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**PRISON AND SOCIETY CONNECTED:  
THE DEVELOPMENT OF THE CZECHOSLOVAK  
PRISON SYSTEM IN 1945-92\***

**Abstract**

The aim of this article is to describe the transformation of the prison system during the years 1945-92 in Czechoslovakia. The following phases are analysed: the sovietisation process in the 1950s, the humanization and professionalization processes in the 1960s, the ambivalence between modernisation and repression in the 1970s and 1980s, and finally the democratisation that occurred after 1989. For each phase, it will be explained how the system was influenced by the concept of class struggle, mainly reflected in the approach to political prisoners, as well as a modernist-technocratic approach that gained priority at the time of the release of political prisoners in the 1960s. The aim is to show the dominant trends during this period and how the political and social context was reflected in the prison system.

**Keywords:** prison system, Czechoslovakia, humanisation, penology, modernisation

I  
INTRODUCTION

The prison system is the final mechanism of law enforcement for protecting society from crime. It is by nature a repressive institution whose primary task is to protect society from deviant, and thus dangerous, individuals – the definition of which is dependent on the prevailing political and social discourse that legitimizes punishment, not only for individuals who do not respect the prevailing social norms (criminal prisoners) but, in the period under review, also legitimises the criminalisation of real or supposed enemies in order to protect the

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state organisation (political prisoners).<sup>1</sup> It is also used as a tool for disciplining individuals who are behind prison walls.<sup>2</sup> The prison system evolves within the political, economic or social context, which consequently affects the prison staff's attitude towards convicts. It is an institution that is a unique social and moral environment whose practices are a reflection of broader political patterns.

The aim of this article is to highlight the primary trends in the prison system in Czechoslovakia in the years 1945–92, with particular attention on how the political and social context was reflected therein. Trends and changes are studied at the level of management of the prison system, with a focus on the changing role of prison in society by examining the practices of retribution, deterrence and rehabilitation – practices towards which prison management paid close attention. The implementation of practices in individual prisons and the adoption of these changes and trends by prison staff are not elaborated due to the scope of the topic.

## II

### RETRIBUTION AND HATE AGAINST ANYTHING GERMAN

Within the still dominant interpretation of the Czechoslovak history of the twentieth century, the three post-war years are regarded as a return, albeit partial and imperfect, to the democracy of the interwar First Republic. The Communist coup in February 1948 is interpreted as a turning point that led to the introduction of new power practices based on terror and repression. However, it was the prison system that showed the first signs of inhumane practices, especially with regard to persons of German nationality. After the Second World War there were significant changes, not only in the political sphere, but also at the psychological level, in response to a period in which millions of people died and after which the population still clearly remembered the horrors of the Nazi occupation, such as the burning-down of Lidice, Ležáky and other villages, the concentration camps, the executions under Reinhard Heydrich, and the constant worry about themselves and their loved ones. The war's psychological impact

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<sup>1</sup> Ben Crewe, 'The sociology of imprisonment', in Ivonne Jewkes (ed.), *Handbook on Prisons* (Devon, 2007), 123–51.

<sup>2</sup> Michel Foucault, *Discipline and Punish: the Birth of the Prison* (New York, 1977).

caused a great divide. It hardened the population: people became more insensitive to human suffering and death, and this intensified during the second half of 1945. Retribution became the purpose of the majority of society's conduct, especially against the German population, which was viewed as responsible for the entire tragedy of the war. Applying the principle of collective guilt to ethnic Germans started a wave of both national and property-motivated violence in the very first days of the end of the war, resulting in about thirty thousand victims in Czechoslovakia. At the same time, there were arrests, internment camps, confiscation of property and the commencement of the resettlement of almost three million people of German origin from their original homes.<sup>3</sup>

Political, economic, legal and other changes were gradually implemented in post-war Czechoslovakia, significantly impacting the criminal and penitentiary policy arena, which was focused on the vigorous and uncompromising punishment of war criminals and collaborators in the post-war years. The debates on the scope, methods and objectives of the post-war policy addressed many issues, including the degree of harshness. On 19 June 1945, the President of the Republic signed two laws that codified retribution, namely Decree No. 16, 'on the punishment of Nazi criminals, traitors and their helpers, and on extraordinary people's courts', and Decree No. 17, 'on the National Court'.<sup>4</sup> The office of Minister of Justice in the period 1945–8 was held by Prokop Drtina,<sup>5</sup> a lawyer and a member of the National Socialist Party who

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<sup>3</sup> For more information, see Matěj Spurný, *Nejsou jako my. Česká společnost a menšiny v pohraničí (1945–1960)* (Praha, 2011).

<sup>4</sup> The extraordinary people's courts were established in Czechoslovakia after the end of the Second World War. They heard crimes against the Czechoslovak state, against persons and property, as well as cooperation with the Nazi regime. Members of the Protectorate governments and other public officials served as judges of the National Court. For more information on the activities of extraordinary people's courts, see Lucie Jarkovská, *Odplata, či spravedlnost? Mimořádné lidové soudy 1945–1948 na Královéhradecku* (Praha, 2008); Petr Hlavsa, 'Abriß über die Entwicklung des Zivilprozeßrechts und der Organisation der Gerichte auf dem Territorium der Heutigen Tschechischen Republik nach dem II. Weltkrieg', in *Ius Commune. Veröffentlichungen des Max-Planck-Instituts für Europäische Rechtsgerichte* (Frankfurt am Main, 1998), 223–62.

<sup>5</sup> There are several publications available on Prokop Drtina, for example Ondřej Koutek, 'Říkali mu Pavel Svatý. Osudy úředníka, politika a politického vězně Prokopa Drtiny', *Sborník Archivu bezpečnostních složek Ministerstva vnitra*, v (2007), 185–231;

had become well-known during the war primarily as a radio host of the London radio under the pseudonym of Pavel Svatý. His presence in the ministry provided some assurance that the prison system would be managed with the observance of pre-war humanitarian standards. However, the post-war social climate created a movement in the opposite direction.

After the war, the prisons were filled with people convicted by extraordinary people's courts as Nazi criminals, traitors and their helpers. In May 1947, two years after the bloodiest war in the history of humankind had ended, the two aforementioned decrees were dissolved. According to Minister Prokop Drtina, a total of 713 people<sup>6</sup> were sentenced to death, 741 people received life imprisonment with heavy jail sentences,<sup>7</sup> and 19,888 people were sentenced to temporary non-custodial punishment.<sup>8</sup> It was the attitude towards prisoners that showed the first deformations of the prison system, deviating from the rules of humanisation and respect for fundamental human

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Ivana Koutská, 'Lépe zemřít vstojem než žít na kolenou (Historie vzniku paměti dr. Prokopa Drtiny Československo můj osud)', in Jiří Pernes and Jan Foitzik (eds.), *Politické procesy v Československu po roce 1945 a "Případ Slánský"*. Sborník příspěvků ze stejnojmenné konference, pořádané ve dnech 14.–16. dubna 2003 v Praze (Brno, 2005), 216–33; Jindřich Pokorný, 'Lépe zemřít ve stoje než žít na kolenou', *Revolver Revue*, xvi, 44 (2000), 258–64; Jindřich Pokorný, 'Bez doznání (Hrdina proti osudu v době totality)', *Revolver Revue*, xvi, 44 (2000), 315–22; Jiří Doležal, 'Československo na mých bedrech', *Revue Prostor*, 45–6 (2000); Ondřej Koutek, 'Prokop Drtina 1900–1945. Ve službách prezidenta', diploma thesis. Charles University, Praha, 2001.

<sup>6</sup> Jan Kuklík's book states the figure 778; Jan Kuklík (ed.), *Vývoj československého práva 1945–1989* (Praha, 2009), 45.

<sup>7</sup> In the Criminal Code No. 117/1952 of the Reich Code, on Crimes, Offenses and Misdemeanors, the prison was divided into two levels: one for those with standard jail sentences and another for those with heavy jail sentences.

