

JUSTICE UNDER PARTY CONTROL: STRUCTURE AND PERSONNEL OF THE CZECHOSLOVAK SOCIALIST JUDICIARY (1948–1989)

David KOLUMBER*

assistant professor (Masaryk University)

Abstract

This article explores the judiciary's structure, personnel, and day-to-day operations in socialist Czechoslovakia from 1948 to 1989. Drawing on fragmented archival materials, legislative sources, and select biographical profiles, it reconstructs how judicial authority was subjected to political control, particularly through Party oversight, selective recruitment, and internal discipline mechanisms. The analysis emphasises the regime's strategic approach to institutional memory, characterised by the systematic destruction, displacement, or failure to preserve judicial records. It further examines the evolution of judicial practice – from the ideological extremism of the early 1950s to the more routine yet still tightly regulated legal environment of the normalisation period. Through the careers of prominent court presidents and judges, the article illustrates how professional advancement was determined not by legal merit but by political loyalty and conformity. This study contributes to a deeper understanding of law as an instrument of governance under state socialism. It addresses the methodological challenges inherent in reconstructing legal history in an environment of archival silence.

Keywords: Czechoslovakia, socialism, judiciary, Communist Party, judges, Prosecution

* ORCID: <https://orcid.org/0000-0002-9388-3812>

1. Introduction

Understanding the judiciary of socialist Czechoslovakia¹ presents a significant methodological challenge. Although the courts functioned on the surface, their internal mechanics were influenced by a logic distinct from liberal-legal and authoritarian frameworks. This paper employs a comprehensive approach – integrating institutional analysis, archival research, and biographical studies – to reconstruct the judicial structures, personnel selection processes, everyday practices, and mechanisms of political oversight from 1948 to 1989. Instead of viewing the judiciary as a closed subsystem, this analysis situates it within the broader political-legal framework of the Party-state, emphasising the interconnection of law, ideology, and control.

This investigation employs a methodological framework that includes fragmented archival traces, oral history accounts (when available), institutional records, and a critical examination of Party documentation. The lack or distortion of sources is not viewed as an incidental gap but rather as a structural phenomenon that parallels the intentional suppression of institutional memory. Particular attention is paid to the tension between legal form and political function: how legal institutions maintained their appearance while being rendered ineffectual in practice and how judges adapted to and sustained this duality.

Instead of providing a linear institutional history, this contribution adopts a thematic approach, exploring structural opacity, selection procedures, judicial reasoning, and Party oversight. It culminates in a biographical perspective on prominent judicial figures. This method aims to illuminate the judiciary's functioning and demonstrate how it became functionally unaccountable, politically compliant, and epistemologically obscure. What emerges is not just a depiction of repression but also of normalisation – a judicial culture that has become routinised in its complicity and disciplined in its silence.

2. Why the Judiciary Remains Hard to Study: A Structural Silence

Any researcher delving into the judiciary of socialist Czechoslovakia will likely start with a fundamental question: where can the sources be found? The answer is frustrating and revealing for historians who are used to accessing abundant institutional archives. The types of materials one would typically expect – such as appointment files, internal memoranda, personal records, and daily court agendas – are often missing, destroyed, or never archived in the first place.

This absence is not merely anecdotal; it is a structural issue.

¹ Zdeněk KÜHN: *Aplikace práva soudcem v éře středoevropského komunismu a transformace: analýza příčin postkomunistické právní krize*. [Application of Law by Judges in the Era of Central European Communism and Transformation: An Analysis of the Causes of the Post-Communist Legal Crisis]. Praha, C. H. Beck, 2005.; Michal BOBEK – Petr MOLEK – Vojtěch Šimíček (ed.): *Komunistické právo v Československu: Kapitoly z dějin bezpráví*. [Communist Law in Czechoslovakia: Chapters from the History of Injustice]. Brno, Masarykova univerzita, Mezinárodní politologický ústav, 2009.

2.1. What the Archives Do Not Contain

In theory, court systems are institutions that generate a substantial documentary footprint. However, in post-1948 Czechoslovakia,² access to these records is significantly hindered. Some court materials were never transferred to public archives and preserved in internal storage (*spisovna*). Others have been lost over time: routinely shredded to create space, discarded as unnecessary, or recycled during material scarcity.³ Particularly in the late 1940s and early 1950s, paper shortages resulted in the repurposing of printed forms and official stationery, leading to the irreversible erasure of prior content.

The circumstances regarding personnel records are particularly concerning. No centralised or standardised policy is in place to preserve judges' files or career documentation. Although internal directives occasionally mandated the transfer of such records following retirement, the implementation has been inconsistent. The archives of the Ministry of Justice lack systematic material on judicial appointments from the crucial years following the Communist takeover.⁴ Notably, the files of judges trained through the brief 'workers' law schools' established in 1949 – a pivotal group in the transformation of the judiciary – are largely missing from the records.

Natural disasters have exacerbated these losses. The catastrophic floods of 1997 severely impacted internal storage in towns such as Přerov and Uherské Hradiště, leading to the disappearance of a part of judicial collections. However, even in areas untouched by such events, the organisation of archival holdings often lacks logic. The District Court in Zlín serves as a prime example: it does not retain the personal files of its former judges, yet it inexplicably keeps comprehensive personnel records for judicial staff from Napajedla and Bojkovice.⁵ These misallocations are likely the result

² Jaroslav BÍLEK – Lubomír LUPTÁK: Československo 1945–1948: Příklad hybridního režimu?. [Czechoslovakia 1945–1948: The Case of a Hybrid Regime?]. *Středoevropské politické studie / Central European Political Studies Review* 16, 2–3. (2014), 188–214. <https://doi.org/10.5817/CEPSR.2014.23.188>

³ The archives of individual state districts, where local court records are stored, have, in many cases, disposed of a significant portion of documents related to judicial decision-making over the years. Materials from the so-called administrative register – documents concerning court organization and procedural management – were often not transferred to state archives at all and may have remained in internal court storage. However, access to certain courts has revealed that even these internal collections are frequently incomplete. A particularly illustrative example of the challenges faced by researchers is the approach of the National Archive, which houses the records of the Ministry. One might reasonably expect to find comprehensive materials on the organizational structure of the justice system there. In reality, however, this archive displays a notable reluctance to grant access to its archival materials, and even obtaining access can take several months. The author experienced a four-month wait just for a simple file consultation, only to be redirected to the archive's website. These systemic obstacles clearly highlight the significant difficulties encountered when researching the structure and functioning of the judiciary under socialism.

⁴ The sole evidence of any regulatory framework in effect between 1949 and 1952 is found in the repealing provision of Instruction No. 180/56-K/2, issued by the Minister of Justice. Unfortunately, neither the Ministry of Justice nor the National Archive possesses any documentation pertaining to this period.

⁵ The author served at the District Court in Zlín from 2012 to 2024. Only a limited number of personal files have been retained at the court itself. For instance, the file belonging to former court president

of ad hoc redistributions that occurred during court reorganisations or administrative reforms – particularly in the 1950s and 1960s – when storage demands took precedence over the principles of provenance.

