

# **Czech Experience with Specialised Archives: Shared Concern and Responsibility for Dissertations<sup>1</sup>**

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## **University Archives: Specialised Archives**

In the Czech Republic, the archives of various kinds of universities (including technical, veterinary, and economic schools, agricultural colleges, as well as art schools; further referred to as 'university archives') form, together with archives of scientific institutes (mainly the Academy of Sciences of the Czech Republic<sup>2</sup>), a category of so-called 'specialised archives'. The situation of specialised archives within the system of Czech archives is newly defined by the Act No. 499/2004 Coll. on Archive and Registration Services and the Amendment of Some Acts of June 30, 2004, effective as of January 1, 2005 (further just 'Archive Act').<sup>3</sup>

The Archive Act regulates both the general affairs pertaining to archives in the Czech Republic – such as the competence of the Ministry of Interior of the Czech Republic with respect to archives (Article 44), and the system of archives in the Czech republic (Art. 45 ff.) including specialised archives (Article 51–52) -- and the particular responsibilities, rights, and duties of individual archives. Regarding university archives, this new legal norm is in many aspects stricter than its predecessor. This is especially true of its definition of the technical, administrative, personnel, financial, and scientific criteria university archives have to meet in order to receive accreditation. A similar stringency can be observed in its definition of archives' duties. Prior to the new Archive Act, the Czech Republic -- and before 1993, Czechoslovakia -- had relatively few independent university archives (such as the Archive of Charles University in Prague, the Archive of the Masaryk University in Brno, and the Archive of the Czech Technical University in Prague). These archives were only loosely incorporated into the unified archive system. As archives of so-called 'specific importance', they shared their status with the archives of several other, usually central institutions (such as the archives of Czech television, radio, or the Academy of Sciences). The organisation and technical

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<sup>2</sup> For information on the Archive of the Academy of Sciences of the Czech Republic see Ludmila Sulitková, Strategies for obtaining archival material in the field of science and research in the Czech Republic, ICA/SUV Seminar Abstracts, [http://www.usyd.edu.au/su/archives/ica\\_suv/](http://www.usyd.edu.au/su/archives/ica_suv/); web pages of the Academy of Sciences at: <http://www.archiv.cas.cz/>

<sup>3</sup> Full text of the Act No. 499/2004 Coll. on Archives is available at <http://www.cesarch.cz/legislat/2004-499.htm>.

support of these archives was within the competence of their founder (e.g., a university). The only area in which they were subjected to the state archive system represented by the Department of Archive Administration of the Ministry of Interior (further just ‘Archive Administration’) concerned their scientific and methodical organisation.

The new Archive Act establishes that university archives are an integral part of the archive system, and are – through the Archive Administration -- in all areas subject to its legislation. Existing university archives (including the Archive of Charles University) have received a provisory three-year accreditation on the basis of the Act’s Article 80 (paragraph 4) and Article 81. During these three years, they should meet the requirements the Act’s Article 61 and subsequent supplementary directives of the Archive Administration set for the construction, technical equipment, spatial organisation, security, financial, and personnel arrangements of care and protection of archive materials. Newly established archives (including university archives) have to meet the same conditions. Upon the lapse of this three-year term, all archives have to apply for a permanent accreditation. The new Archive Act and supplementary directives issued by the Archive Administration specify in detail the duties archives have in the choice, filing, categorisation, protection, and provisions for accessibility of archive materials (Chapter II, Section 1—4).

At the moment, existing archives find themselves within the three-year term reserved for carrying out the changes necessary to comply with current legislation. Let us leave aside the changes in construction and technical parameters required by the new legislation. In many case, permission to postpone these alterations will have to be granted. In the area of selection, filing, categorisation, protection, and accessibility, university archives were subject to the methodical direction of the Archive Administration already before the new Act was issued. In these areas, the reality of archives is therefore much closer to the requirements of the new Act. Nonetheless, some inconsistencies and discrepancies exist even here. They result mainly from changes in the Czech legal system after the so-called ‘Velvet Revolution’ (1989), and its later transformations due to the harmonisation of the Czech legal system with European standards and requirements of the European Union (mainly after 2004).