<sup>8</sup> Minister of Justice Prokop Drtina's speech at the 55th meeting of the constitutional National Assembly of the Czechoslovak Republic on 29 May 1947. Available at <http://www.psp.cz/eknih/1946uns/stenprot/055schuz/s055005.htm> [Accessed: 7 Aug. 2018]. For more information, see Eduard Vacek, 'Poválečný gestapismus', *Historická penologie*, 3 (2004), 6–8. Activity of the extraordinary people's courts was restored on 25 March 1948 and their activity was taken advantage of by the Communist Party of Czechoslovakia for removal of undesirable persons. A total of 31 people were sentenced to death, 52 people received life imprisonment with heavy jail sentences, and 321 people were sentenced to temporary non-custodial punishment. More in Kateřina Kočová, 'Druhá retribuce Činnost mimořádných lidových soudů v roce 1948', *Soudobé dějiny*, 3–4 (2005), 586–625.

rights. Prisons after the Second World War faced many difficulties. The most significant issues were overcrowding, lack of disinfectants, clothes, shoes, bedding and underwear for prisoners, and unsatisfactory hygienic conditions. There were also problems with food supplies. However, the most significant element of deformation was the repressive and discriminatory attitude towards prisoners of other nationalities, especially towards Germans. This was reflected, for example, in different dietary standards for the Czechs than for the Germans. A portion of the general public was sharply opposed to improving the conditions for the convicted Germans or those accused of collaboration. This discriminatory attitude was not abolished until 1947. Prisoners carried out hard work, and their working hours were often disproportionately extended.<sup>9</sup> Retribution prisoners, whether Germans or Hungarians, were not entitled to wages for their work.<sup>10</sup> In addition, society itself demanded a repressive attitude towards convicts in accordance with the retribution decrees. An example of this is the campaign waged by the daily papers *Rudé právo* and *Mladá fronta*, who published articles reacting against the assignment of convicted General Jan Syrový and former Chairman of the Agrarian Party Rudolf Beran to the Valdice Prison branch on the state farm in Javorník near Vrchlabí.<sup>11</sup> The newspapers criticised the overly free regime, comparing the imprisonment on the farm to a holiday in the Giant Mountains (Krkonoše).<sup>12</sup> The response from Minister of Justice Prokop Drtina that “even criminals have their rights” did not fully satisfy contemporary society.<sup>13</sup> This campaign clearly demonstrates the psychological environment in which the Czechoslovak judiciary and prison system developed, and what influenced them.

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<sup>9</sup> Tomáš Staněk, ‘K problematice tzv. retribučních vězňů v českých zemích v letech 1945–1955’, in *Vězeňství ve střední Evropě v letech 1945–1955. Sborník z mezinárodního semináře konaného dne 25. 10. 2000 v Praze* (Praha, 2001), 112–48, 117–26.

<sup>10</sup> Lubomír Bajcura, ‘Nástin periodizace dějin vězeňství v českých zemích v letech 1945–1969’, *České vězeňství*, 2–3 (1999), 12.

<sup>11</sup> Accusations against Jan Syrový and Rudolf Beran of collaborating with Germans were very questionable.

<sup>12</sup> Koutek, ‘Říkali mu Pavel Svatý’, 205.

<sup>13</sup> For more information on the campaign in *Rudé právo*, see Jaroslav Rokoský, *Rudolf Beran a jeho doba. Vzestup a pád agrární strany* (Praha, 2011), 794–808.

## III

SELF-SOVIETIZATION OF THE CZECHOSLOVAK PRISON SYSTEM  
AND APPLICATION OF THE CLASS STRUGGLE

The Communist Party's takeover of power in February 1948 dramatically transformed the Czechoslovak prison system at different levels, not only through various organisational changes following the example of the Soviet Union, but also with regard to understanding the purpose of punishment in relation to certain groups of people. In that period, punishment as retaliation was primarily directed against those who constituted even a potential risk for the newly established socialist dictatorship. In addition to criminal and retribution prisoners, prison facilities began to be filled with a new category of persons called "anti-state" in the contemporary jargon, because political prisoners did not officially exist in Czechoslovakia.

The change in the social discourse connected with the thesis of the "intensification of the class struggle in the period of socialism" had a particularly significant influence on the attitude toward convicts. This change was reflected in the resolution of the Central Committee of the Communist Party of Czechoslovakia in February of 1951, which contained the following:

The repressive character of the punishment must stand out more clearly in the struggle against the bourgeoisie, kulaks and enemies of the working class, as well as against the agents in the Party. Pseudo-humanistic trends, especially in service of sentence, must be vigorously rejected ... with regard to guilt and punishment, and sharp differentiation will be made between the bourgeoisie and workers.

The same document says that "the class profile, the way of life so far, and the work morale, political awareness and intensity of work" are important for determining service of sentence.<sup>14</sup>

The class struggle was also reflected in the laws. This transformation took place only two years after the February coup, and it came to be

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<sup>14</sup> Národní archiv (National Archives, NA), Branně bezpečnostní Ústřední výbor Komunistické strany Československa 05/11 [Defence-Security Central Committee of the Communist Party of Czechoslovakia 05/11 collection], box 140 A, Úkoly vyplývající z úseku výkonu justice Ministerstva spravedlnosti z usnesení ÚV KSČ z února 1951 [Tasks arising from the section of the exercise of justice of the Ministry of Justice from the resolution of the Central Committee of the Communist Party of Czechoslovakia from February 1951] (1951).

named a ‘two-year legal plan’.<sup>15</sup> One of the first laws drafted as part of the new criminal policy still resonates in the memories of many former political prisoners. It is Act No. 231/1948 Coll., ‘on the protection of the people’s democratic Republic’, which preceded the State Court Act. This infamous law built on and strengthened older legislation from the period of the First Republic, namely Act No. 50/1923 Coll., ‘on the protection of the Republic’, which no longer met the requirements of the Communist regime. The new law contained more severe sentences for crimes and, overall, it was a true reflection of its time. It used the theory of an intensifying class struggle and the desire to destroy all “opponents of the working people.” In the First Republic law the application of the death penalty was rather exceptional, whereas in the law from October 1948 its use was much more common. The application of the most stringent provisions was one of the basic rules of this regulation.<sup>16</sup>

Within the two-year legal plan in the following years, this law was reworked and incorporated into the new Criminal Code, No. 86/1950 Coll., which included new criminal offences and more severe sentences. The new criminal code was characterised by the abandonment of the Austrian (Central European) legal culture and, on the contrary, was shaped by the influence of the Soviet law with an openly declared class approach.<sup>17</sup> The largest numbers of people were convicted using the sections of this Code. According to Karel Kaplan and Pavel Paleček, more than 100,000 people were sentenced with this new law, compared to “only” 26,000 based on the previous law.<sup>18</sup> The levels of punishment depended on the class and political differentiation, contrary to the basic principle that all citizens were equal before the law. However, the courts that did not apply this differentiation in 1950 were criticised.<sup>19</sup>

In addition, the prison codes were modified to apply the class principle. The code effective from 1 September 1951 is the most significant from this point of view. After its publication, all domestic

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<sup>15</sup> For more information, see Jan Kuklík (ed.), *Dějiny československého práva 1945–1989*, 87–92.

<sup>16</sup> Ivana Bláhová, Lukáš Blažek, Jan Kuklík and Jiří Šouša (eds.), *Oběti komunistické spravedlnosti. Právní aspekty politických procesů 50. let 20. století* (Praha, 2013), 51–5.

<sup>17</sup> Jan Kuklík (ed.), *Dějiny československého práva 1945–1989*, 111.

<sup>18</sup> Karel Kaplan and Pavel Paleček, *Komunistický režim a politické procesy v Československu* (Brno, 2001), 39.

<sup>19</sup> Karel Kaplan, *Nebezpečná bezpečnost. Státní bezpečnost* (Brno, 1999), 102.

prison codes from the interwar period, which were created and adhered to by each prison facility, ceased to exist.<sup>20</sup> The criteria of the degree of danger of criminals and social protection of prisoners were no longer applied, and they were replaced by the class criterion.

Based on this criterion, prisoners were divided into four so-called 'benefit groups'. The decisive factors for the categorization were the class origin of the prisoner and the criminal offence; other factors taken into account included the prisoner's work effort, attitude towards training and correction, and behaviour and level of correction.<sup>21</sup> The first group was intended for those who, due to their class origin, remained 'enemies of the people's democratic establishment' or those who 'showed poor work morale, bad behaviour or no signs of correction'. The second group was for those who demonstrated increased work effort for some time in the first benefit group and who understood the 'harmfulness of the committed crime for society', sincerely regretted it and showed hope for correction. The third group included those who showed increased work effort for some time in the second group and who behaved without any problems, and the fourth was for those who had spent a certain period of time in the third group and especially distinguished themselves by extraordinary work performance, competitiveness at work and very good behaviour. Theoretically, even political prisoners could be included in the more privileged groups, but the reality was different. Instead, "customary" law, unwritten but required by "domestic rules and regulations", was applied in prison facilities. Based on which benefit group they were part of, prisoners received various benefits, such as a haircut, a certain number and length of visits, a certain number of letters, etc.<sup>22</sup> The regulations that followed in 1953 continued to be based on the philosophy of class imprisonment, and convicts were categorized

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<sup>20</sup> NA, Správa Sboru nápravné výchovy (SSNV) – nezpracováno [Correctional Service Corps Directorate collection], box 11, Prison Code. Order of the Minister of Justice of 2 July 1951, issued pursuant to Section 123 of Act No. 319/1948 Coll., on the establishment of the people's judiciary (1951).

