



GRZEGORZ GAŚSIOR*

Jan Kuklík, René Petráš, *Minorities and law
in Czechoslovakia, 1918–1992*, Karolinum Press,
Prague 2017, pp. 302

Abstract: The reviewed monograph by Jan Kuklík and René Petráš entitled *Minorities and law in Czechoslovakia, 1918–1992*, Karolinum Press, Prague 2017, is dedicated to the legal situation of national minorities in Czechoslovakia in the years 1918–1992. Although it constitutes a useful guide to appropriate legislation, the authors show some tendency to emphasise the democratic features of state policy towards minorities in the interwar period and lessen the significance of some of its flaws.

Keywords: Czechoslovakia, national minorities, minority rights

Streszczenie: Tekst jest artykułem recenzyjnym monografii Jana Kuklíka i René Petráša, *Minorities and law in Czechoslovakia, 1918–1992*, Karolinum Press, Prague 2017, poświęconej sytuacji prawnej mniejszości narodowych w Czechosłowacji w latach 1918–1922. Mimo pewnej tendencji do wykazania demokratycznego podejścia władz państwa do mniejszości w okresie międzywojennym monografia stanowi użyteczny przewodnik po przepisach prawnych dotyczących mniejszości narodowych w Czechosłowacji.

Słowa kluczowe: Czechosłowacja, mniejszości narodowe, prawa mniejszości

* Wydział Lingwistyki Stosowanej i Filologii Wschodniosłowiańskich Uniwersytetu Warszawskiego, ul. Szturmowa 4, 02-678 Warszawa, g.gasior@uw.edu.pl, ORCID: 0000-0002-1014-6113.

The presented monograph constitutes a summation of Czechoslovak legislation regarding national minorities and is the result of perennial research by both authors. René Petráš has published, among others, two monographs on this topic.¹ Jan Kuklík's research raised issues regarding the German minority.²

The monograph contains six chapters divided into numerous subsections. In the first chapter, the authors briefly present the legal regulations concerning ethnic issues in the Austro-Hungarian monarchy, focusing mainly on the Austrian part and less on the more oppressive Hungarian legislation. The authors rightly point out that Czech political leaders accepted their belonging to the Habsburg empire, finding their situation favourable. Meanwhile, German activists from borderlands or larger centres worried that they might lose their privileged political position (p. 21). Next, the authors describe the situation of national minorities in the Czechoslovak state during its initial period and discuss the system of protecting minorities in Eastern and Central Europe agreed upon at the Paris Peace Conference.

Tomáš Garrigue Masaryk, leader of the Czechoslovak independent movement during the Great War and then the first president of the newly formed state, advocated the need for a fair approach towards other nationalities. The authors are right in that this attitude was necessary to receive the Allies' support for the concept of establishing a Czechoslovak state incorporating historical Czech borders. They agree that Czech politicians were aware that a harsh repressive anti-German policy was not possible (pp. 27–28), accentuating that in spite of fear among ethnic Germans, there occurred no violence from the side of the victorious Czechs (p. 28). However, they contradict themselves a few pages later while mentioning

¹ R. Petráš, *Menšiny v komunistickém Československu: právní a faktické postavení národnostních menšin v českých zemích v letech 1948–1970*, Praha 2007; idem, *Menšiny v meziválečném Československu: právní postavení národnostních menšin v první Československé republice a jejich mezinárodněprávní ochrana*, Praha 2009.

² J. Kuklík, *Mýty a realita tzv. "Benešových dekretů": dekrety prezidenta republiky 1940–1945*, Praha 2002; J. Kuklík, J. Němeček, *Od národního státu ke státu národností?: národnostní statut a snahy o řešení menšinové otázky v Československu v roce 1938*, Praha 2013.

demonstrations and strikes in March 1919, which resulted in clashes with Czechoslovak units with over 50 fatalities (p. 33).

The fundamental laws that laid the foundations of the Czechoslovak legal system, including the constitution of 29 February 1920, were prepared and enacted without the participation of national minority representatives. Initially, the Germans had boycotted the Czechoslovak parliament, but when they decided to change their strategy at the end of 1919, their efforts were rejected by the Czech side (p. 40).