To illustrate the shared concerns and responsibilities for university records and archives, I chose a specific problem that troubles Czech university archives at the moment, and will do so for some time to come: issues relating to the production, keeping, and

accessibility of so-called ‘final theses’ (or dissertations), that is, bachelor, master’s, and doctoral theses.<sup>4</sup>

## **Final Theses in University Archives**

The hitherto existing practice of keeping final theses in university archives can be, in the particular case of the Archive of Charles University, described as follows: Final theses, existing in a number of printed but not published copies, were filed in the libraries of the relevant faculties (schools) or their departments, and within a set term delivered to the archive.<sup>5</sup> In the libraries, access to them was regulated by internal directives of the relevant faculty in accordance with principles of librarianship and the statutes of copyright.<sup>6</sup> Copies delivered to the archive would become archive materials, and be subjected to archive regulations. In the case of the Archive of Charles University, the previous Rules of Record Keeping and Record Destruction as Applying to Universities and Other Subordinate Organisations of 1989 determined that final theses were delivered to the archive 20 years after they were defended. In the case of master’s theses (formerly ‘diploma theses’), a selection could take place, and only those deemed most valuable were kept. In practice, however, the archive kept all master’s theses. In accordance with existing rules, all dissertation theses (leading to the award of the title PhDr., RNDr., or JUDr. in front of the name), all ‘candidate theses’ (current PhD.), and all habilitation theses were kept in the archive.<sup>7</sup> The less detailed Rules of Record Keeping and Record Destruction Within Charles University of 1998 does not set terms for the destruction of final theses. Final theses are, within the practice of archive keeping, seen as an integral part of the graduate’s personal file, and a faculty is supposed to hand it over to the archive 10 years after graduation.<sup>8</sup>

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<sup>4</sup> The term ‘final thesis’ and its definition is taken from Act No. 552/2005 Coll. Article 47b, which amends the Act No. 552/2005 On Universities; text available at: [http://www.msmt.cz/Files/vysokeskoly/Legislativa/Novela\\_zakona\\_552\\_2005.htm](http://www.msmt.cz/Files/vysokeskoly/Legislativa/Novela_zakona_552_2005.htm); the text of Act No. 111/1998 Coll. On Universities available at <http://www.msmt.cz/Files/vysokeskoly/Legislativa/HigherEduAct.htm>.

<sup>5</sup> List of final theses defended at Charles University in 1990s and 2000s is available at: the Collective Catalogue of Charles University Libraries – <http://sd.ruk.cuni.cz/tinweb/skuk/tw>

<sup>6</sup> Act No. 121/2000 Coll. On Copyright, Rights Connected to Copyright, and the Amendment of Some Acts (the ‘Copyright Act’) as amended by Act 81/2005 Coll. (effective as of February 23, 2005) available at: <http://business.center.cz/business/pravo/zakony/autorsky/>

<sup>7</sup> Skartační řád pro vysoké školy a ostatní podřízené organizace [Rules of Record Keeping and Record Destruction as Applying to Universities and Other Subordinate Organisations], Prague, 1989, p. 40.

<sup>8</sup> Spisový a skartační řád Univerzity Karlovy [Rules of Record Keeping and Record Destruction Within Charles University], Prague, 1998, p. 51.

University archives regulate the accessibility of final theses to researchers differently from university libraries. Strictly speaking, final theses can be accessed by researchers in a university archive only if they are 30 years old or older, unless decreed otherwise.<sup>9</sup> On top of that, the Copyright Act stipulates that a permission of the author, eventually his or her heirs, is also required for the perusal of an unpublished manuscript, such as a final thesis, if it is less than 70 years old. Such permission is strictly required for example by the National Library of the Czech Republic, which, among other things, manages the collection of dissertations written at Charles University and the German University in Prague between 1882—1945. As consequence, some works whose only copies are kept in the National Library, especially those from the German University, are then in practice as good as inaccessible. The approach of the Charles University archivists is, in the case of final theses and their availability to serious researchers, in practice more liberal.

