the Czechoslovak Socialist Federation – Czechoslovakia], 59(10) *Právny obzor* 880 (1976).

⁴⁴ *Id.* at 882.

⁴⁵ Jiří Boguszak & Zdeněk Jičínský, *Struktura státní moci* [Structure of State Power], 105(5) *Právník* 396 (1966).



parliaments neither before nor after federalization were working ones. However, they were also not debating ones. Even socialist experts namely recognized that “*Federal Assembly performs the politics of the Communist Party of Czechoslovakia*,”⁴⁶ which means that all fundamental issues of the country’s direction and management were decided by the Central Committee of the Communist Party of Czechoslovakia. Even the electoral programme designed by the NF was in fact prepared under the leadership of the Communist Party of Czechoslovakia. The same was the case on national, republican levels. The practical side of a “non-working and non-debating” parliament is obvious from the minutes of the National Assembly meetings, or later Federal Assembly or National Council meetings. Basically all decisions were approved unanimously and without any comments. The Federal assembly was also in addition completely paralyzed by the fact that the Communist Party of Czechoslovakia evaluated in detail each and every draft bill even before their final (more or less formal) approval in the parliament.⁴⁷

Due to all of the above mentioned reasons, it is clear that the executive power and its institutions, represented by the government headed by the prime minister, either on a national level or a federal level, were degraded in a similar way. The ideal of socialism was namely a complete unity and potentially even merging of representative bodies with the executive ones so that only one body was to both approve fundamental resolutions of a general character and also to implement these.⁴⁸ This was claimed to be a sign of the so-called principle of unity of the state power, which reflects the theory that the state power and people are united and inseparable in a socialist state.⁴⁹ The sovereignty of unitary people requires that there is only one sovereign will and this will needs to be internally non-contradictory and therefore indivisible. That is the reason why any division of power and system of breaks and balances must be rejected. Instead of the division of power, socialist bodies recognized at most “a distribution of work” in the execution of a single and inseparable power aimed at the attainment of the ultimate goal of reaching communism. This was also the argument used when abolishing the Board of Trustees of the Slovak National Council in the Constitution of 1960.

Even after the federalization, when the new highest executive power of the national state power was in the hands of republican governments, resembling classical parliamentarism, the state authorities and also constitutional doctrine insisted expressly on the unity of will and interests of all working people and on a single system of state

⁴⁶ Stanislav Zdobinský et al., *Státní právo ČSSR [State Law of the Czechoslovak Socialist Republic]* 196 (1985).

⁴⁷ František Cigánek, *Předlistopadový parlament ve světle archivní dokumentace [The Pre-November Parliament in the Light of Archival Documentation]* in *Dvě desetiletí před listopadem 89 [Two Decades Before November 89]* 57, 59–62 (1993).

⁴⁸ Boguszak & Jičínsky 1966, at 397.

⁴⁹ Zdobinský & Zlatopolskij 1988, at 177.



power.⁵⁰ This was seen to be manifested in the cooperation of the authorities instead of their mutual control, and also in their mutual dependence and in the relations of subordination where there was no space for independent activities and the agenda of any of the authorities of legislative or executive power.

This can be shown in the example of the activities of the National Assembly at the beginning of the 1960, within the debate and approval of the government plan of Lenárt's government in 1960. The newly formed government appeared before the National Assembly with Jozef Lenárt's speech and the following activity of the National Assembly was a proof and confirmation of the concept of a single state power – no objections were raised on the speech of the Prime Minister, and additionally one of the members of the Assembly proposed to express their consent to the speech without any debate. The speech was then approved unanimously.

