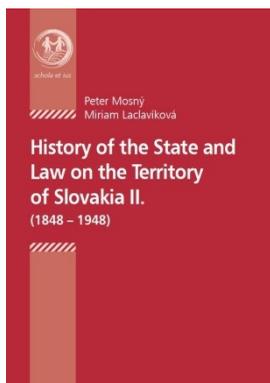


**Mosný, Peter and Miriam Laclavíková:
History of the State and Law on the Territory
of Slovakia II. (1848 – 1948).
Kraków: Towarzystwo Słowaków w Polsce, 2014. 190 p.
ISBN 978-83-7490-768-2**

Štefan Siskovič

Abstract: *Reviewing the textbook Mosný, Peter and Miriam Laclavíková: History of the State and Law on the Territory of Slovakia II. (1848 – 1948).*

Key Words: *Review; Textbook; History of State; History of Law; Slovakia.*



In 2014 the co-authors prof. JUDr. Dr. h. c. Peter Mosný, CSc., and doc. JUDr. Miriam Laclavíková, PhD., published the second volume of the English textbook about the State and Law history on territory of Slovakia. In contrast to the first volume, the presented textbook is focused on the recent legal history. The main topic begins with the introduction of problems that were connected with building the civil State on our territory in 1848 and chronologically continues till 1948 when the totalitarian regime in Czechoslovakia was established.

Realizing the analysis of the publication two basic criteria are important, which determine the book's quality as textbook about the history of State and Law on the territory of Slovakia. The purpose of the existence of each textbook is to provide the readers the most comprehensive summary of information in an understandable form. Therefore, stylistics is crucial and its quality is the criterion of the form. The other criterion is the chosen epistemology, because it influences the content of the textbook and generates the basis of its structure. It also affects reduction, because it lays down the selection rules which allow selecting among infinite number of facts, so called historical facts that were essential for the development of our legal history.

In connection with the first criterion, right at the beginning of the textbook the co-authors stated their ambition providing that target groups of readers are not only students of the Law faculties, but also the broader professional and lay public. Therefore, they cared about the intelligibility of the textbook stylistics. In our opinion, they managed to fulfill this objective. The second criterion determines the content quality of the presented textbook. Publication is divided into ten chapters. The first seven of them are devoted to the history of State and the last three are focused on the history of Law. We can observe dual structure in the chapters devoted to the history of State. On the one hand, all chapters present the history of State on our territory in a chronological order, from the revolutionary years around 1848 through the Bach's neo-absolutism, followed by the Austro-Hungarian settlement and the formation of Czechoslovakia, its disintegration, and creation of the Slovak Republic and, finally, re-building of Czechoslovakia after the Second World War. On the other hand, each chapter has a unified content scheme which progresses in the direction from the central public authorities to the local administration and to the most important sources of law of the mentioned period of our State history. Chosen content structure is not only a help for readers to understand better the textbook theme, but also an expression of the idea that the history of the State is connected with the history of the nation. This is probably most visible by the evaluation of the Austro-Hungarian State disintegration, followed by formation of the Czechoslovak State. It is traditionally accepted that Czechoslovakia originated on October 28th, 1918, when the so called Reception Norm as Act No. 11/1918 Coll. was declared. However, besides the Reception Norm the equivalent status in the textbook has also the Martin Declaration which is characterized as a primary document of the Czechoslovak State formation.¹ Czechoslovakia was therefore created as a result of a fusion of two political wills – the representatives of the Slovak National Council and the National Committee. In the chapters devoted to the history of Law on our territory is also visible the unified structure that corresponds with the development of our legal system. However, its chronological character is not immediately obvious, as by the chapters devoted to the history of State. Nevertheless, by reading the individual sub-chapters the

¹ MOSNÝ, P. and M. LACLAVÍKOVÁ. *History of the State and Law on the Territory of Slovakia II. (1848 – 1948)*. 1st ed. Kraków: Towarzystwo Słowaków w Polsce, 2014, pp. 55-56. ISBN 978-83-7490-768-2.

readers reveal that development of legal system on our territory has its own internal logic.

Both the stylistics and the content of the analyzed textbook bring the history of State and Law in an intelligible form. The authors managed to achieve their objective, because the textbook is understandable not only for law students, but also for wider professional and lay public. In addition to this ambition a new element is presented in the textbook. History and legal history can't be viewed as a historiography and, therefore, they can't consist only from a set of following facts. The past has to be evaluated critically. For this we need to state some criteria which never would be universal, but they will allow us to discuss the problematic passages of our history. In several parts the textbook offers more than just exerted alternatives of our history. Therefore, it encourages readers to the discussion, but at the same time it forces them to reason about the encountered problems and to delimit the evaluation that is unacceptable for them.

References

MOSNÝ, P. and M. LACLAVÍKOVÁ. *History of the State and Law on the Territory of Slovakia II. (1848 – 1948)*. 1st ed. Kraków: Towarzystwo Słowaków w Polsce, 2014. 190 p. ISBN 978-83-7490-768-2.

JUDr. Mgr. Štefan Siskovič, PhD.

Faculty of Law
Trnava University in Trnava
Kollárova 10
917 01 Trnava
Slovak Republic
ssiskovic@gmail.com