Regulation of the relations with the German minority was not the only challenge of new state's minority policy. In 1920 within its borders emerged a Polish community together with the western part of Cieszyn Silesia that had been allotted to Czechoslovakia. In southern Slovakia lived mostly Hungarians, while Rusyns inhabited Sub-Carpathian Ruthenia. One should also mention Jews and Romani. On the other hand Slovaks formally constituted, together with Czechs, one Czechoslovak nation and after recognising their distinctiveness after Second World War they kept their status as one of the two state nations. Therefore, the Slovak issue, undoubtedly an important ethnic question, is only briefly mentioned in the book.

A detailed presentation of legal regulations concerning national minorities in the times of the First Republic constitutes the extensive second chapter, encompassing almost half of the book. No doubt this legislation was very liberal towards minorities in comparison with other Eastern and Central European states in the interwar period. Obviously Czechoslovakia undertook not only to respect the rights of national minorities in the Minorities Treaty of Saint Germain, but also incorporated provisions about the protection of minorities within its constitution and other legal acts.

The authors dedicated a lot of space to the issues of population census. They mention the lack of a legal definition of nationality. Through an analysis of the constitution of 1920 and other acts they offer the conclusion that nationality was not directly connected with language (p. 81–83). Some kind of definition was contained in instructions for the completion of the 1921 census form. The authors mention this twice in a somewhat confusing way. Firstly it is noted that nationality was defined there by “tribal affiliation”, while other regulations state that it could not be defined by religion, race or language (p. 70). For the second time they quote these instructions as

describing nationality as a “tribal affiliation, with the mother tongue being its major external feature” (p. 82). Language, in practice, served as a basic criterion for determining nationality. Kuklík and Petráš comment on the population decline of national minorities and admit that Czechoslovakia “did not always proceed entirely objectively”, yet they are convinced that in the case of the Germans it was not a result of oppression or manipulation (p. 67–71). They accentuate that “the First Czechoslovak Republic largely tried to proceed in a fair manner, unlike many other countries” (p. 78). However another team of Czech researchers, who offered a comprehensive study on the population censuses in Bohemian lands, stated that ambiguity in definition of nationality had enabled advantageous measures for Czechoslovak nationality.³

Also the rise in the number of Slovaks in Košice from 15% to 62% at the Hungarians’ expense between 1910 and 1921 was caused, in the authors’ view, by the cease of hungarianisation (p. 75). However, this explanation is only partial. As Slovak researcher Roman Holec points out, results of population censuses do not offer a complete picture of ethnic development. From the example of Košice, he points towards underdeveloped national consciousness and the bilinguality or even trilinguality of many inhabitants. He implies the possibility of pressure to “slovakise” the city and at the same time the lingering influence of Hungarian and German culture among the local elite.⁴

The authors also interpret the decline in the Polish population by pointing out that workers originating from Galicia “willingly accepted the Czech language as a symbol of a higher culture” and that numerous Silesians (“Slonzaken”), described as “inhabitants of the Cieszyn district with their own distinct culture and language”, turned to the Czech side. Also many migrants from Galicia “failed to obtain citizenship” (p. 72).

³ P. Kladiwa et al., *Národnostní statistika v českých zemích 1880–1930. Mechanismy, problémy a důsledky národnostní klasifikace*, vol. 2, Ostrava 2016, p. 35.

⁴ R. Holec, *Zmeny národnostného zloženia miest na Slovensku po roku 1918 a možnosti ich interpretácie*, in: *Veľká doba v malom priestore : zlomové zmeny v mestách stredoeurópskeho priestoru a ich dôsledky (1918–1929)*, eds. P. Švorc, H. Heppner, Prešov–Graz 2012, pp. 13–29.

