

**René Petráš (ed.): AKTUÁLNÍ PROBLÉMY PRÁVNÍHO POSTAVENÍ MENŠIN V ČESKÉ REPUBLICE. [Current Problems of the legal status of Minorities in the Czech Republic.] Collection of papers from the seminar on Minorities and the Law in the Czech Republic, Prague 2010.**

Prague/ Office of the Government of the Czech Republic, 2010, 121 pp.

This reviewed book consists of seven studies written by six leading experts – graduates of law and history faculties and one ethnologist. The editorial work this time also fell to the young lawyer and historian René Petráš, a researcher at the Institute of Legal History of Charles University who worked his way up to being the leading expert in the history of the legal status of national minorities in the Czech Lands in the past century. Petráš also wrote the introductory study in which he emphasized the non-existence of a legal definition of the key term of minority, mainly *national minority*.

Instead of an explanation of minority as a handicapped group vis-à-vis the dominating position of the majority population he used the main delimitation of a minority by language. At the same time he revived the definition of minority given by the World Court in 1930 where, according to this institution, an important sign of a minority became the will of the intergenerational transmission of identity.

Petráš is entirely right, then, to point out an important aspect of international

policy in relation to minorities (this problem, by the way, was experienced by Czechoslovakia in connection with the internationalization of the so-called Sudeten-German question in the 1930s) and the difference between autochthonous (historical) and allochthonous (immigrant) minorities. He divided *Contemporary minority problems* themselves into legal problems, problems connected with differences of the minority, historical problems and problems developed by chauvinism and racism (there is, however, the question of whether the last aspect is not present in the first two and in the fourth situations). As a lawyer, however, the author dealt mainly with peculiarities in the approach to the minority from the point of view of the law as a universal and traditionalistic phenomenon. Czechoslovak postwar law was connected to state attempts at liquidating the non-Slavic minorities. In 1968 a new special constitutional law was passed, but interest in minorities returned only at the time of the revolution in 1989. Reflections of the situation in domestic legal science are still far from the ideal state. Czech legal science today does not have an established bibliographic database; it wrestles with the unavailability of a series of quality work published (but not by prestigious publishing houses), with insufficient access to foreign literature and with the non-existence of a coordinating center of research.

Helena Petrův, Petráš's colleague at the Faculty of Law, attached to the introductory paper information about the contemporary status of national minorities in the Czech Republic defined by the Charter of Fundamental Rights and

Freedoms. She differs national minority (a person becomes a member of it on the basis of his own decision) and ethnic minority as an objective category. Not until 2001 was there a law about the rights of members of national minorities. In this case also, however, the law works with the dichotomy of national and ethnic minorities, while autochthonous minorities are legally advantaged. The law understands a national minority as a group of citizens of the Czech Republic living on the land of the current Czech Republic, a group that strives for the preservation and reproduction of its own identity. As an appropriate inspiration for the modification of this law Petrův sees the Hungarian legal system, in which minority rights are connected with minority obligations.

Andrej Sulitka, long-time head of the workers' secretariat of the Council of the Government for National Minorities, presented preparations of the so-called minority law, a reaction of the minority and the state administration to its adoption. He himself saw the main problem in the contemporary model of public administration, concretely in the impossibility of influencing the decisions of the district and the city. Andrea Baršová of the Office of the Government of the Czech Republic attempted to outline the historical relations between state citizenship and the position of national minorities in Austria, in the monarchy, in the First Republic and after the war. She tried to prove that historical intellectual patterns endured to the present, concretely that the institute of state citizenship served to prefer Czechs and Slavs.

The last two empirical papers were devoted to specific problems of two

minorities. Jan Kuklík, the director of the Institute of Legal History of the Faculty of Law of Charles University, described the development of legislation in relation to the restitution of Aryanized and postwar nationalized property of Jewish fellow-citizens. It was only in the spring of 1992 that there was a breakthrough of restitution limits which were identified with the February coup d'état. In 1994, after protests of the Jewish representation, the condition of permanent residency of the restituent in the Czech Republic was withdrawn. The real turning point, however, was brought by the law of June 23, 2000, concerning the reduction of some property injustices incurred by the Holocaust. This law enabled restitution to be brought to a close. The example of property restitution just mentioned showed how strong the influence of the foreign policy situation can have on the position of the minority.

In the last text Harald Christian Scheu, a specialist in the defense of human rights and basic freedoms, and Wolfgang Wieshaider of the University of Vienna, pointed out the lapse of the Austrian Supreme Court in the case of a law about the wearing of a niqab in a courtroom of a Muslim woman accused of terrorism in March 2008. According to both specialists, in the case of any doubts about of religious expression, religious freedom should be superior to criminal law.

In conclusion it is perhaps possible to state that the contemporary permeability of the world creates ideal conditions for the rise of new minorities and/or for the activation of old minorities. One can consider this reviewed book to be highly

timely. However, currently in the environment of social scientists it would be read as a stimulus for close cooperation with lawyers and legal historians who offer us necessary aspects of the cohabitation of majorities and minorities.

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**Oldřich Tůma a Tomáš  
Vilímek (Eds.): OPOZICE  
A SPOLEČNOST PO ROCE  
1948. ČESKÁ SPOLEČNOST  
PO ROCE 1945. [Opposition  
and Society after 1948. Czech  
Society after 1945], vol. 6.**

Prague: Institute for Contemporary History, Academy of Sciences, Czech Republic v. v. i., 2009, 224 pp.

The sixth volume in the series *Czech Society after 1945* presents four good quality empirically founded studies dedicated to burning questions of Czech society after the February Revolution of 1948. The first study by Květa Jechová is the result of a long-term project about Czech and Slovak women at the time of so-called real socialism. The author's basic premise is that the history of the emancipation of women presents the possibility of looking into the history of the entire society. However Jechová, accepting the optic of gender, as one of the first researchers (unfortunately it is still true that writing of the historiography of women is, to a great extent, the domain of women<sup>1</sup>) opened up in her text not

only the question of the relations of society to maternity, including its reaction to decreasing childbirth in the 1960s and the problematics of maternity leave, but also the highly sensitive (and therefore discussed in every regime) question of birth control and abortion. One can only regret that her study did not allow voices to be heard of those who actually experienced wanted and unwanted maternity. Jechová depended mainly on the analysis of sources of women's institutions of the time, Communist Party committees, legislation of the time discussed in the press and samizdat publications, and of sociological research of the State Commission on Population. On the basis of these fundamental sources she was able to outline the history of women's emancipation based on the indicator of reproduction. Furthermore, she analyzed the development of state population policies and, finally, she also destroyed the popular myth about the so-called Husák children. In a sensitive analysis, the apparent success of the normalization of the regime appears as a result of the fact that strong postwar generations came into their reproductive years as well as the consequence of the resonance of the reforms of the '60s, in which the model of state support for families with children was worked on, a model that completely, in an unplanned way, served to establish normalization. However, Jechová also refuted the myth of the mechanical connection between the employment of women and the drop in the number of children. At the same time she pointed

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maternity, employment and public activity of women by which Jechová was inspired..

<sup>1</sup> Cf. also the survey of basic work about