



# Comparative Analysis of the Press Regulation in the Territory of the Visegrad Countries in the 20<sup>th</sup> Century

Rebecca Lilla HASSANOVÁ

Intern, Ferenc Mádl Institute of Comparative Law (Budapest, Hungary)  
Assistant Professor, Faculty of Law, Pan-European University (Bratislava, Slovakia)  
PhD candidate, University of Miskolc (Miskolc, Hungary)  
e-mail: rebecca.hassanova@gmail.com

Enikő KRAJNYÁK

Intern, Ferenc Mádl Institute of Comparative Law (Budapest, Hungary)  
PhD Candidate, University of Miskolc (Miskolc, Hungary)  
e-mail: kraen98@gmail.com

Maria MASLOWIEC

Intern, Ferenc Mádl Institute of Comparative Law (Budapest, Hungary)  
PhD Candidate, University of Miskolc (Miskolc, Hungary)  
e-mail: marysiamaslowiec@gmail.com

**Abstract.** This paper aims to examine the development of the legal framework of the freedom of the press over the course of the 20<sup>th</sup> century in the territory of the so-called Visegrad (or V4) countries, namely in Hungary, Slovakia, the Czech Republic, and Poland. The analysis starts with the presentation of the press regulation at the turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries and ends with the fall of the communist regime in 1989. Our starting point is the fact that the analysed countries have undergone similar historical events, and in certain cases – for instance, in the case of Slovakia and the Czech Republic – they even shared a common history for some time. It could be inferred that the two world wars brought a serious setback in the development curve of the press regulation in all of the examined countries. Moreover, the subsequent period, which was characterized by the strict censorship of the communist regime, did not contribute to the favourable development of the press either. In the territory of the examined countries, significant changes did not come until the very end of the 20<sup>th</sup> century: due to the fall of the communist regime in 1989 and the subsequent establishment of new democratic states, the pluralism of the press was finally established in the post-communist Central European countries as well.

**Keywords:** freedom of press, censorship, publishing houses, journalism, comparative law

## 1. Introduction

Press law is a branch of law that regulates the freedom of expression in printed media. Therefore, control over the press has always been particularly important for state powers, as it has the means of influencing public opinion; that is to say, the role of the press has always been more than merely providing information in science, technology, and culture; the interrelation and the strong connection of the press with freedom of expression allows the former to be the platform of the manifestation of beliefs and opinions in public.<sup>1</sup>

Historical tensions and changes of regime had huge impact on the freedom of expression, of which the realization or restriction affected the freedom of press accordingly. The turn of the 19<sup>th</sup> and 20<sup>th</sup> centuries and then the turbulent events of the first decades of the new century brought radical socio-cultural renewal in many fields. However, the two decades of the interwar period did not bring peace either: the countries of the region suffered serious losses in World War I – apart from human and economic losses; territorial changes caused profound tensions as well, which provided a fertile soil for the raise of radical nationalist movements and leaders. During the whole 20<sup>th</sup> century, but especially after World War II, several laws were in force for a considerably short time, as the political framework fundamentally changed after the communist takeover. The Soviet-type communist regime introduced a radically different approach to the press, which could be considered as a serious breach of the promising development of the freedom of the press starting in the 19<sup>th</sup> century. The analysis of the current regulation exceeds the limits of the present paper; therefore, the research ends with the introduction of the freedom of press by the end of the 1980s, which allowed for the implementation of the modern concept of freedom.

## 2. Press Regulation in the First Decades of the 20<sup>th</sup> Century

Due to the rapid technological changes of the turn of the century, press regulation, which was mainly adaptable for the circumstances of the previous century, became obsolete for the new challenges: by the beginning of the 20<sup>th</sup> century, the technological development had allowed the establishment of a great number of

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1 Drgonec 1995. 14.

papers that soon gained more and more influence.<sup>2</sup> Therefore, the need for the adoption of a new press law arose in all the countries discussed below.