Even greater tensions between the norms that regulate the keeping and the access (or rather, chronologically, access and keeping) to final theses arose with the publication of the recent amendment to the University Act of 2005.<sup>10</sup> This amendment newly introduces Article 47b called Publication of final theses. Paragraph 2 of this article regulates the publishing of final theses (bachelor, master's, doctoral, and Ph.D.) before the defence of the thesis takes place. According to this paragraph, a final thesis should then be available for inspection by public at a location set by an internal directive of the faculty. Paragraph 1 regulates the temporal aspects of subsequent publication of final theses after their defence thus: the university publishes these works including the reviews by opponents and results of their defence *“using a database of qualifying theses, which it administers. The manner of publication shall be set by an internal regulation of the school.”* So much for the amendment of the University Act. Even disregarding the illogical sequence of paragraphs and a small terminological confusion (‘final theses’ versus a database of ‘qualifying theses’), this article gives rise to confusions and subsequent discussion in two areas: 1. According to this amendment, universities regulate the manner of publication by their internal regulations; 2. University archivists, who follow not only the directives of their university’s administration, but also the methodical directives of the Archive Administration, subsequently decide the manner in which final theses, published at different universities in different ways, shall be archived and made accessible.

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<sup>9</sup> Act No. 499/2004 Coll. On Archive and Registration Services, Article 37, paragraph 1.

<sup>10</sup> See footnote 4.

## Accessibility of Final Theses at Charles University in Prague

In connection with the publication of the amendment of the University Act discussed above, the administration of Charles University began a preparation of new Study and Examination Regulations. The proposal was adopted by the Academic Senate of Charles University on May 21, 2006, and registered by the Ministry of Education, Youth, and Sports of the Czech Republic on June 28, 2006. Issues pertaining to the publication of final theses are regulated by the Article 18a of the document.<sup>11</sup> Section 5 of this article stipulates that once defended, final theses<sup>12</sup> are to be made accessible in a material (printed) or electronic database. Detailed conditions of accessibility in the electronic database are supposed to be determined by a directive of the University's Rector (Section 7). Details of organisation and administration of access to final theses in a material database are supposed to be decided by regulations issued by the deans of individual faculties (Section 6).<sup>13</sup> None of these three Sections (or, indeed, any part of the University Act) provides guidelines for what this electronic database is supposed to include. That is, whether it should simply present 1) a list of bibliographic data of final theses, or 2) perhaps bibliographic data as well as abstracts of defended theses, or even 3) the full text of all final theses.

University administrators and representatives of individual faculties, who are supposed to prepare and interpret new directives so that they be in full accordance with all relevant legal norms and directives, are still discussing just what the intended reading of the Article 47b of the University Act and the Article 18a of Study Regulations of Charles University is. They are acutely aware of these documents' problems and limitations.

Yet another point of view is brought into the discussion by experts who are subjected to a different set of legal norms – librarians and archivists. Also, the above-mentioned articles are of interest to the general public, keen to access the broadest possible selection of final theses without any technical, legal, or administrative limitations.<sup>14</sup>

In practical terms, the first above-noted version of accessibility (bibliographic data only) is the easiest to carry out. It runs into no technical, financial, administrative or legal

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<sup>11</sup> The fourth full text of the Study and Examination Regulations of the Charles University in Prague of May 28, 2006, is available at <http://certik.ruk.cuni.cz/asuk/statutarni/predpisy/registrovane/pdf/UZ-IV-SZR-UK.pdf>.

<sup>12</sup> Section 1 defines final theses as bachelor, master's, and PhD. theses; doctoral theses, as opposed to the University Act, are not even included in the list!

<sup>13</sup> Again, this presents a rather illogical sequence, one that reflects neither the hierarchy of norms nor the temporal progress of administrative acts.

<sup>14</sup> As an example of a discussion of this topic in the press, let us mention at least Petr Zídek's article *Zpřístupnění diplomek vážně* [Accessibility of Dissertations Nowhere in Sight], *Lidové noviny*, March 3, 2006, in which the author briefly points out all of the main problems.