However the concept of Silesian nationality in interwar Czechoslovakia had not been based on language criteria and its adherents associated with Silesian People's Party (*Śląska Partia Ludowa*) did not postulate the distinctness of the Silesian language nor distinguished themselves by culture, dialect or ethnicity from Polish autochthons from Cieszyn Silesia. The aim to decrease the number of Poles, which prompted the Czechoslovak authorities to allow the possibility to declare Silesian nationality, has been thoroughly described by other Czech researchers.⁵ Czech historian Dan Gawrecki indicates that the authorities wanted to count as many Czechs as possible.⁶

In the case of the Romani, Kuklík and Petráš present a different approach to the declaration of nationality. In the census of 1921, only 8728 Romani were counted (0,06% of Czechoslovak society), although according to authors this nationality was in fact much more numerous (p. 77). They do not offer further explanations. This case exposes difficulties with defining nationality and a dilemma between subjective and objective criteria. Why is a declaration of Czechoslovak (or Czech) nationality disputable in the case of citizens of Romani descent yet is accepted with regard assimilating people of another ethnic background? One can guess that in terms of the Romani, presumptions based on racial, ethnic, language, cultural factors or their distinctive way of life (such as nomadic lifestyle) are taken into consideration. This issue is even much more sophisticated. While in case of some ethnic groups we can speak about pressure or malpractice of census commissioners towards assimilation, in the Romani's case the declaration of Czechoslovak nationality could have been an attempt to overcome social exclusion.

The authors underline that Czechoslovakia did not carry out an assimilation policy (p. 72), although they admit that while the constitution guaranteed equality for all citizens, at the same time it opened the possibility to

⁵ I. Baran, *Otázka národnosti při československém sčítání lidu na Těšinsku v meziválečném období*, "Slovanský přehled" 2008, vol. 94, no. 1, pp. 19–20; P. Kladiwa et al., op. cit., pp. 101–102.

⁶ D. Gawrecki, *Jazyk a národnost ve sčítáních lidu na Těšinsku v letech 1880–1930*, Český Těšín 2017, p. 201.

restrict these rights “by reason of public order, state security, and effective supervision” (p. 86). A number of legal acts favouring veterans of Czechoslovak Legions enabled an increase of Czechs in the state sector, although the formal reason for laying off members of national minorities was “their alleged lack of language skills of Czech and Slovak as the official languages” (p. 95). Czechs were preferred not only when applying for official posts, but also during land reform (p. 63). The increase of Czech influence in industry was possible due to the nostrification of companies based in Austria or Hungary, although the authors claim that the prominence of Germans in this sector remained disproportionately higher (p. 98). Kuklík and Petráš recognise all the above-mentioned disadvantages for minorities, but do not draw conclusions about the pressure to assimilate that possibly ensued.

According to the authors, the falling German influence in the economy was partly due to minority’s nationalistic politician Rudolf Lodgman von Auen, who rejected President Masaryk’s offer for German parties to join Edvard Beneš’s government. However, this is not entirely accurate. In 1921, President Masaryk and his supporters tended to seek partners for negotiations among moderate German politicians, not Lodgman.⁷ Only a few lines later the authors mention that German social democrats also declined the offer. They also agree that German parties began to manifest their willingness to participate in governing the country (1921–1922) (p. 57–58). Then, a few pages later, the authors acknowledge that already the break-up of the coalition of Czechoslovak social democrats and agrarians in 1920 “marked the end of relatively friendly Czech approaches to minorities” (p. 62). Even that is disputable, considering that also in 1919, Czechoslovak politicians did refuse the German offer to participate in the preparation of the constitution, as already mentioned.

One can agree that politicians representing moderate political parties, in an effort to prevent loss of voters in favour of programmatic anti-German national democrats, were neither eager for concessions to the German minority, nor ready to establish a coherent minority policy. Because of the ruling coalitions’ weakness, the state policy towards minorities was the result of

⁷ A. Klimek, *Boj o Hrad*, vol. 1: *Hrad a pětka: vnitropolitický vývoj Československa 1918–1926 na půdorysu zápasu o prezidentské nástupnictví*, Praha 1996, p. 187.

temporary political constellation and negotiations between parties (p. 62). Nevertheless, a nationalistic mood was present not only amongst national democrats, but also in other parties, such as agrarians and, inevitably, the national socialists.

The authors also devote some attention to the case of minister of defence František Machník's letters to over a dozen companies, in which he appealed to replace foreigners with Czechs, to employ at least a proportional number of workers of Czechoslovak nationality and to refuse supporters of antistate parties. When Germans had filed a complaint in the League of Nations, Czechoslovak authorities explained that minister's letters are not part of legislation. According to the authors, Machník's initiative did not mean a change of policy towards minorities and the whole dispute was only "a storm in a teacup" (p. 165). This conclusion seems rather premature, as it seems that the effects of Machník's recommendations should be described in more detail in future research. However, the authors are right in pointing out that the Defence of the State Act of 1936 was more significant, and contained "extraordinary measures which were inconsistent with ordinary legal practices", regarded as a measure against minorities (p. 166).