In Hungary, for instance, the press law (Act XVIII of 1848) that was in force in the first years of the new century was created in 1848 under the influence of the Revolution of 15 March. Even though a significant change happened in 1867 – namely, the Austro-Hungarian Compromise, which created a dualist regime and rendered the two states equal –, it was not reflected by the press regulation. That is to say, the same regulation was in force in the dualist Austro-Hungarian Monarchy as in the period of the Revolution and War of Independence of 1848–49. Act XIV of 1914: the new law was debated for more than a decade, and it brought several changes that aimed at tackling the challenges of the new century. First of all, the material scope of the act took into account the technical development, as the rules were applicable to the reproduction of musical pieces and the expression of thoughts through phonograph or other devices (Art. 2). In addition, the law introduced the right (and obligation) to rectification: if the paper directly or indirectly communicated false information or displayed true facts in a false way, the person or the authority concerned could ask for rectification (Art. 20). This provision was perceived as a protective measure in favour of the public (persons and institutions) as the press had the power to spread defamatory information. However, certain practices, such as the deposit system,<sup>3</sup> still remained in force, which shows the compromising nature of the act.<sup>4</sup>

The partition of the Austro-Hungarian Monarchy by the Treaty of Versailles in 1918 brought the creation of new states and new legal systems. Duality in the territory of the Monarchy (i.e. the Austro-Hungarian dualistic system) resulted in different regulations even before the partition on the still united territories. Based on the abovementioned duality in the law, the territory of the current Slovakia belonged to the territory of Hungary, and therefore the Hungarian legislation (Act XIV of 1914, *inter alia*) was in force in the Slovak-populated lands as well.<sup>5</sup>

Despite the fact that Czechia was part of the Habsburg Empire, a different regulation was in force in the Czech lands: Act. No 6/1863 was in force for the rest of the 19<sup>th</sup> century, and it was overruled only in the 1930s. One can conclude that compared to the Hungarian regulation, the issue of press was more linked with the Austrian regime in the second half of the 19<sup>th</sup> century: the editor-in-chief, for instance, had to be an Austrian citizen (Art. 12) and the news could only be posted with official permission (Art. 10). Similarly to the Hungarian rules, the right of rectification was also regulated (Art. 22).<sup>6</sup> The Czech Court of

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2 Paál 2017. 6.

3 Paál 2017. 25–27.

4 Buzinkay 2013. 1.

5 Malý 2001. 5.

6 Rozehnal 2007. 13.

Cassation dealt with the issue of the press several times. In 1883, for instance, the Court interpreted the term ‘print expansion’: the borrowing of press products did not fall under the scope of the term, while on the other hand, throwing leaflets on streets could be considered as press expansion. Therefore, in case leaflets with banned content were thrown and spread in public, its perpetrator could be punished under criminal law.<sup>7</sup>

Contrary to Hungary – which at that time encompassed the territory of nowadays’ Slovakia – and Czechia, the territory of Poland was divided among Austria, Germany, and Russia. The Kingdom of Poland was under the governance of the Russian Empire, where, as a result of the Revolution of 1905, the Manifesto of the Tsar proclaimed freedom of speech, association, and personal inviolability (Art. 1).<sup>8</sup> Following the publication of the Manifesto in 1906, a repressive censorship system was introduced on the basis of the Austrian pattern, similarly to the Czech and Hungarian regulation in force in the mid-19<sup>th</sup> century. The term ‘censorship’, however, was carefully removed from the official language, although in practice penalties and fines were imposed on journalists. Moreover, the press was subject to further restrictions on the basis of ideological orientation,<sup>9</sup> as the content of the publications was influenced by new political parties that were founded at end of the 19<sup>th</sup> century. Thus, it can be concluded that in Poland, the freedom of press was limited in order to fulfil political demands.<sup>10</sup> However, despite political and legal obstacles, such as those indicated above in the case of the Russian partition, the efforts of some newspapers to speak out on political, social, and cultural matters were an important factor in shaping the situation of the Polish press at the beginning of the 20<sup>th</sup> century.

The situation of the press, therefore, was in a different condition at the turn of the century in all four states; however, a common characteristic is that all of them were influenced by the regulation of the Habsburg Empire to some extent. The fact that Hungary had a more progressive approach as early as in the 1900s–10s is due to the Austro-Hungarian Compromise that allowed the Hungarian state to regulate internal issues independently. Czechia and Slovakia, however, were more integrated in the Empire; therefore, it can be inferred that the freedom of press in this sense was to be established after the fall of the Austro-Hungarian Monarchy. Poland, similarly, was not independent in the beginning of the 20<sup>th</sup> century; therefore, the regulation of the press depended on the ruler of the given territories.

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7 Plenary decision no. 522 of the Court of Cassation from 14.3.1883.