<sup>21</sup> NA, SSNV, box Materiály různé [Different Materials], Vězeňství vývoj po okupaci [Prison development after occupation] (undated).

<sup>22</sup> Lubomír Bajcura, 'Nástin periodizace dějin vězeňství v českých zemích v letech 1945–1969', *České vězeňství*, 2–3 (1999), 18–19. Cf. Aleš Kýr, 'Zacházení s vězni na území ČSR', in *Vězeňství ve střední Evropě v letech 1945–1955* (Praha, 2001), 50–66, 54.



into four benefit groups according to the class criterion and the degree of re-education. The inclusion in the benefit groups was the decisive factor for assigning prisoners to specific prison facilities. This was followed by other regulations in 1954 and 1955, but they no longer mentioned the benefit groups.

Changes to the organisational character – where a number of influences can be found – should not be ignored either, and for which the Soviet Union was one of the main inspirations. Czechoslovakia chose and subsequently implemented much from the Soviet experience, often in altered form, because the ability to implement changes depended on many factors. The final form of the Sovietised prison system was similar to its model only to a certain extent, and exemplified its unique Czech form.

Based on the Soviet model, the prison system in Czechoslovakia was gradually centralised, politicised and handed over to one administrative institution, i.e. to the Ministry of National Security and, after its abolition, to the Ministry of the Interior. A system of labour camps was soon built, and it was not only in them but also in other prison facilities that prisoners were used as an inexpensive, accessible and sizeable workforce to meet the economic goals of the centrally planned economy. However, labour continued to be a means of rehabilitating prisoners, particularly those convicted of criminal offences. Militaristic and agency-operative elements (using of secret informers among prisoners) were applied in prison facilities to ensure discipline among prisoners, and educational methods were used for their political indoctrination. These can be considered the basic elements of the Sovietisation of the Czechoslovak prison system, implemented and carried out to a different degree.

#### IV SELF-REFLECTION AND PROFESSIONALIZATION

In 1956, Khrushchev spoke at the closed meeting of the 20th Congress of the Communist Party of the Soviet Union about the ‘Cult of Personality’, saying that thanks to the new position of the socialist camp, war with the West was no longer inevitable.<sup>23</sup> This was soon followed by significant changes. Unlike its neighbouring countries of Poland and

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<sup>23</sup> Muriel Blaive, *Promarněná příležitost: Československo a rok 1956* (Praha, 2001), 32.

Hungary, the Czechoslovak society remained loyal to the dictatorship of the Communist Party in 1956, with no significant protests, yet the social climate changed significantly. This change was mainly due to the abandonment of the thesis of the intensifying class struggle. The most striking excesses of the Stalinist system were gradually removed, a fanatical hunt for ‘class enemies’ was terminated, and court trials were gradually revised, although initially focused on the persecuted members of the Communist Party. Gradually, various commissions of the Central Committee of the Communist Party of Czechoslovakia were set up during the years 1955–68, aiming to resolve cases of the “violation of socialist law” and to clear the names of individuals arrested and sentenced in the 1950s.<sup>24</sup>

Within the prison system, the changes in the second half of the 1950s could be particularly seen in the internal life of institutions and in the attitude towards convicts. Warders stopped using repressive means against political prisoners, violence was limited to the minimum (although it was still present), and criminal prisoners stopped being excessively used to bully political prisoners, as was the case in the early 1950s.<sup>25</sup> Some political prisoners were able to achieve better position thanks to their education used for the prison’s benefit.<sup>26</sup> Although the 1955 Prison Code remained in force, and prison management still put emphasis on socialist re-education and attitudes to socialism, the climate in prisons changed.

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<sup>24</sup> During the 1950s and 1960s, several commissions of the Central Committee of the Communist Party of Czechoslovakia were set up to investigate illegal acts in the 1940s and 1950s (Barák Commission 1955, Kolder Commission 1962, Piller Commission 1968, Barnabite Commission 1963), but they only dealt with the cases of previously sentenced Communist functionaries. The undeniable fact remained that members of these Committees were motivated by the political interests of the Communist Party, not by the law and the pursuit of justice. The possibility of rehabilitation of non-communist victims was very limited. Although the existing legal order allowed for lodging a complaint using so-called extraordinary relief—a complaint about violation of the law—the applicant had very limited possibilities. Kevin McDermott and Klára Pinerová, ‘The Rehabilitation Process in Czechoslovakia: Party and Popular Responses’, in Kevin McDermott and Matthew Stibbe, *De-Stalinising Eastern Europe: The Rehabilitation of Stalin’s Victims after 1953* (London, 2015), 109–31, 111–18.

<sup>25</sup> Most retribution prisoners were released in 1953–1955, Tomáš Staněk, *Retribuční vězni v českých zemích: 1945–1955* (Opava, 2002), 132–61.

<sup>26</sup> Jiří Hejda, *Žil jsem zbytečně* (Beroun, 2010), 393–400.

The Communist leadership itself realised the need for change and reform. As early as 1957 the college of the Minister of the Interior thoroughly considered the situation in the prison system, focusing mainly on the issue of the use of work for the correction of convicts, as well as issues of warder recruitment and education, and economic management. The proposed solutions began to be implemented after 1960. Although the documents lack any aspect of self-reflection on the use of violence in prison facilities and violation of human rights, the rhetoric and definition of the role of the prison system in society changed. There was no longer the requirement for isolation and punishment of class enemies, and the next tasks of the prison department focused on the necessity to correct and re-socialise prisoners, overshadowing the repressive aspect of imprisonment. There was also a requirement that in the recruitment of new prison staff, emphasis be placed not only on the class criterion, but also on their education, i.e. the requirement of completed basic education for new prison staff. From the 1960s on, emphasis on prison staff's education continued to increase.<sup>27</sup>

In July 1960, a new Constitution of the Czechoslovak Socialist Republic was published as Constitutional Act No. 100/1960 Coll., so de jure the country's inhabitants became 'socialist' people. The constitutional legislator solemnly stated: "Socialism has won in our country". The statement also set the main objective of further development, namely the transition of society to communism. It was a legislative measure that respected the ongoing changes both in society and in the political sphere, especially the class struggle, which was officially ended by the Party: "There are no longer any exploitative classes in our country, and the exploitation of people by people has been removed forever."<sup>28</sup> In addition, the principle of the application of science and technology for further development was established in the Constitution, which was also applied in the following years in the prison system.<sup>29</sup>

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<sup>27</sup> Archiv bezpečnostních složek (Security Services Archive, SSA) A2/1 – Secretariat (of the Minister of National Security) of the Minister of the Interior collection, Part I, inventory unit 254, 19. schůze kolegia [19th meeting of the college].

<sup>28</sup> This statement is the outcome of long-term discussions that were first verbalized at the 11th Congress of the Communist Party of Czechoslovakia in 1958.

<sup>29</sup> Constitutional Act No. 100/1960 Coll., Constitution of the Czechoslovak Socialist Republic; Lubomír Bajcura, 'Nástin periodizace dějin vězeňství v českých

This change was probably related to another major step, namely the amnesty of the President of the Republic that took place in May 1960. More than seven thousand people were released, including about five thousand political prisoners. Most people sentenced for political offences at the end of the 1940s and during the 1950s were released, but more than three thousand political prisoners still remained behind prison walls.<sup>30</sup> In the following years, several new laws were adopted, as a result of which the media began to talk about the burning issues of the past.

However, the attempt to reflect on the past was not the only factor that influenced the prison system. A complete departure from the class approach towards convicts can be seen in the following years. While the new Imprisonment Sentence Service Code of 1961 still applied the class approach to convicts,<sup>31</sup> the Code of 1964 removed it, replacing it with the penological aspect of the potential danger this convict posed to society. Nevertheless, it should be added that those arrested for political offences such as high treason, spying, sabotage, etc. were placed in the same group as dangerous recidivists, people convicted of murder or attempted murder, and persons convicted of moral offences.<sup>32</sup>

To a certain extent, the legislation also changed the composition of the prison population. While in 1950, based on the criminal code, the

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zemích', 10–128, 44; Jan Kuklík (ed.), *Vývoj československého práva 1945–1989* (Praha, 2009), 323–7.

<sup>30</sup> For more information on amnesties, see Radek Slabotínský, 'Amnestie prezidenta republiky v letech 1960 a 1962 a rehabilitace politických vězňů v 60. letech 20. Století', dissertation thesis, Brno, 2010; Karel Kaplan, *Druhý proces: Milada Horáková a spol.-rehabilitační řízení 1968–1990* (Praha, 2008); Jaroslav Rokoský, 'Amnestie 1960', *Paměť a dějiny*, 1 (2010), 36–54, 49.