The result is archival opacity: a fragmented preservation system lacking catalogues and coherent provenance. The archives are incomplete not only due to missing materials but also because the criteria for preservation were inconsistent, fluid, and influenced by political factors.

2.2. Not Just What Is Lost – But What Was Never Remembered

It is tempting to attribute these absences to bureaucratic inefficiency. However, the archive also serves as a reflection of political intent. The regime preserved what it deemed ideologically or administratively essential, allowing the remainder to fade into obscurity. Judges who played significant roles in enforcing the new political order – especially during the purges of 1948–1953 – were often later purged or discreetly removed from service.⁶ Their names disappeared from institutional histories, their personnel files were not maintained, and their contributions – regardless of loyalty – were considered expendable.

This selective memory erasure was no accident; it was a crucial aspect of the regime's internal logic. As policies evolved, so did the official narrative concerning those who had enacted them. The Party did not need to undermine these judges publicly – merely to render them invisible. A similar rationale underpinned the absence of documentation regarding the so-called *security fives* – extra-judicial commissions composed of Party and secret police officials that, between 1949 and 1951, dictated sentencing policies in political cases.⁷ These influential yet undocumented entities left no structured record in their wake.

2.3. Why Oral History Fails to Fill the Gaps

Could oral history serve as a substitute? In theory, yes;⁸ in practice, it proves more challenging. While many former judges and court officials are still alive, few are willing

Jakub Prokop has been preserved solely because it was housed at the Regional Court in Brno, where district court president files are typically maintained. Since Prokop passed away while in office, his file had remained in Brno.

⁶ Milan VYHLÍDAL: Jiří Štella (*1907 – †1991). In: Karel SCHELLE – Jaromír TAUCHEN – Ondřej HORÁK – David KOLUMBER (ed.): *Encyklopedie českých právních dějin. XXV. svazek, Biografie právníků S–Ž*. [Encyclopedia of Czech Legal History. Vol. XXV, Biographies of Lawyers S–Ž]. Plzeň – Ostrava, Aleš Čeněk, 2024. 281–282.

⁷ Archiv bezpečnostních složek [Security Services Archive; ABS], fond Sekretariát (ministra národní bezpečnosti) ministra vnitra [Secretariat of the (Minister of National Security) Minister of the Interior], I. díl [Part I], Komise pro bezpečnost [Security Commission], inv. j. [inventory number – inv. no.] 10, sign. [reference code – ref.] A 2/1, folio [fol.] 207.

⁸ Emma PELOW – Priscilla PIVATTO: A Different Approach to Legislative Bodies: Reflections on the History of Parliament Oral History Project and Laws Around Abortion. *Rechtsgeschichte – Legal History Rg* 29, (2021), 157–165. <https://doi.org/10.12946/rg29/157-165>

to speak openly, and even fewer engage in critical introspection. The psychological and political stakes remain significant. Many individuals involved in politically sensitive proceedings – such as the show trials of the early 1950s – tend to rationalise their roles or claim procedural neutrality. They assert they were not ideologues but merely participants.

Such narratives, while understandable, tend to obscure as much as they illuminate. The professional memory of the judiciary is often shaped by loyalty, silence, and institutional amnesia. Furthermore, oral testimony is harrowing and cannot be verified without archival context. Consequently, the mechanisms of repression and the bureaucratic structures that facilitated them are often remembered only obliquely, if at all.

2.4. The Silence of Everyday Life

Perhaps the most significant casualty of this structural silence is the inability to reconstruct the daily operations of socialist courts. While we possess considerable information regarding ideology, legislation, and political trials, we know little about routine judicial work. How were hearings scheduled? How did judges interact with lay assessors or local Communist Party officials? What was the administrative culture within the courthouse?

Efforts to apply the methods of *Alltagsgeschichte*⁹ – the study of everyday life – are hampered by the lack of basic documentation: circulars, work schedules, committee minutes, or procedural notes.¹⁰ In many courts, particularly at the district level, records from before the 1970s are virtually non-existent. Such documents were often deemed unworthy of archiving, even when produced. Consequently, the micro-structures of justice – its rhythms, compromises, and informal hierarchies – remain inaccessible to historians.

2.5. A System Built to Evade Reconstruction

This fragmentation is not merely a result of neglect; it reflects the epistemology of a regime that instrumentalised law while obscuring its inherent logic. The judiciary was not designed as a self-documenting institution but rather as a tool of the Party – a tool that could be discarded without explanation once its purpose was fulfilled.

Between 1948 and 1952, the State Court tried over 29,000 defendants for alleged anti-state activities,¹¹ yet it was dissolved without a formal archival closure. The trials,

⁹ István M. SZIJÁRTÓ: Four Arguments for Microhistory. *Rethinking History* 6, 2. (2002), 209–215. <https://doi.org/10.1080/13642520210145644>

¹⁰ The nature of history of everyday life enables the reconstruction of historical processes within a specific spatial, thematic, and temporal framework. Although this approach is appropriate for examining the judiciary, the surviving records from individual courts are so fragmentary that achieving such a reconstruction is nearly impossible.

¹¹ Jožka PEJSKAR: *Od boje (proti komunistům) ke kolaboraci: Dokumenty a záznamy o činnosti Československé strany socialistické v letech 1948–89 (Studie)*. [From Struggle (Against the Communists)

often pre-scripted by political organs, were not maintained as coherent collections. The investigative phase – conducted entirely by the State Security (*Státní bezpečnost*, StB) following the abolition of examining judges – produced files that were rarely transferred to judicial archives. Even internal discussions among judges, such as those recorded in the now-lost minutes of Party cells embedded within court institutions, have not survived.

What remains is silence, deliberately crafted to resist inquiry. The Czechoslovak socialist judiciary functioned as a mechanism of control and as a structure of impermanence designed to enforce rather than explain. This poses a unique challenge for historians – not merely of interpretation but of reconstruction against the backdrop of intentional forgetting.

3. Selection and Management of Judges

The judicial selection process in Communist Czechoslovakia from 1948 to 1989 experienced various institutional phases.¹² Nevertheless, it consistently remained subordinate to the political dominance of the Communist Party of Czechoslovakia (KSC). Although the Ministry of Justice formally handled appointments, all significant decisions – particularly at crucial levels of the judicial hierarchy – were explicitly dictated or implicitly coordinated by Party entities, primarily through internal cadres commissions and security structures. The primary requirement for the appointment was steadfast political loyalty; while legal expertise was not entirely irrelevant, it was a secondary and flexible consideration.

3.1. Early Communist Control and Political Prioritization (1948–1950s)

In the immediate aftermath of the February 1948 coup,¹³ the new regime initiated a radical restructuring of the judiciary, motivated by two primary objectives: ideological consolidation and personal replacement. A wave of purges ensued, resulting in the dismissal of at least 159 judges and prosecutors by 1950 due to political unreliability or

to Collaboration: Documents and Records on the Activity of the Czechoslovak Socialist Party in the Years 1948–89 (Study)]. Fallbrook, J. Pejskar, 1993. 27.

