Defamation in Czechoslovak Law as a New Legal Concept

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Break With the Past

The Czechoslovak law of defamation underwent substantial and, to a certain extent, astonishing changes by the introduction of the second socialist Civil Code of 1964, which replaced the country's first socialist Civil Code of 1950. After a little more than a decade, embracing the Prague Spring and its rankling aftermath, it is perhaps appropriate to attempt to evaluate the results the innovation has yielded.

The Civil Code of 1950 did not contain a single provision explicitly offering protection against defamatory statements and other acts. Protection was centered in criminal law, and only on the basis of that law could damages be recovered. In point of fact, the Code of 1950 had narrowed the tradition set by the pre-socialist Allgemeines bürgerliches Gesetzbuch (ABGB, General Civil Code of 1811), which had been issued for the Western territories of Austria-Hungary, including the regions belonging to the Czech Crown, and which had been taken over by the Czechoslovak republic in 1918 for the Czech regions. In essence, the same regulation applied to the Hungarian part of the Hapsburg Double Monarchy, comprising the Slovak regions. The ABGB contained at any rate one explicit section on defamation, construing acts harmful to a person's honour as a special type of civil injury. In 1916 some provisions were added to the said section, but these related in fact to unfair competition, and they were replaced in 1927 by a separate, more elaborate law. Two other sections of the ABGB, which empowered judicial and police authorities to resolve defamation cases in criminal proceedings, were repealed in 1933.

The Concept of General Personality Rights

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1 Rev. Soc. Law, 1975, pp. 281-306

The legislators, who took over the helm in 1964, envisaged a code which would be one of the most advanced pieces of legislation ever created. Although it is far from customary to take inspiration from beyond the socialist orbit, they plucked up their courage and gath-
Theoretical Aspects of Personality Rights

According to doctrine, personality rights should not be viewed as rights to immaterial goods in the sense of the