8 Sobczak 2009. 72.

9 Śmiechowski 2014. 82.

10 Id. 75.

### 3. The Press in the Shadow of World War I

The outbreak of World War I brought severe changes in the legal order of the examined countries. It can be concluded that the regulations in almost all fields of law were stricter, and the same could be said about the regulation of the press as well. As it has been pointed out above, the press had the right to influence the opinion of the masses, which is of outstanding importance in times of war: that is the reason why the publication of hostile papers, as well as of discouraging news and on internal political tensions were generally banned.<sup>11</sup>

In Hungary, Act LXIII of 1912 on wartime regulations came into force soon after the outbreak of the war. Therefore, despite the promising adoption of the above-mentioned Act XIV of 1914, the press was subject to restrictions again: for instance, preliminary censorship was introduced by Art. 11 of Act LXIII of 1912 in order to stop the distribution of papers that violate the interests of warfare. Press was also regulated on a ministerial level, through the Minister of Justice and the Minister of the Interior.<sup>12</sup> It is interesting to note, however, that the government supported the publication and spreading of patriotic newspapers that could influence the public opinion in favour of the war.<sup>13</sup>

Given the fact that current Slovak territories formed part of the Kingdom of Hungary until the end of World War I, the same rules were in force as in Hungary – therefore, one can conclude that the war similarly affected Slovak journalism. The literature points out that the sharp increase in the price of newspapers and a decrease in the number of buyers, as well as the gradual disappearance of advertisements characterized the press in these years.<sup>14</sup> Public interest turned to quotidian political papers, and attention towards cultural and literary issues rather declined.<sup>15</sup>

Czechia was part of the Monarchy as well and took part in the war on the same side as the Habsburgs. Liberal laws on personal liberty, assembly, secrecy, freedom of speech and press were annulled in the summer of 1914. However, the activity of the Slovak political exile abroad and the extensive publishing activities of the Czechoslovak Legion shall not be overlooked.<sup>16</sup> This was a unit of foreign military resistance during WWI, who supported Czech and Slovak political emigration who strove for the creation of an independent Czechoslovakia.<sup>17</sup> The political elite in exile also supported, therefore, the publication of Czechoslovak periodicals.<sup>18</sup>

11 Kelemen 2017. 50.

12 Kondor 1975. 81–82.

13 Révész 2015. 35–39.

14 Derfiňák 2016. 139.

15 Džujko 2016. 211.

16 Sekera 2008. 16.

17 *Památník odboje v Praze: Malířské dokumenty: Československé legie ve Francii 1923.* 7.

18 Rydlo 2018. 186.

In Polish territories, press was subordinated to the interests of the partitioning states fighting on different sides of the war. Decisions about press policies were made by military bodies. The availability of paper supplies was also problematic due to the changes of influence on the different territories as early as in 1914.<sup>19</sup> In the Polish territories of Russian influence, for instance, military censorship was introduced in order to protect the defence of the state, prevent untimely spread of information about, inter alia, the mobilization of the army.<sup>20</sup> The issue of the future independence of Poland was a sensitive topic for the press: in the German partition, for example, the operation of the Polish-language press was suspended by means of administrative mechanisms.<sup>21</sup>

## **4. Press Regulation in the Interwar Period and during World War II**

### **4.1. The Aftermath of World War I and the 1920s**

Shortly after the defeat suffered in World War I, a new world order started to formulate, which strongly affected Central Europe as well: the Austro-Hungarian Monarchy was dissolved, and new states were established in its territories. As a consequence of the Treaty of Trianon, Hungary lost nearly 70% of its territory, while Czechoslovakia was established, including Czech, Moravian, Silesian lands, current Slovakia, and Zakarpattia. Poland, which had been absent from the map of Europe for more than a hundred years, was reborn and gained independence as well.

After the wartime rules were annulled, new laws were adopted in all the examined states. In Hungary, Act II of 1918 came into force. The act was relatively short: it consisted of only four articles, but it brought radical changes for the press although for a limited time only. Preliminary censorship was prohibited, the restriction on the public distribution of prints was lifted, and the deposit system was also annulled (Art. 2). It is worth mentioning that the provisions of this law were also applicable to motion pictures,<sup>22</sup> so one can conclude that the regulation intended to keep up with the technological advancements. Following a short interruption,<sup>23</sup> Act XIV of 1914 entered into force again, which was intended

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19 Myśliński 1978. 23.