¹² David KOLUMBER: Ustanovování soudců – česká historická perspektiva. [The Appointment of Judges – A Czech Historical Perspective]. In: Jaromír TAUCHEN (ed.): *VIII. česko-slovenské právněhistorické setkání doktorandů a postdoktorandů. Sborník z konference*. [VIII Czech-Slovak Legal History Meeting of Doctoral and Postdoctoral Students. Conference Proceedings]. 1st ed. Brno, Masarykova univerzita, Právnická fakulta, 2020. 130–147.

¹³ There remains no consensus on the constitutionality and legality of the communist seizure of power. The Communist Party adeptly exploited constitutional conventions. As non-communist ministers each submitted their resignations, they gradually diminished the government's quorum. Even though their actions might have pressured the cabinet to resign, they were insufficient to terminate the government's operation as a collective body. Consequently, the change in government was neither unconstitutional nor, by its nature, a coup d'état. However, subsequent developments bore the characteristics of a coup, particularly the deployment of armed forces under communist control and the resulting purges of public officials.

previous affiliations with the legal culture of the First Republic.¹⁴ Most of these officials were not replaced by qualified legal professionals but by judges (and prosecutors) deemed appropriate based on their class background, often with little or no formal education.

To facilitate this transformation, the state established ‘workers’ law schools’ (*právnícké školy pracujících*) in 1949.¹⁵ These institutions offered accelerated, ideologically driven training programs, lasting one to two years – one year for aspiring prosecutors and two for judges. Admission was frequently granted to candidates lacking secondary education, selected primarily for their class background and perceived loyalty to the Party. Graduates were appointed directly to judicial positions after completing their training, particularly within district-level courts or prosecution offices. As expressly stated by the Ministry of Justice, the intention was to ensure that “*all power in this country comes from the people*” and that the composition of the judiciary reflected the new socialist social order.¹⁶

In addition, the regime introduced people’s judges (*soudci z lidu*) – lay judges who served as full members of judicial panels.¹⁷ Appointed without legal education, their role was not to provide legal analysis but to reinforce political orthodoxy in court decisions.¹⁸ According to Act No. 319/1948 Coll., their selection was based on state reliability, ideological commitment, and personal integrity, while legal competence was explicitly deemed unnecessary. People’s judges even presided over the benches of the Supreme Court, illustrating the deep entrenchment of the lay political element within the judicial hierarchy.

3.2. Professionalisation and Contradiction (1960s)

By the early 1960s, the state began to recognise the limitations of a judiciary constructed primarily on ideological grounds. As legal cases – particularly those related to economic, civil, and international matters – became increasingly complex, a minimum

¹⁴ Národní archiv [National Archive; NA], fond *Ústřední dělnická škola* [Central Workers’ School], sv. [volume – vol.] 5, a. j. [archival unit – a.u.] 38, fol. 118.

¹⁵ Josef URVÁLEK: Deset let československého soudnictví. [Ten Years of Czechoslovak Judiciary]. *Socialistická zákonnost* 3, 4. (1955), 212.

¹⁶ NA, fond K. Gottwald, vol. 61, a.u. 940, fol. 130.

¹⁷ The Communist regime systematically distorted the traditional Austrian notion of lay participation in the judiciary, which had been in place since the nineteenth century. In the original Austrian model, lay judges served as domain-specific experts lacking formal legal training, providing practical insights into the technical aspects of cases. However, the socialist variant replaced these judges with ideologically vetted ‘people’s judges’, whose primary qualification was loyalty to the Party rather than professional expertise. This politicized interpretation of lay involvement persisted in Czechoslovakia and continued in the Czech Republic until 2024, when legislative reforms significantly reduced the lay element in court proceedings. Since the late 1940s, the lay judiciary had become a prominent example of political indoctrination rather than a source of disciplinary expertise.

¹⁸ Ladislav VELETA: Rozšíření a prohloubení účasti soudců z lidu na výkon soudnictví. [Expansion and Deepening of the Participation of Lay Judges in the Exercise of Justice]. *Socialistická zákonnost* 5, 5. (1957), 273–281.

standard of professional competence became essential. Consequently, the Ministry of Justice gradually refocused its efforts on legal education, with more judicial candidates emerging from law faculties in Prague and Bratislava.¹⁹

However, this shift towards professionalisation was still politically constrained. The candidacy period (*čekatelská praxe*) – a form of judicial apprenticeship – was often shortened or completely bypassed, especially in rural or under-resourced courts. As a result, the judiciary of the 1960s was a diverse mix: it included formally trained graduates, inadequately prepared Party loyalists, and remnants of earlier appointees. Even the reintroduction of examining judges in the early 1960s failed to achieve complete judicial independence, as investigative powers continued to be subject to oversight by the State security.

The liberalising reforms of the Prague Spring in 1968 briefly created an environment conducive to greater judicial autonomy.²⁰ Some judges expressed their disillusionment with Party interference, prompting internal discussions about the courts' role in upholding legality. However, the Warsaw Pact invasion in August 1968 and the subsequent normalisation swiftly reversed these advancements. Judicial independence was once again curtailed, and professional competence was subordinated to political conformity.

3.3. Purges and Renewal after 1968

The 1970s commenced with extensive ideological purges throughout all state institutions, including the judiciary. Judges who supported or tolerated the reformist movements of 1968 were dismissed *en masse*.²¹ Court presidents were directed to 're-evaluate personnel' based on political reliability, particularly concerning Party membership and public attitudes.

New appointments were made at an accelerated pace to fill the gaps in the judiciary. While a university law degree became a standard requirement, the candidacy process remained inconsistently implemented. Especially in district and provincial courts, new judges were often appointed with minimal practical preparation. The priority was not professional competency but rather ideological loyalty.

During this time, pressure to recruit Party members intensified. The KSČ assigned recruitment quotas to court presidents, encouraging them to 'voluntarily promote' politically reliable individuals to join the Party. Non-members were routinely overlooked for promotions, denied judicial renewals, or excluded from significant cases. In one documented case, a judicial candidate affiliated with the officially

¹⁹ Vladimír HEJL: *Zpráva o organizovaném násilí*. [Report on Organized Violence]. Praha, Univerzum, 1990. 184.

²⁰ Andrej BANDURA: Výsledky ankety o postavení sudcov. [Results of a Survey on the Status of Judges]. *Právní obzor* 51, 9. (1968), 834–839.

²¹ David KOLUMBER: Vznik a další vývoj Okresního soudu ve Zlíně. [The Establishment and Subsequent Development of the District Court in Zlín]. *Právněhistorické studie* 55, 1. (2025), 69. <https://doi.org/10.14712/2464689X.2025.4>

tolerated Czechoslovak People's Party was barred from judicial service until 1989 despite meeting formal qualifications.

3.4. Internal Control, Appraisal, and Structural Obedience

During the 1970s and 1980s, internal control mechanisms within the judiciary became increasingly institutionalised. Court presidents routinely evaluated judges based on assessments beyond mere performance metrics. These evaluations emphasised political engagement, 'ideological consciousness', relationships with local Party structures, and perceived public behaviour. Judges were expected to actively demonstrate support for the regime by refraining from dissent and visibly endorsing its policies.