Four years later, this method was applied in the same way. The newly created government headed again by Lenárt comes before the National Assembly with the request for a statement of confidence, but at the same time asserts unity of the interests of the representatives of both elements of power:

In accordance with the constitution of our socialist republic, the government of the republic comes before the National Assembly to present its plan and request for a statement of confidence and active support in our work. We come before you – the elected representatives of the people – conscious of the government's responsibility to the National Assembly and its obligation to present our activities as bound by the constitution. I want to say in the name of the government that in our activities we shall scrupulously keep these principles ... We base this on the basic fact of our society that the National Assembly as well as the government fulfil the people's will, represent their interests and express their convictions.⁵¹

A more classical concept of parliamentarism with an actual use of parliament's supremacy over the other components of power was visible only for a very short time in 1968. When the newly formed government appeared before parliament with its programme and a request for a statement of confidence, the Prime Minister Černík announced the government would allow itself to be controlled more by the National Assembly than previously and promised to allow it to influence the government's activities, for example when submitting government bills.⁵² The content

⁵⁰ Stanislav Matoušek et al., *Štátné právo socialistických krajín [State Law of Socialist Countries]* 312 (1984).

⁵¹ Úterý 23. června 1964 [Tuesday, 23 June 1964] (Mar. 9, 2021), available at <http://www.psp.cz/eknih/1964ns/stenprot/001schuz/s001007.htm>.

⁵² Programové prohlášení vlády [Government Program Statement] (Mar. 9, 2021), available at <https://www.vlada.cz/assets/clenove-vlady/historie-minulych-vlad/prehled-vlad-cr/1960-1990-cssr/oldrich-cernik-1/ppv-1968-cernik1.pdf>.



of this announcement was based on the Action plan of the Communist Party of Czechoslovakia in which perhaps for the first time appears as one of its principal agenda item the necessity of the division of power as a guarantee against wilfulness (!).⁵³ The debate on this government agenda represents probably the longest parliamentary debate in socialist history which lasted for four days (23–24 April and 3–4 May) and in which 72 members of parliament participated. Attention should also be paid in this regard to the speech of the 1st Secretary of the Central Committee of the Communist Party of Czechoslovakia, Alexander Dubček, who was the first one to oppose the concept of a single state power and called for a division of power and respect for the sovereignty of the people enshrined in the National Assembly.

For obvious reasons, these bold plans and statements never materialized. They were voiced at the peak of the democratization process in Czechoslovakia, which was soon halted. Starting from the 1969, again a process of normalization took place, which only allowed for one bold strategic plan from the period of the “Prague Spring” to be finished – namely that of the federalization of Czechoslovakia. The transformation of Czechoslovakia into a federation and the creation of the Slovak Socialist Republic as a member state of the Czechoslovak federation remained the only visible outcome of the democratization process. Still, it remains true that even this republic and its formal arrangement was rather formal and virtual – until the fall of the Communist Party and subsequent revival of all the formal bodies and institutions in Czechoslovakia.

Conclusion

In the process of the federalization of Czechoslovakia in 1968/69, Slovaks have basically acquired only a formal statehood in the form of a member state of the Czechoslovak Federation. Still, this was a good starting point after the fall of the Communist Party’s monopoly of power a mere 20 years after the federalization – in 1989. However, the democratic changes have also brought about a sudden release of the pressure accumulated in the previous decades between the various federal and republican bodies and authorities, but also between the two nations of the Czechoslovak federation, which were hidden until then under the Party cover. The pressures quickly escalated into a number of controversies on the competences of the republican and federal authorities, but also on the name of the federation, and on various long-term objectives of the federation, ultimately leading to the collapse of Czechoslovakia in 1992.