Czechs were also favoured by Act No. 189/1919 that allowed the state to establish schools for members of nationalities that constituted a minority in an individual community (in the Bohemian lands only). Paradoxically, the vast majority of such "minority schools" were Czech. Nevertheless, according to the authors they were, despite the intentions of Czech activists, of minor significance and did not cause a change in the ethnic proportions of the borderlands (p. 119–123). This conclusion might be true in the case of territories inhabited by the German minority, although it would require more detailed research. It is not correct in reference to Cieszyn Silesia, where during the First Republic the proportions of children in Polish and Czech schools slowly reversed in favour of the latter.⁸

Other inaccuracies also occur. In accordance with the Minorities Treaty of Saint Germain from 1919, the Czechoslovak authorities were obliged to

⁸ K. D. Kadłubiec, *Polská národní menšina na Těšínsku v České republice (1920–1995)*, Ostrava 1997, pp. 187–189; P. Pszczółka, *Szkolnictwo powszechne na ziemiach odzyskanych Śląska Cieszyńskiego*, "Zaranie Śląskie" 1939, vol. 15, no. 2–4, p. 129.

grant autonomy to Sub-Carpathian Ruthenia, though this was only fulfilled after the Munich Conference in 1938. In this context, Kuklík and Petráš accentuate that in other Eastern and Central European countries in the interwar period the concept of territorial autonomy was not implemented either. In reference to Poland, however, they only consider the issue of the unrealised act No. 90 from 26 September 1922 about self-government in the south-eastern Polish regions (p. 127) while omitting the existence of autonomy in the Polish part of Upper Silesia.

The authors indicate that at the beginning of 1934 Poland changed its international policy orienting towards Germany and began to consider Czechoslovakia as an adversary. Demands for border revision and acts of sabotage in Cieszyn Silesia followed (p. 152–153). However by signing the declaration of non-aggression with Germany in 1934, Poland primarily aimed to secure its western border and differences between Warsaw and Prague arose on a number of fronts. The authors are undoubtedly right in pointing out the fact that representatives of the Polish minority were strongly influenced by Warsaw policy, although one should hardly agree with the opinion that this minority were in a good situation and the Polish authorities claimed the opposite only as an excuse for its policy against Czechoslovakia (p. 152–153).

The third chapter is dedicated to the consequences of the Munich Conference for the ethnic situation in Czechoslovakia, the loss of the borderland inhabited by Germans, territorial concessions to Poland and Hungary and the period of the Second World War. The development of minority policy in the short-lived Second Republic was almost completely omitted, with only one sentence mentioning discrimination against Jews in access to civil service jobs and the professions of medical doctors or attorneys at law (p. 182). Only while presenting the situation in the Protectorate of Bohemia and Moravia was the persecution and extermination of Jews and Romani mentioned with reference to the decisive role played by the German occupation authorities, who also applied brutal repressions against the Czechs. The participation of the Government of the Protectorate and other Czech organs in this matter is shortly mentioned without analysis of particular legal acts. Legislation in the Slovak state, including anti-Jewish acts and the participation of institutions of this state in the persecution of

Jews and their deportation to death camps in the General Government, was left unmentioned.

A lot of space is devoted to plans to transfer the German population from Czechoslovakia and other countries drawn up by governments from Central Europe in exile and the Allies, as well as decisions arising from the Potsdam Conference in this matter. The realisation is described in the next chapter, which pertains to the Czechoslovak minority policy in the years 1945–1948, President Beneš's decrees and expulsion of Germans. As regards the Hungarian population, only some were exchanged with Slovaks from Hungary. The authors openly admit that during the “reslovakization” policy many Hungarians declared Slovak nationality in an attempt to avoid forced labour, confiscation of property or regain Czechoslovak citizenship, which people of Hungarian nationality had been deprived of until 1948. Many thousands of Hungarians were relocated from southern Slovakia to the areas in northern Bohemia left by the German population (p. 219–223). Due to the loss of Sub-Carpathian Ruthenia in favour of Soviet Union, the numbers of Rusyns decreased rapidly. Some Rusyns and Ukrainians from eastern Slovakia were resettled to the Ukrainian Soviet Socialist Republic (p. 224).