These evaluations carried significant consequences. Judicial tenure was limited, with renewals dependent on professional and political assessments. Dismissals were often framed in administrative terms – such as claiming 'no suitable vacancy' existed – but were, in effect, politically motivated exclusions. Formal procedural safeguards were rarely upheld.

Furthermore, internal court hierarchies were leveraged to enforce ideological discipline. Presiding judges controlled case allocation, ensuring that politically sensitive cases – such as those involving high-ranking officials, property disputes, or family law – were exclusively handled by trusted Party members. Judges without Party affiliation were typically relegated to routine or low-profile cases. This informal power structure complemented formal mechanisms, guaranteeing that the political line was consistently upheld throughout the judicial process.

4. Everyday Judicial Practice

A politicised legal framework layered institutional reforms, and ongoing tensions between ideology and professional methodology heavily influenced judicial practice in Communist Czechoslovakia. Over the decades, formal structures adapted, transitioning from dismantling pre-war institutions to establishing 'comrade courts' and, subsequently, federalised layers of authority. Despite these changes, the fundamental characteristics of judicial practice remained notably consistent, characterised by ideological conformity, procedural efficiency, and political oversight.

4.1. Structural Framework of the Judiciary (1948–1989)

To fully grasp the dynamics of everyday judicial life, one must first consider the institutional framework that underpins it. The court system experienced several significant reorganisations during the socialist era.

In the aftermath of the 1948 coup, the Constitution of 9 May,²² along with several legislative measures – most notably Act No. 319/1948 Coll., which aimed at

²² Karel SCHELLE: Ústava Československé republiky (1948). [The Constitution of the Czechoslovak Republic (1948)]. In: Karel SCHELLE – Jaromír TAUCHEN (ed.): *Encyklopedie českých právních dějin, XIX.*

popularisation of justice, and Act No. 232/1948 Coll. concerning the State Court – effectively dismantled the interwar legal system. Courts were restructured to include lay participation through people’s judges and to introduce ideological oversight. The State Court served as a quasi-political tribunal addressing anti-state crimes, while regional and district courts supplemented the functions of ordinary courts.²³ Ironically, however, it was precisely the State Court that retained a predominantly professional composition, with career judges continuing to dominate its bench – unlike other judicial bodies, which were increasingly subjected to politically motivated lay participation.²⁴

During this period, judges were appointed based not on their legal expertise but on their social class and political allegiance. Judicial panels in first-instance courts typically comprised one professional judge and two lay judges. This structure was intended to reflect the ‘people’s character’ of the legal system, but it often resulted in a dilution of technical rigour in favour of ideological conformity.

In 1952, a comprehensive judicial reform was enacted under Act No. 64/1952 Coll. concerning the Courts and the Prosecutor’s Office.²⁵ The reformed system included people’s courts (which replaced the former district courts), regional courts, and the Supreme Court. The special courts – primarily military and arbitration courts – were further expanded, while administrative justice was abolished. Local ‘comrade courts’,²⁶ introduced in 1959, operated as quasi-judicial bodies, essentially detached from formal procedural oversight, and were dissolved shortly thereafter.²⁷ These years were marked by extreme politicisation of judicial personnel and decisions. Judges were often ‘elected’ in managed procedures, and court presidents were ideological gatekeepers. Procedural brevity and ideological tone characterised the language and outcome of judgments.

svazek U–Ú. [Encyclopedia of Czech Legal History, Vol. XIX U–Ú]. Plzeň, Aleš Čeněk, 2020. 556–561. Karel SCHELLE ET AL.: *Ústava a ústavní systém socialistického Československa*. [The Constitution and Constitutional System of Socialist Czechoslovakia]. 1st ed. Ostrava, Key Publishing s.r.o., 2022. 2. Vols.

²³ Ladislav VOJÁČEK – Jaromír TAUCHEN – DAVID KOLUMBER: *České právní dějiny do roku 1989*. [Czech Legal History up to 1989]. Brno, Masarykova univerzita, 2024. 123–124.

²⁴ Alena ŠIMÁNKOVÁ – Lukáš BABKA – Jaroslav VOREL: *Československá justice v letech 1948–1953 v dokumentech*. Sv. 2. [Czechoslovak Judiciary in the Years 1948–1953 in Documents. Vol. 2.] Praha, Úřad dokumentace a vyšetřování zločinů komunismu PČR, 2004. 54–56.

²⁵ NA, fond Předsednictvo ÚV KSČ 1945–1954 [Presidium of the Central Committee of the Communist Party of Czechoslovakia 1945–1954], vol. 32, a.u. 300.

²⁶ Zdeněk Jičínský: *Právní myšlení v 60. letech a za normalizace*. [Legal Thinking in the 1960s and During Normalization]. Praha, Prospektrum, 1992. 57–66.

²⁷ Vladimír FLEGL: *Soudružské soudy – nástroj socialistické výchovy pracujících*. [The Comrades’ Courts – An Instrument of the Socialist Education of Workers]. *Socialistická zákonnost* 8, 2. (1960), 81–89.; John HAZARD: *Communists and Their Law*. Chicago – London, University of Chicago Press, 1969. 119–121.; René DAVID – John E. BRIERLEY: *Major Legal Systems in the World Today: An Introduction to the Comparative Study of Law*. 3rd ed. London, Stevens and Sons, 1985. 260–261.; Petra ZAPLETALOVÁ: *Soudružské soudy jako nástroj socialistické demokracie ve vybraných státech východního bloku*. [The Comrades’ Courts as an Instrument of Socialist Democracy in Selected Eastern Bloc Countries]. *Právněhistorické studie* 54, 3. (2025), 139–164. <https://doi.org/10.14712/2464689X.2024.31>

The 1960 Constitution, along with Constitutional Act No. 143/1968 Coll. concerning the Federation,²⁸ established a federal layer within the judicial system, resulting in the creation of three supreme courts: one for the federation (Czechoslovak Socialist Republic), one for the Czech Socialist Republic, and one for the Slovak Socialist Republic. Beneath these courts were regional and district courts.

Following the abolition of local people's courts in 1969, the judiciary became increasingly centralised and technically standardised. Nevertheless, political influence played a role in case assignments, appointment renewals, and performance evaluations.²⁹ While legal formalism was more pronounced in its outward appearance – particularly during the normalisation period of the 1970s and 1980s – the notion of judicial independence remained largely illusory.

4.2. Patterns of Legal Reasoning and Judgment Style

Judgments in daily practice tended to be brief,³⁰ formulaic, and often lacked substantive interpretive reasoning. This was particularly evident in lower courts, where decisions commonly spanned only one or two typed pages. Declarative conclusions were frequently substituted for legal arguments, and references to case law or established doctrine were seldom encountered. In politically sensitive cases, judgments often incorporated ideological language, emphasising themes like 'defending the socialist order' or 'protecting collective property', which echoed Party slogans.³¹

Higher courts sometimes displayed greater technical rigour, especially in civil and commercial matters; however, political considerations continued to influence both procedural pathways and substantive outcomes. In cases involving dissidents, for example, higher courts often upheld lower courts' decisions to maintain uniformity and avoid the appearance of leniency.