<sup>31</sup> Convicts were divided into three groups: A – convicts from the ranks of workers, cooperative farms, privately-operated small and medium-sized farms, working intelligentsia, other workers and petty bourgeoisie; B – convicts from the ranks of class enemies and their helpers, as well as agents of enemy secret services, leaders of illegal groups and initiators of serious anti-state criminal activity; C – convicts from the ranks of anti-socialist parasitic elements. Bajcura, 'Nástin periodizace dějin vězeňství', 44.

<sup>32</sup> Kabinet dokumentace a historie Vězeňské služby České republiky [Department of Documentation and History of the Prison Service of the Czech Republic], *Rozkaz ministra vnitra č. 27 ze dne 26. června 1964, Řád pro výkon trestu odnětí svobody v nápravných zařízeních ministra vnitra* [Order of the Minister of the Interior No. 27 of 26 June 1964, Imprisonment Sentence Service Code in correctional orders of the Minister of the Interior].

population being imprisoned were predominantly political prisoners (largely due to the class struggle), in 1961 this criminal code was replaced with a new code,<sup>33</sup> one which accentuated economic and general crime. With this new law, people were sent to prison for theft of property in socialist ownership, and even when damages were not high, sentences were severe. Punishment for theft was aimed to resolve, to a certain extent, the economic difficulties in the 1960s.<sup>34</sup> From the legislative point of view, the law dealing with 'parasitism', i.e. people who deliberately avoided work, was also important.<sup>35</sup> A large number of dissidents were sentenced for parasitism, but even those who were not arrested primarily for political reasons were viewed as enemies disrupting the path of building a socialist society.

It was already suggested in the 1960 Constitution that scientific knowledge should be used to build socialism, and this requirement was fully developed at the 12th Congress of the Communist Party of Czechoslovakia in 1962. Consequently, great emphasis was placed on university education for those in leadership positions, and on the activity of professionals within the prison system.<sup>36</sup> However, data on prison employee education levels at that time reveals a less than-positive picture of the prison system. As late as in 1963, less than 1 per cent of prison employees were university graduates, 70 per cent had primary education, 16 per cent had incomplete primary education, and 7.8 per cent had secondary education (mostly medical staff). There was an absolute lack of staff educated in fields related to penitentiary care.<sup>37</sup> This reality was a remnant of the 1950s, when those with lower education were preferentially recruited for the prison service, where they also soon became chiefs of prison

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<sup>33</sup> Act No. 140/1961 Coll., *Criminal Code*.

<sup>34</sup> Kuklík (ed.), *Vývoj československého práva 1945–1989*, 417.

<sup>35</sup> Act No. 53/1963 Coll., *amending Section 203 of Criminal Code No. 140/1961 Coll.*

<sup>36</sup> SSA, A1 – Study Institute of the Ministry of the Interior collection, inventory unit 42, Úkoly složky nápravných zařízení z usnesení XII. sjezdu KSČ, Rozpracování úkolů vyplývajících pro složku nápravných zařízení z usnesení XII. sjezdu KSČ (Tasks of the correctional facilities component from the resolution of the 12th Congress of the Communist Party of Czechoslovakia, Elaboration of the tasks resulting in the correctional facilities component from the resolution of the 12th Congress of the Communist Party of Czechoslovakia) (1963).

<sup>37</sup> Alice Hladíková, 'Pedagogové a psychologové v československých věznicích', *Historická penologie*, 1 (2017), 1–68, 27.

facilities.<sup>38</sup> At the end of 1963, psychologists and teachers first appeared in prison institutions, although their presence was not yet established in the contemporary codes. It took several more years before the principles of the content of their work were issued and the concept of these specialists' activity was clarified. The most important legislative step in this respect was Act No. 59/1965. Coll., 'on service of sentence of imprisonment', which, among other things, laid the foundations for both penitentiary and post-penitentiary care.<sup>39</sup> However, the development of penitentiary care also faced misinterpretation among the prison chiefs. Long afterwards, some continued to advocate the view that two trained dogs were more beneficial for enforcing service of sentence than one psychologist.<sup>40</sup> However, the emphasis on education was also focused on the staff of the prison system, and an education system for the prison staff was gradually developed, both at the secondary and the university level.<sup>41</sup> On the other hand, it should be added that the requirements for prison staff training were only met very slowly. To a large extent, these changes faced the resistance from the 'old guard', i.e. those staff members who entered the prison system in the 1950s. As late as in the 1970s and 1980s, the chiefs of correctional institutions were typically held by people who did not have a standard university education (it was often replaced by a three-year course at the Faculty of Law of the Charles University in Prague). The requirement for education was often replaced by studies at political schools such as the Political University of the Communist Party of Czechoslovakia and the Evening School of Marxism-Leninism.<sup>42</sup>

Emphasis on the use of scientific knowledge was manifested in various ways.<sup>43</sup> In 1965, the Scientific Council of the Minister of the

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<sup>38</sup> Klára Pinerová, *Do konce života: Političtí vězni padesátých let – trauma, adaptace, identita* (Praha, 2017), 194–200.

<sup>39</sup> Hladíková, 'Pedagogové a psychologové', 30; Kuklík (ed.), *Vývoj československého práva 1945–1989*, 422.

<sup>40</sup> Hladíková, 'Pedagogové a psychologové', 29; interview with Lubomír Bajcura (13 Sept. 2017, Stráž pod Ralskem).

<sup>41</sup> Aleš Kyr and Alena Kafková, 'Proměny obdobné přípravy vězeňského personálu', *Historická penologie*, 2 (2010), 1–68, 14–27; Ondřej Hladík, 'Vznik VŠ SNB a katedra penologie v 80. letech 20. Století', *Historická penologie*, 1 (2014) 44–64.

<sup>42</sup> Ondřej Hladík, 'Biografický slovník náčelníků nápravně výchovných ústavů a věznic v letech 1970–1989', *Historická penologie*, 2 (2017), 1–96.

<sup>43</sup> SSA, A6/4 collection, Part IV, inventory unit 1085, Rozkaz ministra vnitra č. 27/1967, Zajišťování vědecko-technického rozvoje ve Sboru národní bezpečnosti

Interior was established, consisting of experts on the state and law, education, psychology, sociology, as well as doctors and representatives of law enforcement state authorities and representatives from the central bodies of public institutions. The aim of the Scientific Council was to contribute to the improvement of the rehabilitation efforts of convicts, and to use scientific research and experience in the prison system not only from the socialist countries, but also from the capitalist ones. In addition, the Scientific Council was intended to contribute to long-term planning for the prison system.<sup>44</sup> The efforts to use scientific knowledge in the prison system culminated with the establishment of the Research Institute of Penology, which had its origins in 1966.<sup>45</sup> The head of this institute was Jiří Čepelák, who joined the Correctional Service Corps in 1966. He originally worked as a psychologist at the Institute for the Care of Mother and Child. He was not so tied to the previous developments in the prison system, and so, as an expert, he could focus on research into penological and penitentiary issues with convicts. The Research Institute of Penology of the Correctional Service Corps was officially founded when the Institute received its status in March 1967. Emphasis on science was not uncommon in the

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a Sboru nápravné výchovy [Order of the Minister of the Interior No. 27/1967, Ensuring scientific-technological development in the National Security Corps and Correctional Service Corps] (1967); SSA, A 1 collection, inventory unit 509, *Náměty na řešení problematiky vědecko-technického rozvoje v MV* [Proposed solutions to the issue of scientific-technological development at the Ministry of the Interior] (1968).

<sup>44</sup> SSA, A6/4 collection, Part IV, inventory unit 978, *Rozkaz ministra vnitra 4/1965, Zřízení Vědecké rady Ministerstva vnitra pro činnost nápravných zařízení* [Order of the Minister of the Interior 4/1965, Establishment of the Scientific Council of the Ministry of the Interior for the activity of correctional facilities] (1965); SSA, A5 –collection, inventory unit 797, *Vědecká rada MV - jmenování pro činnost nápravných zařízení* [Scientific Council of the Ministry of the Interior – Appointment for the activity of correctional facilities] (1965); SSA, A 1 collection, inventory unit 276, *Zápis z 1. zasedání vědecké rady MV pro činnost nápravných zařízení MV* [Minutes of the first meeting of the Scientific Council of the Ministry of the Interior on the activity of the correctional facilities of the Ministry of the Interior] (1965).

<sup>45</sup> SSA, A 6/4 collection, inventory unit 1054, *Rozkaz ministra vnitra č. 36/1966, Zásady pro uspořádání řídicí činnosti ve Sboru národní bezpečnosti a Sboru nápravné výchovy* [Order of the Minister of the Interior No. 36/1966, Principles for organizing management activities in the National Security Corps and Correctional Service Corps] (1966). The name of the institute was not firmly stipulated yet – in the order, this institute was called the Institute for Research into Correctional Methods. Its task was “to conduct research into the methods of correctional activity with convicts”.

prison system at that time: various research institutes were founded in the same period, which were strongly supported by the leadership of the Communist Party of Czechoslovakia. This was also a global phenomenon that was supported by the scientific-technological revolution.