obstacles from any of the parties concerned. However, a publication of mere bibliographic data utterly fails to address the issue of access to the information in the final theses in question. The second option, a provision of access to a list of abstracts, is also relatively problem-free, but the level of access to information contained in the materials concerned is only slightly superior to the first variant. The seemingly optimal third proposal is problematic for two reasons: A publication of all theses, that is, of those defended and electronically accessible after the Act came in force, and, in future, of older and retroactively digitalised final theses, is considerably more difficult in for a number of reasons. Technical, financial, administrative, and organisation-related issues (such as an interconnection of partial databases of universities and their faculties in a national database) could be eventually successfully solved. The crucial obstacle is currently within the legal area, and lively discussions of this topic are still going on. Provision of access to the full texts of all final works is incompatible with the letter of the Copyright Act. According to at least some of its readings, final theses can be publicly accessible at best within a particular school and for its internal purposes. This holds both for printed copies and for electronic files. The degree of public accessibility for ‘internal purposes’ (reading, excerpts, copying) and the conditions a potential user -- school’s students, teachers, persons from other schools -- has to meet in order to be allowed to use a particular library, is defined by individual universities or their parts. Generally speaking, we may, in the words of one author, describe the reigning situation as chaotic and further aggravated by the non-existence of a central database of at least the bare bibliographic data.<sup>15</sup>

Even though most prospective readers would appreciate the broadest possible degree of access to final theses, the opposing view, formulated for example by the Charles University’s Rector, Professor Václav Hampl, should also be taken into account. He points out that many final theses, especially those in technical fields and natural sciences, are written in collaboration with non-academic subjects and aim at an immediate practical and commercial use. Therefore, even if some reading of the law permitted it, they cannot be made available to the broad public without infringing on the rights of their authors, eventually submitters, with respect to copyright, intellectual property, and the option of patenting or practical application.<sup>16</sup> For this and other reasons of legislative nature, the preparation of detailed instructions regarding the publication of final theses at Charles University has been halted. The university commissioned a legal analysis of how and to what extent the current amendment of the University Act contradicts the letter of the Copyright Act, and the

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<sup>15</sup> See previous footnote.

<sup>16</sup>Czech Press Agency news of May 25, 2006.

university's rector can not exclude the possibility that the University Act may have to be amended again.<sup>17</sup> On the other side of the scale, some parties have voiced the opinion that the solution proposed in the University Act should be carried out in its fullest extent, and that it is the Copyright Act that is at fault. They pin their hopes on its amendment, which is currently prepared by the Czech Senate.<sup>18</sup>

Regardless of the lull in the work on directives regulating the access to final theses, the Charles University Computer Centre continues to work on technical provisions for their accessibility within the project of Development of Information and Communication Technologies of the Charles University of Prague.<sup>19</sup>

The most recent development of this issue comes with the decision of the top administration of the Masaryk University in Brno, who decided to provide access to the full text of all final, i.e., bachelor, master, 'rigorous' (doctoral), and PhD. theses using the information server of the university starting September 1, 2006. All theses defended after January 1, 2006, when the amendment of the University Act came in effect, will be thus published. Previously defended theses will only be published by author's permission. Any potential misuse of thus published works should be prevented by unique software designed to spot plagiarism.<sup>20</sup>

## **Prospects of Archiving Final Theses**

The massive increase in the number of final theses in the last 15 years, resulting from a rise in the number of universities in the Czech Republic and subsequent growth of student and graduate numbers, presents university archivists with many challenges. (Statistics of numbers of universities and their graduates are listed below.) In some cases, archives have neither enough space nor sufficient personnel to process the filing of hundreds of theses copies that, in accordance with destruction terms, arrive into university archives. In recent years, university archivists started discussing several alternative approaches to this veritable flood of theses. In the age of swiftly progressing information technologies, the option of archiving only the electronic form and making only that accessible seems to offer itself. Yet even here,

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<sup>17</sup> Idem.

<sup>18</sup> Petr Zidek, Zpřístupnění diplomek vážne [Accessibility of Master's Theses Nowhere in Sight].

<sup>19</sup> <http://uvt.cuni.cz/>

<sup>20</sup> ČTK (Czech Press Agency) news release of August 31, 2006.

considerable obstacles of both technical and legal character present themselves. They arise both on the final theses producing end (universities) and on the side of the recipient (university archives).

We have already discussed the options, or rather duties, which universities have regarding the provision of access to final theses. The new, unclear or unfinished, legislation fails to specify whether the electronic form of a final thesis should be only an abstract of the full text available in a printed copy or whether perhaps two identical versions – an electronic and a printed one – should be filed.<sup>21</sup> Yet another option currently discussed is a future transition of universities to electronic versions of final theses only. For the educational purposes of universities, all three options seem in principle suitable. Regarding the provision of access to the general public, however, the above-mentioned legal obstacles have to be taken into consideration. Archives, on the other hand, face yet another set of difficulties.