4.3. Civil Procedure and the Burden of Proof

The inquisitorial dynamic in civil law has effectively replaced the adversarial model, with the court adopting a proactive role in gathering evidence and clarifying facts, particularly in cases where litigants lack legal representation. The traditional adversarial principle – requiring parties to assert and prove their claims – has been subordinated to the principle of judicial inquiry, wherein the court assumes investigatory

²⁸ Nadia NEDELSKY: Divergent Responses to a Common Past: Transitional Justice in the Czech Republic and Slovakia. *Theory and Society* 33, 1. (2004), 65–115.
<https://doi.org/10.1023/B:RYSO.0000021428.22638.e2>

²⁹ Zdeněk KÜHN: Socialistická justice. In: Michal BOBEK – Pavel MOLEK – Vojtěch Šimíček (ed.): *Komunistické právo v Československu. Kapitoly z dějin bezpráví*. [Communist Law in Czechoslovakia: Chapters from the History of Injustice]. Brno, Mezinárodní politologický ústav, Masarykova univerzita, 2009. 831.

³⁰ HAZARD op. cit. 103–126.

³¹ Mirjan R. DAMAŠKA: *The Faces of Justice and State Authority: A Comparative Approach to the Legal Process*. New Haven – London, Yale University Press, 1986. 173.

responsibilities. This procedural paternalism blurs the line between adjudication and intervention.

While the goal of this model is ostensibly to ensure substantive fairness, in practice, it often allows judicial discretion to override party autonomy. Additionally, it reflects broader ideological commitments to collectivism and state oversight.

4.4. Criminal Justice and Political Control

In the context of Czechoslovakia, criminal law closely mirrored the Soviet model,³² with its development reflecting broader trends seen in other socialist countries. This alignment became particularly evident in the sphere of criminal justice following the denunciation of the personality cult. While the 1950s were characterized by excessive use of criminal repression aimed at suppressing alleged or actual anti-state activities, such politically framed offences significantly declined in subsequent decades. This change did not signify a shift towards liberalization but represented a strategic adaptation. The communist regime increasingly targeted its real or perceived opponents under the guise of ordinary criminal offences, thereby formally separating political motivations from the legal classification of these actions.

Although Czechoslovakia did not formally adopt the East German model of pre-trial authorisations designed to pre-empt judicial independence. Archival records indicate that sensitive proceedings were frequently subject to prior coordination. Trials involving political dissent, members of religious communities, or ideologically deviant conduct were often shaped in advance by the Ministry of Justice, the Communist Party's legal apparatus, or the State Security (StB).³³ Judges were expected to follow prescribed narratives, and hearings were staged to simulate procedural propriety while securing politically acceptable outcomes. This informal pre-structuring was reinforced by institutional mechanisms introduced through the 1952 Act on the Organization of Courts. The reform significantly enhanced the supervisory function of the Supreme Court, which now had the authority to 'attract' any case from lower courts, decide it directly, or reassign it elsewhere. Additionally, the Supreme Court was empowered to issue interpretative guidelines – not formally binding, yet widely observed in practice – which aimed to standardize judicial reasoning in line with socialist legality. These guidelines functioned as a tool of jurisprudential control, shaping outcomes even in the absence of specific cases.³⁴

³² Samuel KUCHEROV: *The Organs of Soviet Administration of Justice: Their History and Operation*. Leiden, E. J. Brill, 1970. 343–350. <https://doi.org/10.1163/9789004609907>

³³ Alena ŠIMÁNKOVÁ – Lukáš BABKA – Jaroslav VOREL: *Československá justice v letech 1948–1953 v dokumentech*. Sv. 1. [Czechoslovak Judiciary in the Years 1948–1953 in Documents. Vol. 1.] Praha, Úřad dokumentace a vyšetřování zločinů komunismu PČR, 2004. 16–18.

³⁴ Zdeněk KÜHN: The Authoritarian Legal Culture at Work: The Passivity of Parties and the Interpretational Statements of Supreme Courts. *Croatian Yearbook of European Law and Policy* 2, (2006), 19–26. <https://doi.org/10.3935/cyelp.02.2006.12>

4.5. The Role of Prosecutors and Court Officials

Prosecutors played a pivotal role in shaping the narrative and the outcomes of criminal trials. Under the principle of ‘socialist legality’,³⁵ the submissions from prosecutors were often effectively binding, especially in contexts where judicial deference to state authority was anticipated. Judges who disregarded prosecutorial recommendations risked negative evaluations, stalled career advancement, or even removal from their positions.

Court presidents wielded significant discretionary power;³⁶ they assigned cases, approved judicial evaluations, and coordinated with local Party organisations.³⁷ Their role was primarily administrative and supervisory, ensuring ideological compliance within the court’s operations at a granular level.

4.6. Biographical Profiles of Leading Judicial Figures

The leadership of the Supreme Court of the Czechoslovak Socialist Republic from 1948 to 1990 was shaped by the ideological demands of the Communist regime. Following adopting Act No. 319/1948 Coll., which reorganised the judiciary in the spirit of socialist legality, *Igor Daxner* (1893–1960) was appointed as the first post-February president of the Supreme Court. Born on 20 September 1893 in Tisovec, he came from a family with a long legal tradition. After serving in the Czechoslovak legions during World War I, he graduated from the Faculty of Law at Comenius University in 1929. He worked in various judicial positions, including the Slovak Supreme Court. During the Slovak State, Daxner became involved in the resistance, was dismissed from judicial office, imprisoned, and later joined the Slovak National Uprising. After the war, he presided over the National Court and was the sole professional judge in the panel that sentenced President Jozef Tiso to death. His task as president of the Supreme Court after 1948 was to implement the new Soviet-inspired model of justice involving ideological control, lay judges, and the supervision of legality by the General Prosecutor. He resigned in 1953 upon retirement age and died on 18 April 1960 in Bratislava.³⁸

His successor was *Josef Urválek* (1910–1979), who led the court from 1953 to 1963. Born 28 April 1910 into a working-class family, he studied law at Masaryk University in Brno and was active in left-wing student movements during the 1930s. After the war, he joined the Communist Party and quickly rose through the ranks of the prosecutorial service. As a state prosecutor, he led the indictment against Milada

³⁵ NA, fond Předsednictvo ÚV KSČ 1945–1954, vol. 32, a. u. 300.

³⁶ David KOLUMBER: Opakování funkčních období soudních funkcionářů prismalem českého ústavního pořádku. [Court Officials’ Repeated Performance through the Prism of the Czech Constitutional Order]. *Právník* 160, 9. (2021), 716–717.

³⁷ Ivan KLÍMA: *Soudce z milosti*. [A Judge on Trial]. Praha, Academia, 2002.

³⁸ Stanislav BALÍK: Igor Daxner (*1893 – †1960). In: Karel SCHELLE – Jaromír TAUCHEN – Ondřej HORÁK – David KOLUMBER (ed.): *Encyklopedie českých právních dějin. XXIII. svazek, Biografie právníků A–J*. [Encyclopedia of Czech Legal History. Vol. XXIII, Biographies of Lawyers A–J]. Plzeň – Ostrava, Aleš Čeněk, 2022. 353–354.

