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# May Constitution of 1948 and the political system of the People's Democracy

The hasty preparations for new a Constitution of the “People’s Democracy” led to the enactment of the Constitutional Act of 9<sup>th</sup> May 1948, officially promulgated on 9<sup>th</sup> June 1948. The Constitutional Act was formally enacted by the Constituent National Assembly, but was debated mainly by the new political leaders in the Central Committee of the Communist Party and in the bodies of the National Front. By then the main opponents of the new communist regime had been removed from Parliament.

The Constitution in some respects followed the constitutional tradition of the interwar period. Nevertheless it enacted the most important features of the new pro Soviet regime, including changes in state administration and the economic and social system.<sup>338</sup> However, it is necessary to look not only at the text of the Constitution but also to analyse the law in action.<sup>339</sup> The

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338 For the controversy between continuity and Soviet influence see Skilling, H. G.: *The Czechoslovak Constitutional System: The Soviet impact*. In: Political Science Quarterly, June 1952, pp. 198-224. See also in comparative perspective Skilling, H. G.: *The Governments of Communist East Europe*. New York: Thomas Y. Crowell, 1966, pp. 50-53.

339 The text in English was published already in 1948 by the new Czechoslovak Government. *Constitution of the Czechoslovak Republic, Constitutional Act of 9<sup>th</sup> May, 1948*, Prague: Czechoslovak Ministry of Education, 1948.

Czechoslovak Constitution is a classic example of the profound difference between the law as it is in books and the law in action,<sup>340</sup> as the Constitution was used as a fig leaf or a camouflage for the true nature of the communist regime in its initial stage.

The character of the new communist regime is clearly visible in the Preamble to the Constitution. It gives quite a lengthy account of Czech and Czechoslovak history from the Marxist and communist perspectives. Communists misused the milestones of the Czech history, including the Hussite period, and depicted them as social revolutions against feudal society. The First Czechoslovak Republic was proclaimed to be a bourgeois state directed against the people; the establishment of the independent state was seen as the result of the Russian revolution. The Munich period was portrayed as a period of the betrayal of the West, which resulted in an orientation towards the Soviet Union. The Preamble skilfully used the prevailing anti-German feelings, promulgating Czechoslovakia as a national state of Czechs and Slovaks and as a Slavic state which “had gotten rid of all hostile elements”. The role of the Soviet Army and the Communist Resistance Movement was glorified; the period between 1945 and 1948 was designated as the beginning of the national and socialist revolution, leading to the establishment of a true People’s Democracy.

The structure of the Constitution is very interesting from the constitutional law point of view. It consists of the Fundamental Articles and detailed provisions in individual chapters. The main principles of the Constitution, important for the interpretation of its text, were stressed in Twelve Fundamental Articles.

Chapter One addressed the rights and duties of citizens. Most of this part was based on the preceding Constitution of 1920; nevertheless it proved almost immediately that most of the civic rights were mere proclamations.<sup>341</sup> The proclamation of civic rights and freedoms by the Constitution was either followed by a qualifying clause frustrating the guarantee, or such a guarantee was completely denied by the law or governmental decrees intended for implementation. The Supreme Administrative Court, which represented an important judicial safeguard of civic rights, was at first reduced in its organization and powers and then abolished entirely in 1952.<sup>342</sup>

For example, the right of association was limited by a system of “socialist organizations”, which were members of the political framework of the National Front controlled by the Communist Party. The right to convene public meetings was equally limited in practice. Personal freedom was undermined

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340 Representing new dimension to the original idea of Roscoe Pound. See famous article by Pound: *Law in Books and Law in Action*. In: *American Law Review*, 44/ 1910, pp. 12 and following.

341 See also analyses in Gsovski, V. - Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*. Vol. I. Chapter 8, Czechoslovakia, pp. 261-271.

342 *Ibidem*, p. 679.

particularly in the initial stage of the communist regime by various criminal and administrative punishments based on class criteria including the system of labour camps.

Act No. 184/1950 Sb., on the Press, represents a very good example of the communist concept of freedom of the press. Section 1 stipulated that the role of the press was to assist the effort of the Czechoslovak people to build their new future and the struggle for peace and socialist education. The production of films, as well as broadcasting and press institutions were solely in the hands of the state, since private ownership was not allowed even in the production of paper or the distribution of newspapers; censorship was introduced. The Ministry of Information and Education was entrusted with awarding state consent to individual publications. All journalists were forced to register as members of the Union of Czechoslovak Journalists and were under state and Communist Party control.<sup>343</sup>

Freedom of movement was gradually curtailed. At first, a strict system of border control was developed, and people were stripped of their passports. Those who tried to escape were prosecuted; if their escape was successful, they were sentenced *in absentia* and their property was confiscated. Later barbed wire was used along the western borders to stress the existence of the Iron Curtain.