A psychological laboratory was built at the Research Institute of Penology, with an experimental department for convicts in the Prague-Pankrác Prison. In a separate building, the staff of the Research Institute of Penology could verify new procedures and correctional methods, publishing them in the journal *Bulletin Výzkumného ústavu penologického SNV* (Bulletin of the Research Institute of Penology of the Correctional Service Corps) in 1968. The staff of the Research Institute of Penology organized lectures, courses and seminars for psychologists, teachers and educators working in individual prison facilities, and taught at the secondary technical school of the Correctional Service Corps and at various universities. In addition, they collected the latest literature from the field of penology from both socialist and capitalist countries.<sup>46</sup> Thanks to the work of the Research Institute of Penology, new approaches of humanisation penetrated into the prison system. However, according to some witnesses, the influence of the Research Institute of Penology would not have been so significant without the personal connection between Jiří Čepelák and Emil Vašíček, Chief of the Correctional Activity Department of the Correctional Service Corps Directorate in Prague, who held this post in 1969–79.<sup>47</sup> Because of his position and his contacts with high Party officials, Emil Vašíček was able to put pressure on some of the highest political and departmental positions to implement approaches such as group counselling and treatment of young adults.<sup>48</sup>

#### IV

#### THE TURBULENT YEAR OF 1968

The period that went down in history under the name Prague Spring was the culmination of earlier developments characterised by gradual democratisation. In the spring of 1968, the Communist Party of Czecho-

<sup>46</sup> Ondřej Hladík, 'Výzkumný ústav penologický – pokus o reformu českého vězeňství', *Historická penologie*, 1 (2012), 47–53.

<sup>47</sup> Ondřej Hladík, 'Vznik VŠ SNB a katedry penologie v 80. letech 20. Století', *Historická penologie*, 1 (2014), 44–64, 62–3.

<sup>48</sup> Interview with Aleš Kýr and Alena Kafková (22 Feb. 2018).



slovakia issued the Action Programme, which included an increase in the freedom of the press and a bigger economic focus on consumer goods. It also planned to federalise the Czechoslovak Socialist Republic as two equal republics. Furthermore, one of the conditions mentioned the requirement of a legally prescribed method of rehabilitation.<sup>49</sup> The issue of rehabilitation began to be publicised, and voices could be heard from all sides calling for correction of the “deformations of socialism”. Some of the former political prisoners responded by establishing a new organisation that later became known as Klub 231 (K 231).<sup>50</sup> One of the programme goals of the organisation was judicial rehabilitation.<sup>51</sup> Political prisoners also plentifully published their experiences in jail. On 1 August 1968, Act No. 82/1968 Coll., “on judicial rehabilitation”, came into force, but this law did not correspond to the expectations of former political prisoners who demanded a general rehabilitation. In that period, the prison department began to be harshly criticized by the public. An inter-departmental commission was created from the staff of the Ministry of the Interior and the Correctional Service Corps Directorate (prison department) to investigate complaints about the use of violence in prison sentences.<sup>52</sup> Due to the changed political conditions after the invasion of the Warsaw Pact troops in August 1968, the results were dismal. All cases were postponed for various reasons, and no one was punished.<sup>53</sup>

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<sup>49</sup> 1968, 5 April, Prague – Action Programme of the Communist Party of Czechoslovakia [online], available at [http://www.68.usd.cas.cz/files/dokumenty/edice/405\\_1.pdf](http://www.68.usd.cas.cz/files/dokumenty/edice/405_1.pdf) [Accessed: 7 Jan. 2015].

<sup>50</sup> Jiří Hoppe, *Opozice '68: sociální demokracie, KAN a K 231 v období pražského jara* (Prague, 2009), 213–311.

<sup>51</sup> Jindřich Pecka, Josef Belda and Jiří Hoppe, *Občanská společnost 1967–1970: Sociální organismy a hnutí Pražského Jara* (Praha and Brno, 1998), 37–40, 42–6.

<sup>52</sup> SSA, A 6/4 collection, inventory unit 1117, Rozkaz ministra vnitra č. 19/1968, Předávání spisových materiálů pro potřeby soudní rehabilitace [Order of the Minister of the Interior No. 19/1968, Handover of file materials for the purposes of judicial rehabilitation] (1968); SSA, A6 / 4 collection, inventory unit 1169, Rozkaz ministra vnitra č. 71/1968, Statut komise MV pro zjišťování případů nezákonného postupu příslušníků SNB a SNV [Order of the Minister of the Interior No. 71/1968, Statute of the commission of the Ministry of the Interior for the detection of the cases of illegal procedures used by the officers of the National Security Corps and the Correctional Service Corps] (1968). The establishment of this commission resulted from Act No. 82/1968 Coll., on judicial rehabilitation. This commission was abolished by Order of the Minister of the Interior No. 38/1972.

<sup>53</sup> NA, Correctional Service Corps Directorate collection, box Jáchymov III.

Voices requiring humanisation of the prison system began to grow stronger. These trends can be seen in statements by prominent Czechoslovak representatives, such as the Minister of the Interior Josef Pavel, who was sentenced to 25 years in a trumped-up trial in 1953. In his speech in May 1968, he pointed out the need to cope with the past of the 1950s and to punish the violence committed in custody and during service of sentence, as well as the need to continue the humanising trends commenced in the 1960s.<sup>54</sup> Evidence for demands of humanisation can also be found at the meetings of the Scientific Council of the Ministry of the Interior, where requirements were issued for the creation of a category of political prisoners (and their separation from other prisoners with more severe sentences), guarantees for the dignity of prisoners, redrafting of instructions governing the use of violence, abolition of agency-operative activity (use of secret informers and agents in prison), as well as the need for diagnostic and sorting institutions.<sup>55</sup> Some of these requirements were indeed met. The agency-operative activity was abolished by the order of 13 December 1968.<sup>56</sup> Even the use of a baton and tear gas was restricted by a law in 1969.<sup>57</sup> However, these changes did not last long, and they were abolished or modified in the first half of the 1970s.

Humanisation trends also manifested themselves in another, fundamental change, namely the transfer of the prison department from the Ministry of the Interior to the Ministry of Justice, which went into effect as of 1 January 1969.<sup>58</sup> The increase in the efficiency in

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<sup>54</sup> Bajcura, 'Nástin periodizace dějin vězeňství v českých zemích', 63–8.

<sup>55</sup> SSA, A 1 collection, inventory unit 587, Zápis z vědecké rady náčelníka správy nápravné výchovy (SNV) dne 21.6.1968 [Minutes of the Scientific Council of the Chief of the Correctional Education Directorate of 21 June 1968] (1968).

<sup>56</sup> SSA, A 6/4 collection, inventory unit 1182, Rozkaz ministra vnitra č. 84, Zrušení agenturně operativní práce v nápravně výchovných ústavech [Order of the Minister of the Interior No. 84, Abolition of agency-operative work in correctional institutions] (1968).

<sup>57</sup> Order of the Minister of Justice No. 5/1969.

<sup>58</sup> SSA, A6/4 collection, inventory unit 1185, Rozkaz ministra vnitra č. 87/1968, Převedení vězeňství z resortu MV do resortu ministerstva spravedlnosti [Order of the Minister of the Interior No. 87/1968, Transfer of the prison system from the Ministry of the Interior to the Ministry of Justice] (1968); SSA, A 6/2 collection, inventory unit 1078, Převedení československého vězeňství z resortu MV do resortu ministerstva spravedlnosti - delimitační komise [Transfer of the Czechoslovak prison system from the Ministry of the Interior to the Ministry of Justice – delimitation

processing prison sentences, compliance with ‘socialist law and order’, and greater success in the fight against crime were mentioned as the main reasons for this step. At the end of 1968, Minister of Justice Bohuslav Kučera said at the meeting of the National Assembly:

We all undoubtedly intend to build a truly modern prison system in line with all socialist, democratic and humanistic foundations of our society. The point is to build a system that would as fully as possible guarantee the re-education and re-socialisation of people who have been found guilty of committing crimes against our society’s interests and who have been legally punished by courts in criminal proceedings.<sup>59</sup>

Although this change occurred after the invasion of the Warsaw Pact troops, the spirit of the Prague Spring is still present in these sentences. Another significant step took place at the national level at the same time – the aforementioned federalisation of the Czechoslovak Socialist Republic. Based on this change, the previously unified Correctional Facilities Corps Directorate was divided between two republics. It is since then that the development of the prison system in the Czech and Slovak Republics has been different to a certain extent.<sup>60</sup>

The year 1968 was also turbulent for the prison system from other points of view. Prisoners (mostly criminal) watched the criticism of the prison staff with interest and began to use the social climate for their own benefit. They gained confidence and more frequently attacked warders, which resulted in a mutiny in the Minkovice Prison in April of that year. The prisoners started fires, trying to penetrate the commander building. The mutiny was suppressed the following day.<sup>61</sup> Other mutinies and riots followed the invasion of the Warsaw

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commission] (1968). However, this change was not positively received by prison staff, and they sent various resolutions and letters to top state officials. NA, Correctional Service Corps Directorate collection, box 121, Tendence vývoje SNV – zaslání správě ZNV SSR [Correctional Service Corps development trends – sent to the Correctional Service Corps Directorate of the Slovak Socialist Republic] (1970).