Horáková and served as chief prosecutor in the infamous trial of Rudolf Slánský and other high-ranking Communist leaders. His conduct during these political show trials, which involved close cooperation with Soviet advisors and acceptance of fabricated evidence and forced confessions, remains emblematic of the judicial terror of the early 1950s. Appointed president of the Supreme Court in October 1953, he ensured its complete alignment with the political line of the Communist Party. Although he later participated in discussions about rehabilitation, his role was largely obstructionist. He was relieved of office in 1963 and continued to work at the Institute of Criminology under the General Prosecutor. He died in Prague on 29 November 1979 without ever being held accountable for his role in political repression.³⁹

In March 1963, *Josef Litera* (1918–1978) was unanimously elected president of the Supreme Court by the National Assembly following the 1961 Judiciary Act. Born on 1 May 1918 in Budiměřice, Litera was originally a trained metalworker and acquired formal legal education through a one-year legal course for workers in 1948–1949. He worked as a prosecutor in Náchod and later at the Ministry of Justice, serving as Deputy Minister from 1953 to 1963. His legal and political career was deeply rooted in party structures, and his appointment symbolised the regime's preference for loyal class-background cadres. In his 1968 letter of resignation, he acknowledged the judiciary's responsibility for violations of socialist legality during the 1950s, though he had not personally participated in political trials. Citing declining health and moral considerations, he stepped down in April 1968 and died ten years later in Prague.⁴⁰

He was succeeded during the Prague Spring by *Otomar Boček* (1926–1993), a trained lawyer previously serving as chairman of the Czechoslovak Bar Association. Born on 11 January 1926 in Deštná, Boček initially worked as an attorney in České Budějovice before becoming a judge at the Supreme Court in 1964. He played a significant role in rehabilitation proceedings, including reviewing cases involving Rudolf Slánský and Rudolf Barák. As president of the Supreme Court, elected in April 1968, he openly criticised the deformation of justice in the early 1950s and advocated for judicial reform. He spoke candidly in the press and on television about the political misuse of the judiciary. However, after the Warsaw Pact invasion and the onset of the so-called normalisation, Boček was politically disqualified. On 27 May 1970, the Federal Assembly unanimously removed him from office.

Following his dismissal, *Vojtěch Přichystal* (1909–1972) was appointed president of the Supreme Court. Born on 27 November 1909 in Vanovice, he graduated from Charles University and worked as a criminal judge before joining the Ministry of Justice in 1961. Although he had reached retirement age, he was chosen for his political

³⁹ František HANZLÍK: Josef Urválek (*1910 – †1979). In: Karel SCHELLE – Jaromír TAUCHEN – Ondřej HORÁK – David KOLUMBER (eds.): *Encyklopedie českých právních dějin. XXV. svazek, Biografie právníků S–Ž*. [Encyclopedia of Czech Legal History. Vol. XXV, Biographies of Lawyers S–Ž]. Plzeň – Ostrava, Aleš Čeněk, 2024. 389–395.

⁴⁰ Stanislav BALÍK: Vojtěch Přichystal (*1909 – †1972). In: Karel SCHELLE – Jaromír TAUCHEN – Ondřej HORÁK – David KOLUMBER (eds.): *Encyklopedie českých právních dějin. XXIV. svazek, Biografie právníků K–Ř*. [Encyclopedia of Czech Legal History. Vol. XXIV, Biographies of Lawyers K–Ř]. Plzeň – Ostrava, Aleš Čeněk, 2023. 776–777.

reliability. In October 1971, he presented a report on the tasks of the judiciary following the 14th Congress of the Communist Party, stressing the importance of protecting the socialist state and suppressing liberal tendencies. He died in office in 1972.⁴¹

The most enduring figure among the presidents was *Josef Ondřej* (1924–2006), who served from 1972 to 1990. Born on 2 March 1924, originally a house painter and decorator, Ondřej began his legal education through a worker training course and was admitted to Charles University's Faculty of Law. He became politically active in the Communist Party from 1948 and later held positions at the Ministry of Justice. During the Prague Spring, he served as president of the Regional Court in Ostrava and later participated in purges and ideological vetting as a deputy minister. As president of the Supreme Court of the CSSR, elected in 1972, he upheld the strict enforcement of socialist legality. He was a prominent ideologue, repeatedly emphasising the political nature of crimes committed during the 1968–1969 unrest. He was also president of the Union of Czechoslovak Lawyers, a member of the Central Committee of the Communist Party, and a recipient of several state honours, including the Order of Labour and the Order of Victorious February. He resigned from office in January 1990, officially citing retirement, and died in 2006.⁴²

After the 1969 constitutional changes and the creation of the federal system, separate republican supreme courts were established. In the Czech Socialist Republic, Josef Ondřej initially served as president from 1970 to 1973. He was followed by *Karel Kejzlar* (1918–1993), who held the position until 1988. Born on 19 November 1918, Kejzlar was a legal professional and member of the Communist Party who had served as deputy minister of justice and as a member of the People's Militia. He was repeatedly praised as a politically reliable and disciplined cadre and received several state decorations. In June 1988, he was succeeded by *Josef Marek* (1929–2010) who was a former labourer who had earned his law degree in 1959. He had served as a Supreme Court judge since 1974 and resigned in February 1990.⁴³

In the Slovak Socialist Republic, the first president of the newly created republican Supreme Court was *Pavel Király* (1913–1999), who served briefly in 1970 before being appointed Minister of Justice of the SSR. Born in Hnúšťa and a graduate of Charles University, Király had served as a prosecutor, judge and legal academic.⁴⁴ He was replaced by *Ján Benčura* (1925–1996), who led the court from October 1971 until 1990. Benčura came from a poor rural background and worked in manual labour before completing his legal education. As president of the Supreme Court of the SSR and chairman of the Slovak Lawyers' Union, he was celebrated by the regime for his

⁴¹ Stanislav BALÍK: Josef Lítéra (*1918 – †1978). In: SCHELLE – TAUCHEN – HORÁK – KOLUMBER (2023) op. cit. 359–360.

⁴² Stanislav BALÍK: Josef Ondřej (*1924 – †2006). In: SCHELLE – TAUCHEN – HORÁK – KOLUMBER (2023) op. cit. 585–586.

⁴³ The biographical accounts of Kejzlar and Marek were compiled using materials from the Czech National Council, specifically in connection with their respective appointments to official positions.

⁴⁴ Rudolf MANIK: Slovenskí povereníci a ministri spravodlivosti z radov advokácie v rokoch 1938–1989. [Slovak Commissioners and Ministers of Justice from the Ranks of Advocacy (1938–1989)]. *Bulletin slovenskej advokácie* 14, 3. (2008), 47.

ideological commitment and role in building socialist legality.⁴⁵ He reached retirement age in 1985 but remained in office until after the Velvet Revolution.

These biographies illustrate the deep politicisation of the Czechoslovak judiciary during the socialist era. The office of the president of the Supreme Court was not merely judicial; it was primarily political. Each appointee was expected to safeguard the ideological line of the Communist Party and to enforce its concept of socialist justice. Professional competence was subordinated to political loyalty, and the judiciary functioned as an instrument of power rather than an independent guarantor of rights.