The communist regime constrained religious and academic freedoms along with its fierce attack on the freedoms of press and speech. Direction of education and research was under the supervision of the state alone. For example, church schools were dissolved, and education and all instruction should not be in contradiction with the People's Democratic Order.

For the first time the May Constitution of 1948 included provisions for social rights in order to stress the social dimension and ideological background of the new regime. The Constitution, in particular, mentioned the right to work (accompanied by the duty to work, set by labour law); this right had to be secured by the state in pursuance of a planned economy. Women were promised special work conditions, set by labour laws, in the event of pregnancy, maternity leave and child care needs.<sup>344</sup> Special conditions should apply also with respect to the work of youth. The right to work was supplemented with the right for fair remuneration, together with the principle of "equal remuneration for equal work for men and women", the right to leisure and recreation after work, and the right to protect life and health during work. Every citizen had the right to health care; the Constitution provided for the social security of pensioners and of those facing incapacity to work. The protection of family and the right of youth to education were paid a great deal of attention.

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343 Gsovski, V. – Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*. Vol. 1, part I, *The Regime and its origin*, pp. 266–267.

344 For the actual situation see *Women as Workers in Captive Europe*, Mid European Law Project, Library of Congress, New York, 1954.

Youth was under the special protection of the state, which undertook to apply “systematic measures in the interest of increasing the population within the nation”. Large families were promised special relief and assistance. Vague proclamations of the Constitution were to be implemented by special laws.

The equality principle was included in a new way: the Constitution emphasized not only the equality of citizens before the law, but also the equality of men and women in their positions in the family and community, including equal access to all professions, offices and honours. This approach had an impact upon, and gave rise to major changes in, family and labour law. Yet, again, constitutional proclamations when applied in practice proved to be only a half-way measure.

The part of the Constitution dealing with the fundamental duties of citizens towards the state and community represented yet another novelty of the Czechoslovak constitutional development. Citizens were obliged not only to defend the state and the People’s Democratic Order, to pay taxes or render other personal services demanded by public authorities, but also to be loyal to the Czechoslovak state, to uphold its Constitution and laws, and to respect the interests of the state in all their conduct and actions. In particular, it was the “patriotic duty” of every citizen “to assist in the maintenance and furtherance of national property and to guard it against any reduction or damage”. Every citizen should discharge all public functions to which they were called by the People “conscientiously and honestly in the spirit of the People’s Democratic Order”, and to work “in accordance with one’s abilities and contribute with one’s work to the common wealth”.

Chapters Two, Three and Four dealt with the National Assembly (Parliament), the President of the Republic, and the Government. Although the system resembled the division of powers in the Constitution of 1920, the communist system was based on different foundations. Firstly, it should be mentioned that the real centre of power was not vested in the official constitutional bodies but in the party apparatus of the Communist Party. Practically all decisions were decided on the Party level first and only then implemented through central and local state bodies.<sup>345</sup>

In accord with the Soviet model, major policy decisions regarding also envisaged legislation were published as common resolutions of the Central Committee of the Communist Party and the Government.<sup>346</sup> The state and representative bodies were thus put under the direct leadership of the Communist

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345 See excellent study by Táborský, E.: *Communism in Czechoslovakia: 1948-1960*. Princeton University Press, 1961, pp. 22-50.

346 Korbelt, P.: *The Czechoslovak Cabinet as an Indicator of Political Developments*. National Committee for a Free Europe, Research and Publications Service. Czechoslovak Section, 1952, pp. 1-7. In comparative perspective and with respect to Soviet theoretical approaches towards the sources of law see Hazard, L. N. – Shapiro, I. – Maggs, P. B.: *The Soviet Legal system. Contemporary Documentation and Historical Commentary*. New York: Dobbs Ferry, 1969, pp. 45-47.