<sup>59</sup> Digital depository of the Chamber of Deputies of the Parliament of the Czech Republic, National Assembly of the Czechoslovak Socialist Republic 1964–1968, stenographic reports, 29th meeting of 20 Dec. 1968, available at <http://www.psp.cz/eknih/1964ns/stenprot/029schuz/s029036.htm> [Accessed: 15 March 2018].

<sup>60</sup> Constitutional Act No. 143/1968 Coll., *on the Czechoslovak federation*.

<sup>61</sup> SSA, A 6/4 collection, inventory unit 1119, Order of the Minister of the Interior No. 21, Rozkaz ministra vnitra č. 21, Vzpouora odsouzených v NVÚ Minkovice [The mutiny of the convicts in the Minkovice correctional facility]

Pact troops on the night of 21 August 1968, the event that led to the end of the democratisation process in Czechoslovakia. The members of the Correctional Service Corps in several prisons called for an armed fight; in other prisons, the chaotic situation was used by prisoners for various riots. The largest action carried out by prisoners took place in the Příbram Prison, where criminal prisoners attempted a mass escape on 22 August 1968.<sup>62</sup> The situation among the prisoners calmed down gradually in 1969, under the changing political conditions.

## V

### MODERNISATION VERSUS REPRESSION

The democratisation trends in society did not end immediately after the invasion of the Warsaw Pact troops, it was rather a gradual process that was not finished until the first half of the 1970s. Beginning in 1969, the reformist communist leaders were removed one by one from the governmental and Party organisations. In 1969, the democratic society was not yet silenced, and demonstrations continued to be organised. The self-immolation of Jan Palach, a student at the Faculty of Arts of the Charles University, can also be considered a significant act and encouragement of society. However, these voices gradually faded and finally went silent. The situation in the prison system was similar, although the political changes were welcomed by prison staff to a certain extent. The prisoners who were emboldened by the unsettled situation of 1968 to revolt, verbally attack their warders and attempt escape, gradually calmed down. ‘Discipline and order’ began to be applied again behind the prison walls. The prison staff, especially those whose career began in the 1950s and who were accused of using violence in the line of duty, could feel relieved, because the investigation was postponed and they remained unpunished. The

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(1968); SSA, A 24 collection, inventory unit 864, Vzpoura odsouzených v NVÚ v Minkovicích – informace [The mutiny of the convicts in the correctional facility in Minkovice – information] (1968); SSA, A 24 collection, inventory unit 844, Rezoluce přijatá na mimořádné členské schůzi ZO KSČ při Útvaru SNV Minkovice konané dne 25. 4. 1968 [Resolution adopted at the extraordinary meeting of the members of the Basic Organisation the Communist Party of Czechoslovakia at the Minkovice Correctional Service Corps Unit held on 25 April 1968] (1968).

<sup>62</sup> František Bártík, ‘NVÚ Bytíz v srpnových událostech roku 1968’, *Semper paratus*, 1 (2006), 62–97.

commission that was supposed to investigate the illegal acts of that period was abolished in 1970,<sup>63</sup> and the 1968 Judicial Rehabilitation Act was amended<sup>64</sup> in the same year to such an extent that rehabilitation became almost impossible; some cases were tried again, and some political prisoners who had received compensation had to return it.<sup>65</sup> Few of the people under investigation for using violence against prisoners were forced to leave the prison department.<sup>66</sup> The violence in the 1950s was determined to have been only isolated deficiencies that were deliberately exaggerated during the Prague Spring.<sup>67</sup>

The Prague Spring period did not result in significant personnel changes in high positions in the prison department. This can be illustrated by the fact that Oldřich Mejdr, Chief of the Correctional Facilities Corps Directorate who had been in the position since 1951, remained in his post until 1969, and then departed only because of the transfer of the prison department to the Ministry of Justice. The period following 1968 was far more turbulent in this respect. There were personnel changes not only in the prison system, but in all of Czechoslovakia. Mejdr was replaced by Jaroslav Placr in the Ministry of Justice, who supported humanistic ideas. This fact shows that also in the prison system, the changes did not follow immediately after the invasion of the Warsaw Pact troops. However, the prison service staff tended to be a reserved and conservative population that welcomed the changes. It was already in October 1968 that some basic organisations of the Communist Party of Czechoslovakia adopted conclusions stating the “legitimacy of the troops’ entry” and expressed reservations about the demonstrations in support of Dubček’s leadership, which were associated with the Prague Spring.<sup>68</sup> For this reason, Placr’s humanisation and liberalisation ideas were not accepted entirely

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<sup>63</sup> Order of the Minister of the Interior of Czechoslovakia No. 66/1970.

<sup>64</sup> Act No. 70/1970 Coll., ‘amending and supplementing Act No. 82/1968 Coll., on judicial rehabilitation’.

<sup>65</sup> Klára Pinerová, ‘Stigmatizace politických vězňů po jejich propuštění v letech 1960–1989’, in *Přednášky z 58. běhu Letní školy slovanských studií* (Praha, 2015), 217–31.

<sup>66</sup> Pinerová, *Do konce života*, 199–200.

<sup>67</sup> NA, Correctional Service Corps Directorate collection, box 121, *Tendence vývoje SNV – zaslání správě ZNV SSR* [Correctional Service Corps development trends – sent to the Correctional Service Corps Directorate of the Slovak Socialist Republic] (1970).

<sup>68</sup> Jiří Karlíček (ed.), *Věrní Straně a lidu* (Praha, 1980), 80.

positively by his subordinates. This can be seen in their reservations about his article published before his appointment to the post in which he not only criticised the excessive use of disciplinary punishments, but also called for making the Correctional Service Corps civil.<sup>69</sup> In 1969 at the annual meeting of the members of the Basic Organisation of the Communist Party of Czechoslovakia, he was not afraid to disagree with the invasion and the occupation of the Soviet troops in the Czechoslovak territory. He tried to resist the incoming consolidation in the prison system. At the national meeting of prison chiefs, he refused to read the “elaborated conclusions of the May plenum of the Central Committee of the Communist Party of Czechoslovakia on the conditions of the Correctional Service Corps”, which signalled changes in the prison system, such as personnel changes and likely increased repression. He eventually decided to resign from his post and later emigrated.<sup>70</sup> His position was assumed by Václav Kloubec, who in the same year issued the Order of the Chief of the Directorate of the Correctional Service Corps of the Czech Republic No. 23/1969, on the basis of which commissions were set up to carry out a political assessment of the service of the officers, in other words, to dismiss those who supported the democratisation changes in the Prague Spring period.<sup>71</sup> Based on these assessments, 149 employees (4.5 per

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<sup>69</sup> SSA, A 2/3 collection, inventory number 2253, Informace o situaci v SNV po zveřejnění článku „Reforma našeho vězeňství“ v *Zemědělských novinách* [Information on the situation at the Correctional Service Corps after the publication of the article “The Reform of Our Prison System” in *Zemědělské noviny*] (1968).

<sup>70</sup> NA, Correctional Service Corps Directorate collection, box 121, Tendence vývoje SNV – zaslání zpráv ZNV SSR [Correctional Service Corps development trends – sent to the Correctional Service Corps Directorate of the Slovak Socialist Republic] (1970).