5. Party Oversight and Internal Control Mechanisms

During the socialist era, the judiciary in Czechoslovakia operated within a complex framework of Party oversight and internal disciplinary control. Each court housed a fundamental unit of the Communist Party (*základní organizace KSČ*), typically led by a deputy court president or a senior judge. These units went beyond mere informational roles; they functioned as de facto supervisory bodies, providing ideological guidance, monitoring political conformity, and influencing personnel decisions throughout the judicial hierarchy.

5.1. Party Cells as Instruments of Surveillance and Enforcement

Party cells held regular meetings to assess judges based on their professional performance, ‘ideological maturity’, and political engagement. Judges were expected to attend educational sessions, engage in Party initiatives, and publicly support Party policies. While attendance at these meetings was officially voluntary, it was effectively mandatory.

The issue of Party membership was paramount. Although not a formal requirement for appointment, judges who chose not to join the Party often faced routine denial of promotions or reappointments. Internal reports frequently questioned a judge’s refusal to join the KSČ and evaluated whether their judicial reasoning appropriately aligned with the Party’s ‘leading role’. This pressure was particularly intense in high-profile courts or politically sensitive areas, where full adherence to the Party line was essential for any position of significance.

5.2. Political Evaluations and Personal Surveillance

Evaluations conducted by Party organisations were both frequent and intrusive. They typically encompassed assessments of political conduct, adjudicative language, relationships with prosecutors, public appearances, and private behaviour. Personal lives were subjected to institutional scrutiny, with judges facing criticism or even dismissal

⁴⁵ Štefan DANIŠ: Predseda Najvyššieho súdu SSR a predseda Jednoty slovenských právnikov JUDr. Ján Benčura šesťdesiatročný. [President of the Supreme Court of the Slovak Socialist Republic and President of the Union of Slovak Lawyers JUDr. Ján Benčura at Sixty Years]. *Právny obzor* 68, 9. (1985), 891–892.

for actions deemed ‘ideologically problematic’. Such actions included engaging in romantic relationships with married individuals, exhibiting passive attitudes toward religion, or displaying a lack of visible political engagement.

One notable case documented in archival records involved a state prosecutor who was dismissed for characterising the actions of the StB as ‘Gestapo-like’. Additionally, Judge JUDr. Rudolf Hartych (1907–1959) was sentenced to 18 years for ‘refusing to judge class enemies’ and resisting direct orders from Rudolf Slánský.⁴⁶ These examples illustrate how political discipline overshadowed legal fidelity and how any form of personal dissent – even within the institutional framework – was met with severe punishment.

5.3. Control by Court Presidents and Internal Hierarchies

While the judiciary was formally safeguarded by guarantees of independence under the 1960 Constitution, court presidents wielded significant informal power. They could influence or directly determine case allocations, including excluding non-party judges from politically sensitive matters, nominating judges for renewal or removal, and reporting internally to higher Party or ministerial bodies.

Judicial appointments were time-limited, with periodic renewals contingent upon professional performance and political reliability. The lack of tenure meant that ‘non-renewal’ became a convenient means for the discreet removal of judges deemed inconvenient or ideologically unreliable. Even without formal disciplinary proceedings, the mere threat of not extending a judge’s mandate often sufficed to ensure compliance.

5.4. Security Commissions and Supra-Judicial Oversight

Between 1948 and November 1950, the internal oversight of the courts was further entrenched by the Security Commission of the Central Committee of the Communist Party of Czechoslovakia. This body, which operated from 2 March 1948 to 15 November 1950, acted as a centralized review board for politically significant trials. Comprised of senior officials from the Communist Party (KSČ) and high-ranking security personnel – including Rudolf Slánský, Václav Nosek, Alexej Čepička, and Karel Šváb – the commission functioned outside the judicial system while effectively determining the outcomes of selected cases. Even after its dissolution, its crucial functions were assumed by the Political Secretariat of the Central Committee, ensuring continuous Party oversight and coordination of show trials.⁴⁷

The influence of these bodies extended to the preparation of pre-trial scenarios, where they predetermined the sentence, legal qualification, and even courtroom procedures in political trials. Although such practices were most pronounced in the early 1950s,

⁴⁶ ŠIMÁNKOVÁ – BABKA – VOREL (2004) op. cit. 16.

⁴⁷ ABS, fond *Sekretariát (ministra národní bezpečnosti) ministra vnitra*. [Secretariat of the (Minister of National Security) Minister of the Interior]. I. díl [Part I], *Komise pro bezpečnost* [Security Commission], inv. no. 10, ref. A 2/1, fol. 7.

their legacy persisted as an ingrained political dynamic in judicial processes, shaping attitudes well into the 1980s.

5.5. Enduring Legacy

Following 1989, the close intertwining of judicial authority and political power became a central focus of legal reform. One of the initial constitutional responses was establishing the ‘lawful judge’ principle (*zákonný soudce*),⁴⁸ which mandates that judges be assigned to cases in advance by law rather than at the discretion of court presidents. This provision represented a significant technical improvement and a clear rejection of decades of discretionary, ideologically motivated internal control.⁴⁹

6. Interaction with Prosecution and Security Agencies

The functioning of the judiciary in Communist Czechoslovakia cannot be fully comprehended without considering its integration within a broader network of state institutions, particularly the prosecutor’s office (*prokuratura*) and the StB. Although formally distinct, these entities collaborated to ensure that adjudicative outcomes aligned with political objectives.

In the early 1950s, mechanisms for cross-institutional coordination were temporarily formalized through the establishment of ‘security triplets’ (*bezpečnostní trojky*) and ‘security fives’ (*bezpečnostní pětky*).⁵⁰ These extra-judicial bodies comprised Party functionaries, security commanders, and representatives from the judiciary. While lacking a legal foundation, they wielded significant influence, especially in politically sensitive cases. The members of these bodies – often without formal legal training – pre-approved case outcomes and monitored judicial conduct. Although these structures were dissolved by 1951, their operational principles – early coordination, external oversight, and political scripting – continued to manifest in less formalised ways.⁵¹

During the 1950s and 1960s, professional overlap and spatial proximity fostered a lasting interdependence among legal practitioners. Judges, prosecutors, and notaries were frequently located within the same buildings, and their careers intersected through shared educational backgrounds or political networks. This situation blurred the lines between legal independence and administrative convenience. Celebrations, commemorations, and official gatherings often served to reinforce these connections. While interactions were formally collegial, they frequently involved informal consultations concerning pending cases, particularly in politically sensitive situations.

⁴⁸ Pavel MOLEK: *Právo na spravedlivý proces*. [The Right to a Fair Trial]. 1st ed. Praha, Wolters Kluwer Česká republika, 2012. 195–196.

⁴⁹ Jaroslav BIČOVSKÝ: Pokleslost justice a její obroda. [The Degeneracy of the Judiciary and Its Renewal]. *Soudce* 2007, 7. (2007), 13 ff.