Party.<sup>347</sup> A second problem was connected with legislative power, which was shifted by various means from Parliament to the Government. The Government was allowed to redefine the tasks set by the laws on economic plans, including the right to take such measures as would otherwise require an Act of Parliament. The Constitutional Act No. 47/1950 Sb. authorized the Government to create ministries and other agencies of public administration and to define their competences. The number of Governmental Orders increased rapidly, whereas the number of laws adopted by Parliament decreased. In 1951 Parliament adopted 21 Acts and the Government issued 74 Decrees; a year later the same categories were 39 to 69 respectively, and 16 to 70 in 1953.

Parliament consisted of only one chamber; the election of Deputies was based on the National Front's system, with a single list of candidates for every constituency. Candidates were nominated by the National Front and were under the control of the Communist Party. The first elections of the new regime took part in May 1948 and National Front candidates got 87.12 per cent in the Czech lands and 84.91 per cent in Slovakia. About 9 per cent of the votes were the so called "blank ballots" and the rest were invalid votes.<sup>348</sup> The electoral law was changed in 1954. The right to nominate candidates was reserved to the National Front, as the "union of workers, peasants and working intelligentsia" and the "combat block" of the Communist Party of Czechoslovakia, the Revolutionary Trade Union Movement, the Youth Organization, the Czechoslovak Socialist Party, the Czechoslovak People's Party, two small Slovak parties and other social organizations of the working people. There was only one nominee for one seat. Elections were manipulated through propaganda and various means of indirect coercion, for example through a directive spread by employers and communist functionaries in local communities to take part in the elections.<sup>349</sup> Thus the regime secured more than 90 percent in the polls. Members of Parliament were "answerable" to the people, who could recall them. In reality, this provision represented a safety measure to ensure the loyalty of MPs to the Communist Party.

Parliamentary meetings were seldom, and their sessions quite short – just to function as "voting machinery" for prepared legislative drafts. The National Assembly elected 24 members as its Presidium, which had the legislative powers of the Parliament when it was between sessions.

The Government was defined as the supreme body of governmental and executive powers. In practice, and again according to the Soviet model, the Government delegated most of its decisions to individual ministers, and the

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347 See also Skilling, H. G.: *The Governments of Communist East Europe*, pp. 121–123.

348 Korbek, P.: *Parliamentary Elections in Czechoslovakia*. National Committee for a Free Europe, Research and Publications Service. Czechoslovak Section, 1952, pp. 1–21. Krejčí, O.: *History of Elections in Bohemia and Moravia*, table 20, p. 213.

349 *Ibidem*, especially pp. 214 and following. See also Gsovski, V. – Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*. Vol. 1, part I. The Regime and its origin, pp. 254–256.

number of ministries was gradually increased to reflect the importance of atomized and centrally directed branches of industry.

The Constitution dealt with the Slovak national bodies, which remained as a residuum of Slovak autonomy. The Constitution was an attempt to return to a more centralized version of the Czechoslovak state in accordance with the third Prague Agreement, mentioned previously. The Slovak National Council was entrusted with the care and development of national culture, primary and secondary education, a part of the public health and social security system, local funds, construction of local roads and other constructions according to the uniform economic plan, maintenance and development of land, and development of trade, together with some other competences of local and minor importance. It could enact Acts, but in the period between 1951 and mid-1953 the Slovak National Council did not discuss a single draft. Slovak national bodies were in reality subject to the decisions of the Communist Party; however the semi-independent branch of the Slovak Communist Party survived such centralizing endeavours.

This part of the Constitution was replaced in July 1956 by a special Constitutional Act which enlarged the competences of the Slovak bodies.<sup>350</sup> The competences of the Slovak National Council in legislation were defined as “all matters of an ethnical or regional nature”. However, such a broad description was limited by a proviso that the powers are granted only to the “extent that the entire economic and cultural development of Slovakia would require separate regulation”. If the laws passed by the Slovak National Council were contrary to the Constitution, or if the Slovak National Council exceeded its powers, the Slovak legislation was declared void by the Presidium of the National Assembly. The executive powers in Slovakia were divided between the Czechoslovak Government and the Slovak Board of Commissioners.

Chapter Six of the May Constitution focused on national committees as the basis for public administration on local, district and regional levels.<sup>351</sup> The national committees were entrusted with general internal administration, administration of education, culture, planning, labour, administration of health care and social service, construction, maintenance of national property and some financial matters within their respective territories.<sup>352</sup> They were responsible for the “protection of the People’s Democratic Order”, i.e. they were given powers to punish violations under administrative law.