Among university archivists, various views on the extent of archiving final theses, especially their printed copies, are being defended. In the last two years, a discussion of final theses featured in every regular working meeting of Czech university archivists. Representatives of the Archive of Charles University have been advocating a ‘conservative’ approach, which seems warranted by the long tradition of their university and its archive. Their experience with similar material of historical origin (see below) as well as still sufficient space allows them to champion a maximalist view and archive all final theses. Archivists from some smaller and much newer universities tend to be radical in the opposite direction – they would prefer the archiving of only the electronic version of final theses, most of which they will be receiving in the future.<sup>22</sup> There is a general consensus, however, that the new legislation and the progress in information technologies permits a degree of selection of final theses as archive material and that such selection may even be desirable.<sup>23</sup>

Even though most university archivists would either welcome or at least tolerate the archiving of only the electronic versions of final theses handed over to them by the schools, this option is incompatible with some existing directives of the Archive Administration. The

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<sup>21</sup> This option is incorporated for example in the new Study and Examination Regulations of Charles University, Article 18a, Section 8, which states that “Students shall deliver a final thesis intended for defence in a printed copy, and, its nature allowing, also in electronic form (...)”

<sup>22</sup> For example P. Grulich from the University Archive in Hradec Králové, who in his paper *University Final Theses (Their Situation with Respect to Archiving, Filing, Digitalisation, Accessibility, and the Licensing Policy of Universities)* presented his vision to his colleagues at the National Meeting of University Archivists in October 2005. See also his paper from a national archivist conference in May 2005, available at <http://www.cesarch.cz/detail.aspx?typ=n&id=250>.

<sup>23</sup> See, e.g., the presentation of Pavel Urbášek, archivist of the Palacký University in Olomouc, *Publication of Final Theses and Their Selection as Archive Materials*, delivered at the Meeting of University Archives and Registries, which the Archive Administration organised in February 2006.

problem partly lies with the still on-going discussions of technical standards of electronic carriers and their status as an equally valid replacement of classical archive materials. In response to a certain amount of pressure from university archivists, who wish that such standards be set and adopted, representatives of the Archive Administration have promised to prepare a procedure for a selection and filing of final theses. By now, the Archive Administration is now positively disposed to allow university archives to file newly arriving final theses only in their electronic form.<sup>24</sup>

The particulars of keeping and accessibility of final theses, its technical, administrative, and legal aspects, are now being discussed also by university librarians. An ‘Expert committee for issues of electronic availability of university final theses’ now works within the Association of University Libraries in the Czech Republic. Their results shall most certainly lead to an improvement in accessibility of existing final theses. The preservation of this material for future generations, however, lies with the archives, and is therefore outside the mandate of this committee.

Methodical directives of the expert committee, existing directives of some universities and their libraries, as well as legal analyses of the relevant legal norms (Copyright Act, University Act) are accessible and regularly updated on the website of the Association of University Libraries.<sup>25</sup>

## **Final Thesis as a Historical Source**

The maximalist approach of the Charles University archivists with respect to archiving and subsequent accessibility of contemporary final theses is based on their long-term historical experience with similar works. Being the oldest and largest university archive in the Czech Republic, we manage the collections of Central Europe’s oldest university – Charles University of Prague was after all founded in 1348. In our collections, there are, for example, 134 volumes of collected philosophical, medical, legal, and theological dissertations written in the period of 1669—1820.<sup>26</sup> Our archive also houses an incomplete collection of doctoral dissertations from both Prague universities (Czech and German) from 1882–1954 (1953). Both collections constitute a unique material for the study of education, science, and teaching,

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<sup>24</sup> Information provided by Jiří Úlovec at the II. National Meeting of Czech University Archivists in June 2006.

<sup>25</sup> <http://www.evskp.cz/sd.php>

<sup>26</sup> Location numbers A72, A73, A74; compare Karel Kučera and Miroslav Truc, *Archiv Univerzity Karlovy. Průvodce po archivních fondech* [Charles University Archive. Archive Collections Guide], Prague, 1961, p. 127-128.

as well as the cultural history of Bohemia and Central Europe from early modern period up until the 20<sup>th</sup> century. These works document not only the first professional publications of graduates who frequently went on to become teachers and scientists, but also the teaching abilities and scientific standards of their professors, often personalities of international importance. Of the most notable dissertations' supervisors, let us only mention the work of Ernst Mach at the German or Tomáš Garrigue Masaryk at the Czech university.<sup>27</sup>

## Statistics

Regarding the volume (number) of final theses, annually arriving and expected to arrive to the Czech university archives, including the Archive of Charles University, one can only mention a few numbers, which may in many respects be hard to compare.