<sup>71</sup> The way of dealing with personnel changes in the prison department was different from the nationwide practice, i.e. the exchange of Party membership cards. There were three exchanges of Party membership cards in the post-war Czechoslovak history, in 1950, 1955 and 1960, and only the first one was the form of Party purge. The exchange of Party membership cards in the late 1960s and early 1970s was extraordinary and was a means of ‘purging’ the Party of those who supported the Prague Spring and who refused to follow the new political direction after the invasion. According to the conservative Communists’ logic, these people were not supposed to be part of the Party, and they (and their families) should be punished not only for their ‘sins’ committed during the Prague Spring, but also for their stubbornness and unwillingness to adapt to the new circumstances. Jakub Jareš, ‘Nástup. „Očišta“ a disciplinace fakulty v prvních letech normalizace’,

cent) were dismissed from service entirely, 82 (2.7 per cent) were removed from their positions, and for 205 employees (5.8 per cent), other measures were approved, such as postponement of the period for promotion, withdrawal from studies, etc.<sup>72</sup>

The prison system during the period of the so-called normalisation (the term that came to be used to designate the period in Czechoslovakia in the 1970s and 1980s) underwent ambivalent developments. Implementation of modernisation and, to a certain extent, humanisation approaches could be seen, which continued in part thanks to the research carried out by the Research Institute of Penology. During that period, alcoholism treatment was introduced for convicts serving their sentences,<sup>73</sup> advisory boards were established at each prison facility,<sup>74</sup> tried-and-tested diagnostic and therapeutic methods such as group

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in Jakub Jareš, Matěj Spurný and Katka Volná (eds.), *Náměstí Krasnoarmějců 2. Učitelé a studenti Filozofické fakulty v období normalizace* (Praha, 2012), 51–100, 53.

<sup>72</sup> NA, Correctional Service Corps Directorate collection, box 121, Tendence vývoje SNV – zaslání správě ZNV SSR [Correctional Service Corps development trends – sent to the Correctional Service Corps Directorate of the Slovak Socialist Republic] (1970); NA, Correctional Service Corps Directorate collection, box 121, Závěrečná zpráva o výsledcích služ. pol. hodnocení příslušníků a obč. zaměstnanců SNV ČSR [Final report on the results of the half-year service assessment of the officers and civilian employees of the Correctional Service Corps of the Czech Socialist Republic] (1970).

<sup>73</sup> NA, Ministry of Justice collection, box Ministry of Justice / Correctional Service Corps 1971, Návrh na zavedení protialkoholní léčby během výkonu trestu v nápravně výchovných ústavech a některé poznatky o experimentu protialkoholní léčby provedeného v r. 1967–69 ve VÚP-SNV [Proposal to introduce alcoholism treatment during the service of sentence in correctional institutions and some findings on the alcoholism treatment experiment carried out in 1967–9 at the Research Institute of Penology of the Correctional Service Corps] (1971); NA, Ministry of Justice collection, box Ministry of Justice / Correctional Service Corps 1973, Rozkaz ministra spravedlnosti č. 19/1973, o ochranném léčení protialkoholním vykonávaném během výkonu trestu odnětí svobody [Order of the Minister of Justice No. 19/1973, on the protective alcoholism treatment carried out during the service of sentence of imprisonment] (1973); NA, Ministry of Justice collection, box Ministry of Justice / Correctional Service Corps 1973, Rozkaz náčelníka SSNV č. 30 – o zřízení protialkoholního ochranného léčení v některých NVÚ [Order of the Correctional Service Corps Directorate Chief No. 30 – on the establishment of protective alcoholism treatment in certain correctional facilities] (1973).

<sup>74</sup> NA, Ministry of Justice, box Ministry of Justice / Correctional Service Corps 1975, Rozkaz náčelníka SSNV č. 4/1975, o činnosti a organizaci poradního sboru při nápravně výchovném ústavu [Order of the Correctional Service Corps Directorate

counselling and diagnostics of convicts' aggressive behaviours were introduced,<sup>75</sup> responsibilities for psychologists and educators were implemented<sup>76</sup> and overall, qualification requirements for general and specialised education for all prison staff were established. In addition, the concept of the Correctional Service Corps school system was put in place, providing political, professional, general, and to the extent necessary, military training for the performance of systematised functions.<sup>77</sup>

However, these trends were counterbalanced by the introduction of repressive approaches connected with the overall political situation in Czechoslovakia. There were a number of political trials at the beginning of the 1970s in which several dozen citizens were sentenced.<sup>78</sup> The length of sentences and the number of people affected did not come close to the extent of the repression of the 1950s, and the attitude to convicts and the perception of the role of the prison system in society was also transformed. Based on the applicable Sentence Service Code, political prisoners were placed in the same classification group as recidivists, which meant that they were subject not only to harsher treatment and had fewer benefits, but they also had to endure the wrongs done by criminal prisoners who, in some cases, were once again encouraged by prison staff to bully those convicted of political offences.<sup>79</sup> These methods culminated in the introduction of the so-called political isolation in 1972 for dozens of political prisoners

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Chief No. 4/1975, on the activity and organisation of the advisory board at the correctional institution] (20 Feb. 1975).

<sup>75</sup> Interview with P.B. (15 Feb. 2018).

<sup>76</sup> NA, Ministry of Justice, box Ministry of Justice / Correctional Service Corps 1975, Rozkaz náčelníka SSVN č. 23/1975, o činnosti pedagogů a psychologů ve SNV ČSR [Order of the Correctional Service Corps Directorate Chief No. 23/1975, on the activity of educators and psychologists in the Correctional Service Corps of the Czech Socialist Republic] (1975); Ministry of Justice, box Ministry of Justice / Correctional Service Corps 1982, Rozkaz náčelníka SSVN č. 25/1982 o činnosti pedagogů a psychologů ve SNV ČSR [Order of the Correctional Service Corps Directorate Chief No. 23/1975, on the activity of teachers and psychologists in the Correctional Service Corps of the Czech Socialist Republic] (1982).

<sup>77</sup> Aleš Kýr and Alena Kafková, 'Proměny obdobné přípravy vězeňského personálu', 1–68, 14.

<sup>78</sup> Jaroslav Pažout, *Trestněprávní perzekuce odpůrců režimu v Československu v období takzvané normalizace (1969–1989)* (Praha, 2017), 21–25.

<sup>79</sup> Pavel Vácha, 'Prožívání stresu, adaptace a zdroje resilience u politických vězňů 70. a 80. let 20. Století', diploma thesis, Praha, 2015, 23.



in some prison facilities.<sup>80</sup> The courts did not make decisions on such placements, but they were made rather by the Correctional Service Corps Directorate in agreement with the State Security Service staff. The political prisoners placed in these wards were segregated not only from other prisoners, but also from each other. They went to the washrooms alone, worked and ate in their cells separately, and separation also applied to permissions for walks and to visits by their relatives.<sup>81</sup> Based on many complaints lodged by political convicts, the General Prosecutor's Office examined the legality of this regulation. This order of the Correctional Service Corps Directorate Chief was abolished, but Article 63(a) was included in the amendment to the *Imprisonment Sentence Service Code*, which came into effect on 15 July 1973.<sup>82</sup> This provision was practically identical with the previous Order of the Correctional Service Corps Directorate Chief, and it uniformly regulated sentencing for convicted political prisoners and convicts requiring special supervision.<sup>83</sup> However, not all political prisoners were placed in solitary confinement. Some, whose cases were not prominent enough to be monitored by Amnesty International, were placed after their conviction in the infamous prisons known for bullying of both political and criminal prisoners (Minkovice, Ostrov nad Ohří, Příbram).<sup>84</sup>

The increase in repression in the prison system was also reflected in the change in a regulation that dictated the conditions under which

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<sup>80</sup> These departments were established by Order of the Correctional Service Corps Directorate Chief No. 23/1972. This Order was later concretised by Order of the Correctional Service Corps Directorate Chief No. 34/1972. NA, Ministry of Justice, box Ministry of Justice 1972, Order of the Correctional Service Corps Directorate Chief No. 34/1972, on the manner of service of sentence of imprisonment by persons convicted of criminal offences against the Republic (5 Dec. 1972).

<sup>81</sup> Tomáš Bursík, 'Politici vězni a jejich postavení v rámci českého vězeňského systému 1969–1989', *Sborník archivu bezpečnostních složek*, v (2007), 137–53, 140–1.

<sup>82</sup> NA, Ministry of Justice collection, box Ministry of Justice / Correctional Service Corps 1973, Rozkaz ministra spravedlnosti č. 17/1973, Řád výkonu trestu odnětí svobody v nápravně výchovných ústavech [Order of the Minister of Justice No. 17/1973, Imprisonment Sentence Service Code in correctional institutions] (1973).

<sup>83</sup> This provision was concretized by Order of the Correctional Service Corps Directorate Chief No. 37/1973, laying down the details of service of sentence of imprisonment for persons convicted of criminal offences against the Republic and for convicts requiring special supervision.