The old structure of provinces in the Czech lands was abolished, and a system of regional administration (called “*kraje*”) introduced for the whole

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350 Gsovski, V. – Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*. Volume 1, part I. The Regime and its origin, pp. 258–260.

351 See also Gsovski, V. – Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*. Volume 1, part I. The Regime and its origin, pp. 260–261.

352 Korbél, P.: *National Committees in Czechoslovakia*. National Committee for a Free Europe, Research and Publications Service. Czechoslovak Section, 1954, pp. 1–19.

territory of Czechoslovakia. All property of self-government was turned into state-owned property. This move strengthened the state sector even more than the second wave of nationalization. Although the Constitution provided for the election of national committees by local people, the first elections were held only as late as 1954. They lacked democratic standards, as Parliamentary elections did, and were based on a similar principle of a single list of candidates drawn up by the National Front. Members of the committees could be removed by their electors, but only on a motion by the National Front.

Chapter Seven dealt with the judicial power. The undermining of the independence of the judiciary was a key step towards the domination of the communist regime in the field of law. The Constitution laid down the framework of changes in the judiciary and stated that judges abide by laws and orders and interpret them “in the light of the Constitution and of the principles of the People’s Democratic Order”. The implementation of real changes was connected with the enactment of the special Act on the Popularization of Justice, No. 319/1948 Sb.<sup>353</sup> The term *popularization* was based on the concept of the People’s Democracy laid down by the May Constitution. Popularization was seen as the opposite to *professionalism*, the alleged formalism and anti-people tendencies of the “bourgeois” lawyers. As a result, judges with legal education formed only a minority on panels and were outnumbered by lay judges, politically loyal to the communist regime and nominated by national committees.<sup>354</sup> Candidates had to be “devoted to the idea of the people’s democracy system”. Juries were abolished.<sup>355</sup> Lay judges were present even in the Supreme Court, to which they were nominated by the Government. This was the first step towards political control over the judiciary. Next was a gradual replacement of “old” judges by new ones educated by the Communists themselves. The Minister of Justice was authorized to endorse candidates for judicial positions even though they lacked “professional qualifications” and legal practice; a new subject was included in the judicial exam, which was called “political theory of Marxism and Leninism” and the exam was afterwards taken by judges periodically.<sup>356</sup>

The first period of changes in the judiciary was completed in 1952 when Constitutional Act No. 64/1952 Sb., on Courts and the Office of Public Prosecution, was enacted, followed by Acts No. 66 and 65/1952, on the organization of the courts and the prosecution offices.

Act No. 64 provided that both the professional and lay judges should be elected. It changed the life tenure for professional judges, provided for by the May

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353 Gsovski, V. – Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*, volume, I. Chapter 22, Administration of justice – Czechoslovakia, pp. 674–675.

354 Kühn, Z.: *The Judiciary in Central and Eastern Europe, Mechanical Jurisprudence in Transformation?* Leiden, Boston: Martinus Nijhoff Publishers, 2011, pp. 21–25.

355 See also Ulč, O.: *The Judge in a Communist State; A View from Within*. Ohio University Press, 1972, p. 20.

356 *Ibidem*, p. 394.

Constitution 1948. The Act of 26<sup>th</sup> July 1957 (No. 36) established the elections for judges of lower instances – district (called “*People’s Courts*”) and regional. They were elected for a period of 3 years by the respective district and regional national committees. All other judges were appointed by the Government.

The Soviet model of a state prosecution system<sup>357</sup> was fully implemented, although it was gradually put into practice from 1950 on, and state prosecutors were assigned to the State Court for the Preparation of Political Trials as early as 1949. The office of prosecutor was an independent, monocratic and centralized body controlling the implementation of laws and other legal regulations by state bodies and citizens in all spheres of law; a state prosecutor represented the state in penal and civil proceedings. The prosecutor was entitled to lodge a protest against any act, decision or measure taken by public authorities, with the exception of the Government and the National Assembly.

Prosecution was proclaimed as a safeguard of “socialist legality”, exercising direct supervision and control over the implementation and observance of the law by courts, public authorities and citizens in accordance with the socialist principles. It became a very powerful institution serving the interests of the Communist Party, which strictly controlled the personal composition of the public prosecution offices. In 1956 the law was amended and prosecutors were given the right to attend the meetings of national committees, administrative agencies, cooperatives and national enterprises in an advisory capacity. The Prosecutor General could take measures for the redress of any violation of socialist legality, regardless of who committed the violation; the Prosecutor General was to see that everyone who caused a violation was held responsible. However, in practice this wide power was used arbitrarily and according to political needs.