In the school year 2004/2005, there were 63 universities in the Czech Republic, of which 25 were public, 36 private, and 2 state-run (police and military academies).

In that year, these 63 universities were attended by 298,196 students. Of that number, 274,962 studied at public, 19,120 at private, and 4,114 at state universities.

In the school year 2004/2005, the greatest number of students (47,257) attended the Charles University in Prague. The following other universities had over 10,000 students (in increasing order): Czech University of Agriculture in Prague, University of West Bohemia in Pilsen, University of Economics in Prague, Palacký University in Olomouc, Brno University of Technology, Technical University in Ostrava, Czech Technical University in Prague, and Masaryk University in Brno, which is the second largest university in the Czech Republic.

The number of students at private universities, which focus mainly on finance and management, does not usually exceed 3,000 per school.

In the school year 2003/2004, a total of **36,748** students graduated from the -- then existing -- 24 public universities. Of those, 1,411 finished their doctoral study (PhD.). The sum of these two numbers then approximates the total number of final theses produced annually in the Czech Republic.<sup>28</sup>

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<sup>27</sup> Disertace pražské university 1882-1953, I, Česká universita, [Prague University Dissertations 1882—1953, Volume I, Czech University], Prague, 1965, p. 479 nn.; Disertace pražské university 1882-1945, II, Německá universita [Prague University Dissertations 1882—1945, Volume II, German University], Prague, 1965, p. 230 nn.

<sup>28</sup> Statistická ročenka České republiky [Statistical Yearbook of the Czech Republic 2005], Prague, 2005, Figure 21.31-21.37, p. 640-645.

A total of 5,572 students graduated in 2003/2004 from bachelor, master, and doctoral programmes of Charles University's 17 faculties. Graduates of master programmes in the medical schools, however, do not write master's theses, which brings the total number of bachelor, master, and doctoral theses down by approximately 1,200, that is, to about **4,300**. The number of graduates also does not reflect the number of 'rigorous' theses, defended after a master's programme: some of these works are identical with master's theses, others are their variation, and only some are completely different.<sup>29</sup>

In 1882—1953, the two (later three) faculties of the Czech Charles University produced 5,691 dissertations. Of that number, 3,346 were written at the Faculty of Philosophy (which, until 1919, included the natural sciences), 2,136 at the Faculty of Natural Sciences (1920—1953), and 209 at the Faculty of Education (1946—1953). Graduates of the Faculty of Medicine did not write dissertations, and dissertations written at the Faculty of Law and Faculty of Divinity are not included in the list (this holds also for the German University)<sup>30</sup>

At the German University in Prague, corresponding numbers for the period of 1882—1945 are somewhat lower: 1,857 dissertations at the Faculty of Philosophy, and 861 at the Faculty of Natural Sciences (after 1920). The total number is therefore 2,718 dissertations.<sup>31</sup>

## Conclusions

Present day situation in the sphere of publication and archiving of final theses at Czech universities can be described as problematic, confused or even chaotic. Main reasons for this complicated situation are not primarily technical, financial or organizational, but legal. Legislative obstacles come from "shared concerns and responsibility" for dissertations. Process of archiving and publishing of final theses is subordinated to three different institutional spheres: academic, librarian's and archival, that are further subordinated to three segments of legislative and state administration, i. e. Ministry of Education, Youth and Sports, Ministry of Culture, and Ministry of Interior. Shared responsibility thus can be counter-productive to some extent.

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<sup>29</sup> Výroční zpráva o činnosti Univerzity Karlovy v Praze za rok 2004 [Annual Report of the Charles University for 2004], Prague, 2005, Figure III-4a, 4b, p. 80-81.

<sup>30</sup> Disertace pražské university 1882-1953, I. [Prague University Dissertations 1882—1953, Volume I]

<sup>31</sup> Disertace pražské university 1882-1945, II, Německá universita [Prague University Dissertations 1882—1945, Volume II, German University].