<sup>84</sup> Interview with P.A. (15 Feb. 2018); interview with N.F. (3 March 2018).

a baton, tear gas and other repressive means could be used against convicts to restrain them. Based on this regulation, warders could use these means more often than under the previous legal rule.<sup>85</sup> In 1973, the political-correctional apparatus of the Correctional Service Corps of the Czech Socialist Republic, which was abolished in second half of 1950s, was restored. With its re-establishment, political activity began to gain importance, and expertise was overshadowed.<sup>86</sup> The increase in repression against convicts can also be seen in the restoration of agency-operative activity in 1974 within the Protection Section of the Correctional Service Corps Directorate. Four years later, a separate Internal Protection Department of the Correctional Service Corps was established.<sup>87</sup>

The most fundamental changes in the prison system can be observed in the first half of the 1970s, which were related to the overall political and social changes at the beginning of the stabilisation of the normalisation political system. Personnel changes took place not only at all levels of the Party organisation, but also in universities, national enterprises and other prominent positions. Changes were also made in other spheres to confirm the new political realities, to increase the leading role of the Communist Party in society and to emphasise the role of ideological education. Society was also subjected to more repression and violence, even though the violence was not physically visible. It is not surprising that similar changes and trends could be

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<sup>85</sup> NA, Ministry of Justice collection, box Ministry of Justice / Correctional Service Corps 1973, Rozkaz ministra vnitra č. 9/1973, o prostředcích k dosažení účelu zákroku příslušníků Sboru nápravné výchovy ČSR proti odsouzeným a obviněným [Order of the Minister of the Interior No. 9/1973, on the means to achieve the purpose of the intervention of the officers of the Correctional Service Corps of the Czech Socialist Republic against convicts and the accused] (1973). Cf. NA, Correctional Service Corps collection, box 85, Návrh na novelizaci Rozkazu ministra spravedlnosti č. 5/69 [Proposed amendment to Order of the Minister of Justice No. 5/69] (1972).

<sup>86</sup> NA, Ministry of Justice collection, box Ministry of Justice 1973, Rozkaz ministra spravedlnosti č. 22/1973, o zřízení politickovýchovného aparátu Sboru nápravné výchovy ČSR + směrnice pro činnost politickovýchovného aparátu [Order of the Minister of Justice No. 22/1973, on the establishment of the political-correctional apparatus of the Correctional Service Corps of the Czech Socialist Republic + guidelines for the activity of the political-correctional apparatus] (1973).

<sup>87</sup> Tomáš Bursík, 'Politici vězni a jejich postavení v rámci českého vězeňského systému 1969–1989', *Sborník archivu bezpečnostních složek*, v (2007), 137–53, 139.

seen in the prison system, which had always reflected political and social changes.

The second half of the 1970s and 1980s shows stabilisation and maintenance. There were no major changes in the regulations and attitude towards convicts. In the 1980s, however, there was a decrease in emphasis on the expertise and implementation of scientific knowledge in service of sentence. In 1980, the Research Institute of Penology was abolished,<sup>88</sup> which was probably related to the personnel change in the position of the Chief of the Correctional Activity Department of the Correctional Service Corps Directorate in Prague. Emil Vašíček left the position in 1979 and was replaced by Miroslav Majer, who was more focused on prisoners' work productivity. He did not believe that prisoner re-socialisation strategies should be based on psychological and pedagogical work, but as in the 1950s, mainly on convicts' work orders.<sup>89</sup> The once-separate Research Institute of Penology was transformed into a mere Department of Penology. Its research activity was significantly reduced, and no research institute of similar quality has been established since. The Perestroika period was not reflected in the prison system at all, and the prison department was not affected until the changes of the revolutionary year 1989 took place.

## VI CHAOS IN DEMOCRATISATION

In 1989, the prison department was at a crossroads again. As in 1968, the members of its staff were criticised for their repressive attitude to prisoners, and society called for the democratisation and humanisation of the prison system. As with the Prague Spring period, there were several mutinies in this and the following year, the biggest and worst of which was the mutiny in the Leopoldov Prison in early 1990, involving more than two hundred prisoners. This mutiny was triggered by the amnesty proclaimed by President of the Republic Václav Havel in January of that year. Havel's proclamation impacted approximately

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<sup>88</sup> NA, Ministry of Justice collection, box Ministry of Justice / Correctional Service Corps 1980, Rozkaz ministra spravedlnosti č. 15/1980, kterým se zrušuje Výzkumný ústav penologický SNV ČSR [Order of the Minister of Justice No. 15/1980, abolishing the Research Institute of Penology of the Correctional Service Corps of the Czech Socialist Republic] (1980).

<sup>89</sup> Interview with Aleš Kýr and Alena Kafková (22 Feb. 2018, Prague).

23,000 people, two-thirds of whom were released, and the rest of whom had their sentence shortened or mitigated.<sup>90</sup> Beginning in June of that year, the Correctional Service Corps officers were screened. For this purpose, a screening commission was set up at the General Directorate of the Correctional Service Corps, and local commissions were set up at thirty-five prison facilities to screen their staff. Finally, over 400 out of a total of 5,500 employees were dismissed. Another 1000 staff members decided to leave the department for various personal reasons.<sup>91</sup>

In 1991–2, a new prison system concept was discussed and adopted, which – according to Milan Hulík – First Deputy General Director of the Correctional Service Corps, was to

create a modern prison system embedded in the wider system of both social care, and subsequently, repressive state authorities, whose primary function was to effectively protect society from crime. However, this system had to respect the European Prison Rules (EPR), which meant humanising both the type of sentences and treatment of prisoners so as not to lose its repressive character, while respecting the human dignity of prisoners.

In the following years, the prison system was de-politicised (e.g. the prison staff were not allowed to become members of any political parties and movements), demilitarised, made civil, and decentralised.<sup>92</sup>

In conclusion, it should be noted that these changes took place under turbulent conditions. The members of prison staff claimed that the General Directorate of the Correctional Service Corps issued inconsistent instructions, and neither the prison directors nor ordinary prison staff were sure which rules applied, i.e. how they could treat prisoners.<sup>93</sup> This was also confirmed by criminal prisoners, who perceived this uncertainty on the part of their warders, and – naturally –

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<sup>90</sup> Tomáš Bursík, 'České vězeňství v minulosti a současnosti – několik poznámek', *CS Magazin* (2006), in <http://www.cs-magazin.com/index.php?a=a2006121013> [Accessed: 10 April 2018].

<sup>91</sup> Milan Hulík, 'Pokus o analýzu vězeňství', *CS Magazin* (2006), available at <http://www.cs-magazin.com/index.php?a=a2006041028> [Accessed: 10 April 2018]; interview with Aleš Kýr and Alena Kafková (22 Feb. 2018, Prague).

<sup>92</sup> *Ibidem*.

<sup>93</sup> Interview with P.A. (15 Feb. 2018); interview with Aleš Kýr and Alena Kafková (22 Feb. 2018, Prague); interview with Lubomír Bajcura (13 Sept. 2017, Stráž pod Ralskem).

used it for their own benefit.<sup>94</sup> The first half of the 1990s has been described by both prisoners and prison staff as a time of considerable chaos, which ended, in part, after 1995.

## VII CONCLUSION

In the second half of the twentieth century the Czechoslovak prison system underwent a number of changes, reflecting to a large extent the social, economic and political context of that time. This is the most visible in the attitude towards prisoners. Immediately after the war, the entire society called for a resolute settlement with the Germans, Hungarians and collaborators, and a repressive attitude towards these convicts was applied, bordering on violation of their human rights. After the February coup of 1948, the tide turned, and in place of bullying the retribution prisoners as had been common practice in 1945–8, political prisoners now received the brunt of the bullying. In addition, the class perspective was applied in the prison codes and other regulations, reflecting the declared class struggle. The calming of the hunt for class enemies led to the disappearance of the class perspective, according to which prisoners were divided into different groups with different rights and duties. In the second half of the 1960s, this aspect completely disappeared, both in the prison system as well as in the social discourse of that time.

In the 1960s, the Czechoslovak prison system showed a growing demand for the expertise of the prison staff, complemented by the need to use scientific knowledge from the field of penitentiary science. In the 1960s and 1970s, the secondary school and university system for prison staff training was completed: prisons recruited staff who were trained in the fields of education and psychology, and new institutions were set up to elevate scientific knowledge and its application in practice. These efforts and trends culminated during the Prague Spring, when the demand for the humanisation of the prison system and for dealing with the troubled past of the 1950s grew. These modernisation trends were still practiced in the 1970s, but the role of science in the prison system was reduced, which contributed to the abolishment of the Research Institute of Penology in 1980. However,

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<sup>94</sup> Interview with N.F. (3 March 2018).

this was not a nationwide trend, because the role of scientific and prognostic institutions was highly respected even in the 1980s, and they were supported by the Communist Party. This is an anomaly that was probably related to the personnel change in the position of the Chief of the Correctional Activity Department of the Correctional Service Corps Directorate. The new political and social situation in the 1990s demanded development of prison administration, calling for its humanisation, democratisation, civil character and decentralisation. This was followed by a storm of new legislative changes, accompanied by considerable chaos.

The transformation of the Czechoslovak prison system in 1945–92 shows changes in the social and political sphere. The role of the prison system in society, attitude to convicts, as well as modernisation trends, are a reflection of the dominant discourses of that time.

*trans. Radek Blaheta*

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