The Cieszyn Silesia dispute after the Second World War is only briefly mentioned and again not without some major errors. Propositions of the Polish population's resettlement are accompanied by a comment that, unlike the Germans and Hungarians, the Poles had their own schools and organisations and enjoyed full civil rights. This is not accurate, because legally recognised Polish organisations could be established only after signing the Polish-Czechoslovak Treaty of Friendship and Mutual Help on 10th March 1947 and the revival of organisations that existed before the war was not permitted. Serious problems arose in the matter of rehabilitating people assigned to the German People's List during the occupation, which offered an opportunity to pressurise people to declare Czech nationality. One can hardly agree with the authors that in 1947 local Poles were “very self-confident” counting on a revision of borders (p. 223–224). Their psychological state of mind was instead characterised by a sense of insecurity and disappointment.⁹

⁹ J. Friedl, *Češi a Poláci na Těšínsku 1945–1949*, Praha–Brno 2012; T. Siwek, S. Zah-

Chapter five is devoted to the communist period, when national minorities were under the absolute control of the ruling party. The authors accurately describe various arbitrary decisions such as recognising Ukrainian, but not Rusyn, nationality and the incorporation of Greek catholics into the Orthodox Church (in 1968 the authorities allowed the Greek Catholic Church to be reestablished).

Some mistakes appear again in the case of the Polish minority. Paweł Cieślak, a communist of Polish nationality, did not announce the autonomy project in Cieszyn Silesia at the regional conference of the Communist Party of Czechoslovakia in 1952 (p. 231), but only showed it to the local party leaders in Ostrava and some Polish activists. After that he was publicly condemned at the district party conference in Český Těšín, which took place in 1951.¹⁰

In chapter six, the authors describe the legal situation of minorities in the transition period between 1989–1992, after reinstating democratic rules. The biggest tensions arose in Czechoslovak-Hungarian, or rather Slovak-Hungarian, relations but they did not lead to escalation (pp. 260–262). The authors also mention the situation of minorities after the collapse of Czechoslovakia into the descendant states of Czech Republic and Slovak Republic. Their depiction of the Polish minority's situation is sketchy and inaccurate, although Kuklík and Petráš admit that this community remains the only “classic” minority in the Czech Republic. In their view, Poles are “the only group, who actively demanded their rights”, while enjoying their own schools, organisations and “considerable state support”. The authors estimate the Polish minority to number “only a few thousand people” (p. 266), although in 2011 there were still almost 30,000 members of this nationality living among Czech citizens in the Moravian-Silesian Region.

Repeated mistakes in regard to the reality of Cieszyn Silesia adversely affects the enunciated conclusions. Of course, this results partly from previ-

radnik, J. Szymeczek, *Polská národní menšina v Československu 1945–1954*, Praha 2001; K. Nowak, *Mniejszość polska w Czechosłowacji 1945–1989: między nacjonalizmem a ideą internacjonalizmu*, Cieszyn 2012.

¹⁰ T. Siwek, S. Zahradnik, J. Szymeczek, op. cit., pp. 58–62; G. Gašior, *Platforma Cieślara – kwestia narodowościowa na Zaolziu w okresie stalinowskim*, “Studia z Dziejów Rosji i Europy Środkowo-Wschodniej” 2005, vol. 40, pp. 167–203.

ous Czech literature that described this region's issues somewhat marginally and very vaguely. Surely an overall elaboration intended for foreign readers can not be overloaded with details about the local situation, yet mistakes should be omitted.

Generally Kuklík's and Petráš's monograph constitutes a useful guide to legislation in reference to national minorities in Czechoslovakia, mainly for readers without knowledge of the Czech language and unable to read more detailed works of both authors written in their mother tongue. At the same time, one should remember that legal acts are not the only important factor that influences the situation of national minorities, but there is also space for informal ways, political decisions, activities of local administration and ordinary abuse.