The communist leadership used methods similar to those in other states of the Soviet block and introduced short, non-university courses for selected cadres of working class origin and those loyal to the party. There were, for example, one year “Law Schools for the Working People”, established by the Ministry of Justice in 1949. The goal of the Ministry was that the School should prepare “new lawyers linked to the people as a class and not influenced by the bourgeois understanding of the law.”<sup>358</sup> In March 1951 Minister of Justice S. Rais openly declared that it was “necessary to give full support to the cadres of workmen and to appoint their members to the most responsible positions in the administration of justice”.<sup>359</sup> When the experiment with the special

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357 For the Soviet model see Hazard, L. N. – Shapiro, I. – Maggs, P. B.: *The Soviet Legal system, Contemporary Documentation and Historical Commentary*, pp. 63–65.

358 Gsovski, V. – Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*. Volume, I. Chapter 22, Administration of justice – Czechoslovakia, pp. 672–673.

359 *Report on Czechoslovakia*, No.3/1951, National Committee for a Free Europe, Research and Information Center. New York, 1951, pp. 20–21.

School failed, distance courses at Law Faculties started to be held for special, politically selected workers.

The effects of the Communist Coup in February 1948 were detrimental to the existing Law Faculties.<sup>360</sup> Communists managed to reinforce their power over universities, cancel their autonomy, academic freedoms and the freedom of scientific research and teaching. Student opponents of the communist regime were excluded from study as a result of “student clearance”. Many teachers, including the Rector of Charles University, Karel Engliš, were banned from teaching or forced to take early retirement; by the end of 1951 the majority of the pre-war teaching staff had been removed.<sup>361</sup> Some professors, like Vratislav Bušek, escaped from Czechoslovakia; Bušek, in particular, became a prominent representative of the exiled Czech legal scholars. By the end of the political clearance, 1,300 students had been expelled from the Law Faculty in Prague. Three law students, Boris Kovaříček, Karel Bacílek, and Veleoslav Wahl were executed by the communist regime. In an infamous case against Dr. Milada Horáková, Zdeněk Peška, professor of constitutional law, was convicted; Otto Fischl, professor of financial law, was even sentenced to death within another political case against Rudolf Stránský.<sup>362</sup>

There were changes in the law curriculum to correspond with the Soviet model. For example, in Prague in 1949 new subjects were introduced in accord with the model of Lomonosov University in Moscow. Future lawyers had to take compulsory lectures and seminars in new subjects like Essentials of Marxism-Leninism, Marxist Philosophy, Political Economy, Economic Planning, History of the Soviet Union and the Soviet Communist Party, History of the Workers Movements, and History of the Czechoslovak Communist Party. Students had to learn Soviet law, and Russian language was made an obligatory subject.<sup>363</sup>

The Faculty was directly supervised by the Law Commission of the Central Committee of the Communist Party. A negative impact could be seen in international relations as well as in legal scholarship.<sup>364</sup> A new university law was adopted in 1950 abolishing the autonomy of universities. Universities were governed directly by the Ministry of Education. The Ministry not only appointed representatives of universities but also dictated the number and political profile of students to be admitted. Following the Soviet pattern, departments were established as a collective of teachers engaged in the same branches of law. Until 1955 legal studies had taken four years; they were then extended

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360 Broader context see in Connolly, J. – Grüttner, M.: *Universities Under Dictatorship*. Pennsylvania State University Press, 2005, pp. 170–176.

361 In more details, Pousta, Z.: *Law faculty*. In: *A History of Charles University*. Vol. 2 (1802–1990), pp. 313–316 and Kuklík, J. et al.: *The Faculty of Law of Charles University in Prague*, pp. 30–32.

362 Kaplan, K.: *Report on the Murder of the General Secretary*. London: I. B. Tauris, 1990, pp. 227.

363 Pousta, Z.: *Law faculty*, pp. 314–316.

364 In more details see Kühn, Z.: *The Judiciary in Central and Eastern Europe. Mechanical Jurisprudence in Transformation?*, pp. 129–136.

to five years. In 1977 a reduction to four years was reintroduced. Education faced many experimental activities: such as abolishing the traditional title of JUDr. and replacing it with the title of “graduated lawyer” (although only for a limited period of time); students had to work in industry for a certain period of time during their legal studies; and they had to serve in the army as part of compulsory military service.