⁵⁰ Adolf RÁZEK: *StB + justice: nástroje třídního boje v akci Babice*. [StB + Judiciary: Instruments of Class Struggle in the Babice Case]. Praha, Úřad dokumentace a vyšetřování zločinů komunismu, 2002. 10.

⁵¹ Karel KAPLAN – Pavel PALEČEK: *Komunistický režim a politické procesy v Československu*. [The Communist Regime and Political Trials in Czechoslovakia]. Brno, Barrister & Principal, 2008. 168.

The relationship with StB was more complex and hierarchical. Some judges, especially those overseeing trials related to treason, emigration, or religious dissent, gained privileged access to classified information or collaborated in orchestrating courtroom proceedings. In certain regional courts, the presidents exhibited apprehension towards specific judges due to their connections with StB officers, indicating a dynamic where political trust overshadowed formal authority.

In politically sensitive cases, the role of the prosecutor became crucial. Prosecutorial submissions – particularly during the 1950s – were often de facto binding, if not legally so. Investigations were typically controlled by the StB, which, following the abolition of examining judges in 1950, functioned with minimal judicial oversight. Efforts to restore investigatory independence in the 1960s achieved limited success, as the pre-trial phases remained susceptible to manipulation.⁵²

7. Stabilisation and Routine in the Late Socialist Period

The 1970s and 1980s marked a period of relative stability within the judicial system. Following the upheavals of 1968–70,⁵³ where numerous judges were purged for their reformist views, the new judiciary stabilised into a younger, more uniformly educated, and politically compliant body. Judges trained during the 1970s typically held law degrees but often lacked substantial practical preparation. Their induction into the judiciary was rapid, and career advancement relied more on political discipline than meritocratic evaluations.

Procedurally, judicial work became increasingly routinised. Institutionalised training sessions were standardised, and judgments started adopting more uniform formats. There was a modest expansion in referencing higher court jurisprudence, particularly in civil cases. However, decision-making processes remained brief, formulaic, and focused more on procedural aspects than on substantive reasoning.

Despite this formalisation, political considerations remained dominant. Even in the regime's waning years, dissident trials exhibited patterns of advance coordination, selective assignment of judges, and ideological framing. While overt show trials declined, the legal system remained a political instrument veiled in legal pretence.

Furthermore, judicial culture remained hierarchical, with court presidents and Party officials guiding informal policies and case assignments. The threat of non-renewal, internal evaluations, and informal reporting ensured conformity, even when overt coercion was less apparent.

One of the most visible consequences of the judiciary's degradation under communist rule was its significant feminization – a trend evident not only in Czechoslovakia but throughout the broader socialist bloc. This shift was closely tied to judicial work's declining prestige and economic valuation, which gradually diminished its appeal,

⁵² NA, fond *ÚV KSČ 1962–1966* [Central Committee of the Communist Party of Czechoslovakia 1962–1966], vol. 46, a. u. 50.

⁵³ Jiří NĚMEC: XIV. sjezd KSČ a úkoly justice. [The 14th Congress of the Communist Party of Czechoslovakia and the Tasks of the Judiciary]. *Socialistická zákonnost* 19, (1971), 385 ff.

particularly among men. Importantly, this feminization should not be misconstrued as a deliberate achievement of gender equality policy. Instead, it reflected the systemic devaluation of the judiciary as a professional field under real socialism.⁵⁴

It is essential to recognize that, prior to the Velvet Revolution, dissenting voices had already begun to emerge that critically examined the predominant role of the Party within the judiciary.⁵⁵ The irony in this situation lies in the fact that these critiques found a degree of support from Soviet sources, highlighting a complex interplay between local dissent and external ideological frameworks.⁵⁶

8. Legacy and Continuities after 1989

The democratic transformation of 1989 did not lead to an immediate or thorough break from the judicial past.⁵⁷ While the most compromised, publicly discredited, or legally unqualified judges were removed, a substantial portion of the judiciary remained intact. Many judges were not overt perpetrators of repression but had nonetheless operated within – and adapted to – the frameworks of ideological justice.

Some judges left the bench and transitioned to adjacent professions, such as advocacy, insolvency practice, or legal administration. Others chose to stay, arguing that their role had been technical rather than political. However, such claims often overlooked the collective responsibility inherent in decades of institutional conformity.

Post-1989 reforms introduced constitutional safeguards, most notably the entrenchment of the ‘lawful judge’ principle and the re-establishment of judicial tenure. Nevertheless, the legacy of previous practices – minimalist reasoning, hierarchical deference, and informal decision-making – continued to linger for years.⁵⁸ Younger judges, trained in a democratic environment, gradually began to implement new standards, but institutional memory and entrenched habits proved resistant to swift transformation.

In many respects, the judiciary’s evolution was a negotiated reinvention rather than a radical rupture.⁵⁹ Its infrastructural continuity, personnel overlap, and cultural inheritance warrant ongoing critical examination – not only to comprehend the past but also to evaluate how remnants of that past continue to influence the post-communist legal order.

⁵⁴ KÜHN (2009) op. cit. 846–847.

⁵⁵ Eduard BARÁNY: Socialistický právní štát. [The Socialist Rule of Law]. *Právní obzor* 72, 1. (1989), 62–75.

⁵⁶ KÜHN (2009) op. cit. 836.

⁵⁷ KÜHN (2006) op. cit. 19–26.

⁵⁸ Jaromír TAUCHEN ET AL.: *České právní dějiny po roce 1989*. [Czech Legal History after 1989]. 1st ed. Brno, Masarykova univerzita, 2023. 55.

⁵⁹ Daniela PIANA: *Judicial Accountabilities in New Europe: From Rule of Law to Quality of Justice*. Farnham – Burlington, Ashgate, 2010. 44., 92., 101–102., 108., 110., 164.

9. Conclusion

The socialist judiciary in Czechoslovakia was not merely an anomaly within an otherwise rational legal framework; instead, it served as a central mechanism for legitimising, routinising, and internalising political domination. While considerable attention has been devoted to political trials and ideological jurisprudence, the deeper narrative lies in the systematic structuring of silence: a judiciary shaped by conformity, institutions marked by deliberate amnesia, and archival practices prioritising control over transparency.

This contribution posits that the historiographical invisibility of the socialist judiciary is neither incidental nor purely a result of archival neglect. It arises from a foundational ambivalence: the legal framework persisted even as its substantive content was hollowed out. Consequently, judicial institutions were highly exposed during show trials, yet their everyday operations remained structurally obscured. A culture of institutional conformity and internalised political discipline permeated judicial conduct and decision-making.

Post-1989 reforms justly prioritised legal protections and institutional independence, yet the more profound epistemic legacy – characterised by minimalist reasoning, political filtering, and informal discipline – has proven to be far more resilient. Comprehending that legacy requires a methodological approach that treats archival absences as deliberate phenomena – artefacts of political processes and key to understanding institutional memory. The historian's role extends beyond merely recovering what was lost; it involves interrogating why and how it became irretrievable.

Understanding the judiciary of the past requires confronting the political logic behind the systematic absence of institutional memory, the conditions under which law serves as an instrument of political will, and the cost of its silence.

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