The arguments connected to the division of competences within the federation, the pursuit of visibility by Slovaks in international fora, as well as disputes concerning the official name of the state in order to emphasize the role of Slovaks jointly led to

⁵³ See Jan Gronský, *Komentované dokumenty k ústavním dějinám Československa III 1968–1989* [Commented Documents on the Constitutional History of Czechoslovakia III 1968–1989] 98–100 (2007).



the weakening of the bond between the two nations. In this atmosphere, on 17 July 1992, the Slovak Republic used its authority and bodies which were previously only formal ones in the conditions of a socialist federation and approved the Declaration of Sovereignty of the Slovak Republic. It proclaimed, and respectively attested, the inherent right to self-determination for the Slovak nation.⁵⁴ The route to the division of Czechoslovakia was set straight from that moment on. On 1 September 1992 the Slovak Constitution was adopted. On 25 November 1992, at the federal level, an agreement between political leaders of the Czechs and Slovaks on the adoption of the Act on the dissolution of the Czech and Slovak Federal Republic was reached, according to which

upon the expiry of 31 December 1992, the Czech and Slovak Federal Republic shall cease to exist. Successor states of the Czech and Slovak Federal Republic shall be the Czech Republic and the Slovak Republic.

The expiry of 31 December 1992 hence witnessed the final execution of the right of the Slovak nation to self-determination. Compared to the situation in 1918, however, this was no execution of the right against the will of the “mother country,” but rather a mutual agreement to end the joint constitutional partnership of two equal nations, which, even after gaining independence, still maintain high-profile international political, economic, and cultural relations on the platform of their membership in the European Union.

Still, it is apparent that the smooth and fully legal and peaceful disintegration and recognition of the self-determination of the Slovak nation was possible mainly due to the socialist constitutional legacy of the federalization of Czechoslovakia, with the already existing Slovak Socialist Republic, albeit only a formal one, and only existing at the constitutional and not at the international level. There was namely a clear continuity visible and preserved between the Slovak Socialist Republic of 1969 and the independent Slovak Republic of 1993 – this is also manifested in the invocation of the right to self-determination in both the preamble to the 1968 Constitutional Act on Federalization⁵⁵ as well as in the preamble to the 1992 Constitution of the present-day Slovak Republic.⁵⁶ Even the parliament of Slovakia in federal conditions,

⁵⁴ See Eric Stein, *Česko-Slovensko: konflikt, roztržka, rozpad* [Czechoslovakia: Conflict, Disintegration] 164, 167, 179, 211–212 (2000).

⁵⁵ ... recognizing the inalienability of the right to self-determination until separation and respecting the sovereignty of each nation and its right to shape freely the way and form of its national and state life, convinced that a voluntary federal state link is an appropriate expression of the right to self-determination and equality, but also the best guarantee for our full internal national development and for the protection of our national identity and sovereignty ... represented by our representatives in the Czech National Council and the Slovak National Council, we agreed to form a Czechoslovak Federation.

⁵⁶ We, the Slovak nation, bearing in mind the political and cultural heritage of our ancestors and the centuries of experience from the struggles for national existence and our own statehood, mindful of the spiritual heritage of Cyril and Methodius and the historical legacy of Great Moravia, recognizing the natural right



the SNC, maintained its identity with the new parliament of the independent Slovak Republic – only changing its name from SNC to the National Council of the Slovak Republic. Otherwise, its continuity was preserved, just as all the international treaties and obligations of Slovakia dating to the period from before 1993 were accepted and taken over.

It can therefore indeed be claimed that the federalization of Czechoslovakia in 1968/69 in fact paved the way to the proclamation of an independent Slovakia in 1992/93 – due to the establishment of a formal Slovak Socialist Republic within the Czechoslovak federation, where the Slovak nation could have tested its ability of (limited) self-determination, self-regulation and self-governance, to be subsequently fully materialized after 1989 – as of 1 January 1993. In this sense, the right of the Slovak nation to self-determination truly represents a still vivid and continuously existing socialist constitutional legacy in the present-day Slovakia.

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of nations to self-determination, together with members of national minorities and ethnic groups living on the territory of the Slovak Republic, in the interest of lasting peaceful cooperation with other democratic states, seeking the application of the democratic form of government, guarantees of a free life, development of spiritual culture and economic prosperity, that is, we, the citizens of the Slovak Republic, Adopt through our representatives this Constitution ...



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