Entrance exams and the whole study programme were under the close scrutiny of the Communist Party bodies to ensure that the new generation of lawyers would be educated in a “new style”. However, the goal to establish a student population predominantly from the working class or peasants was not fully achieved in Czechoslovakia, especially when compared with a more successful approach taken by the East German Communist Party.<sup>365</sup>

New lawyers, step by step, took over the positions within the judiciary and public prosecution offices. Purges among attorneys at law followed only shortly afterwards. The legal framework for the purges was set by Act No 322/1948 Sb., on Legal Professions. Traditional autonomous Bar Chambers, based on the Austrian law tradition, were abolished and regional Bar Associations under the direct auspices of Ministry of Justice introduced; only lawyers “loyal to the Government and devoted to the system of People’s Democracy” were allowed to practice law.<sup>366</sup> Loyalty to the regime was embodied in a new oath, which was compulsory to take at the beginning of practicing law. The attorneys at law were expected to put the interests of society above the interests of their clients.<sup>367</sup> The regional bars exercised control over the profession, but also redistributed money to abolish the alleged “capitalist” nature of attorneys.

Another traditional and self-governed legal profession of public notaries, entrusted by courts with probate proceedings, drawing up instruments of public nature, protesting delinquent bills and notes or notarizing declarations and signatures, were changed into state controlled notaries appointed by the Minister of Justice and subordinated to the People’s Democratic Order.<sup>368</sup>

Chapter Eight addressed the economic foundations of the communist regime. The main categories of means of production were either national (state) property, or the property of the people’s cooperatives. Private property was limited only to small enterprises with fewer than 50 employees and only to certain branches of industry. Immediately after the February Coup of 1948 the Communists carried out a second wave of nationalization of industry combined with a far reaching land reform and confiscation of the property of

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365 Connolly, J.: *Captive University: The Sovietization of East German, Czech, and Polish Higher Education 1945–1956*. The University of North Carolina Press, 2000, pp. 34 and following.

366 On the “sovietization” of the Bar Chambers in Czechoslovakia see Gsovski, V. – Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*. Volume 1, pp. 697–706.

367 Táborský, E.: *Communism in Czechoslovakia: 1948–1960*, pp. 293–294.

368 Gsovski, V. – Grzybowski, K. (eds.): *Government Law and Courts in the Soviet Union and Eastern Europe*. Volume, I. Chapter 22, Administration of justice – Czechoslovakia, pp. 695–696.

political opponents.<sup>369</sup> State property was administered by the state either directly or through national enterprises. Private property was gradually limited only to small holders of land (up to 50 hectares) or small private business; and all leading branches of industry were almost completely nationalized between 1948 and 1950. Nationalization in Czechoslovakia was more rapid and extensive than in the German Democratic Republic, Poland, Hungary or Romania. No compensation was paid to Czechoslovak citizens, and nationalization in the end became confiscation. The land reform was a first step towards the collectivization of agriculture.

The Constitution mentioned the possibility of communal property in connection with enterprises owned by national committees; however, this form of ownership ceased to exist in 1949, when the property of national committees was transferred to state ownership. In order to make a distinction between private ownership of a capitalist nature and the private belongings of individuals based on their work, a new type of ownership was introduced by the Constitution called "individual ownership".

These changes in the form of ownership were linked with the introduction of "scientific" economic planning of the Soviet style.<sup>370</sup> The economy was centralized and planned in the form of Five-Year Plans.<sup>371</sup> Economic plans were based on special laws, which were implemented in detail by Government orders every year.

Chapter Nine dealt with general provisions connected with state citizenship, frontiers, the capital city of Prague and state symbols; Chapter Ten contained final and transitional provisions. The final provision dealt with the promulgation of the Constitution. Czechoslovak President Edvard Beneš refused to sign it, and the Constitution became effective only after his resignation, when the Constitution was symbolically signed by the new President and leader of the Communist Party, Klement Gottwald, on 9<sup>th</sup> June 1948. On this day the Constitution of 1920 ceased to be formally valid.

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369 Jech, K. – Průcha, V.: *Outline of Economic Development of Czechoslovakia 1945-1948*, pp. 67 and following.

370 Skilling, H. G.: *The Governments of Communist East Europe*, pp. 189-190.

371 Teichová, A.: *The Czechoslovak Economy 1918-1980*, pp. 134-140.