20 Kulik 2021. 49.

21 Trzeciakowski 2004. 86.

22 Paál 2019. 140–141.

23 At this point, it is worth noting that Act II of 1918 was in force for a short time, as, due to the political instability of the newly established republic, the activity of Hungarian communists culminated in a coup d'état on 21 March 1919. The Constitution of the Hungarian Socialist Republic provided that the press could no longer represent the capitalist mentality, and the right

to be a temporary solution until the government adopts a new law. Despite the numerous attempts in the 1920s, the government did not manage to adopt a new press law, mainly due to internal political problems. The act of 1914 only served as a framework rule – details, such as the implementation of the press act or the sale of press products, were set out in ministerial decrees. According to the documents of the time, the draft laws would have introduced stricter rules compared to the act of 1914.

Similarly to the relatively progressive Hungarian regulation of 1914, which took into account the technological advancements, the Czechoslovak law also regulated sound recordings and cinematographic films.<sup>24</sup> The Czechoslovak Constitution of 1920 declared that everyone could express their opinion in the press within the limits of the law (Art. 113), which was interpreted by a group of academics and journalists in a way that it created the power to adopt a new press law by the Czechoslovak legislator. The unification of the press law on the basis of the more modern Hungarian law subsequently became a springboard for drafting a new press law in 1921. Freedom of speech was intended to be a field that should have been developed in order to catch up with the advancement in other neighbouring states. However, the hopes of the journalists ended in disappointment, as the modern press law was not discussed in the Parliament. Instead, Act No 50/1923 was adopted, which was applicable in the whole territory of Czechoslovakia.

The new act introduced different kinds of restrictions: formal and material. The former intended to prevent or to make it more difficult for the press to print papers, while the latter lies in the strict responsibility for the content of the printed matter, even in cases where the guilt of the responsible person is not proven by an arbitrary interpretation. All restrictions naturally come along with strict sanctions for violation of the provisions. As a matter of fact, the formal restrictions from the period of Austria-Hungary were still in force, although in a new form of regulations, which was more suitable for the new form of state.<sup>25</sup>

The newly independent Poland had to cope with several challenges in terms of press regulation as well, which rooted in different regulations prevailing in the partitions: non-uniformity and excessive discretion characterized the situation of the press.<sup>26</sup> The subsequently adopted Polish Constitution of 1921 guaranteed the freedom of press to a large extent: Art. 104 granted citizens the right to manifest their thoughts and beliefs. Moreover, Art. 105 explicitly prohibited censorship and enabled the licensing and distribution of the press.

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of publication was given directly to the working class so that the socialist ideas could spread freely all over the country (Art. 8). The Hungarian Socialist Republic, however, only existed for 133 days. See: Kelemen 2018. 51–52.

24 Muriň 2010. 9.

25 Hrabánek 1934. 66.

26 Habielski 2014. 81.

The Constitution also provided the openness of parliamentary sessions to the press, and the suspension of the freedom of press could only be executed under a specific procedure, only in the event of a threat to public security (Art. 124). Therefore, the Constitution of 1921 created the framework for the adoption of a unified press act, Presidential Decree on Press Law of 1927 (1927 nr 45 poz. 398). This act, however, imported certain solutions from the partitions or introduced temporary regulations. Due to the controversial provisions of the act – such as the institution of confiscation or the regulation of press crimes with severe penalties –, it was repealed shortly thereafter, and the press was operating on the basis of the constitutional provisions.<sup>27</sup>

Based on the above, it can be concluded that the 1920s was rather the period of pathfinding for Central Europe, and this equally reflected the regulation of the press as well: in Hungary, there have been numerous attempts to return to the development curve that was interrupted by the First World War or – in the case of Poland and Czechoslovakia – to create stability and a new, independent press in the national language. However, due to political tensions that were the result of the unresolved issues of the Great War, such as the redefinition of borders and tense international relations, the regulations rather seemed to be chaotic and could be considered as a patchwork of antebellum rules and progressive provisions adopted right after the war.

## **4.2. The Rise of Fascist Movements in the 1930s and World War II**

The political leadership changed fundamentally in the 1930s in Hungary: after the period of consolidation in the 1920s, Hungarian internal politics drifted towards antisemitism and nationalism. There were attempts to centralize the press and create a totalitarian system.<sup>28</sup> In 1938, a new act was adopted, although it was only an amendment to Act XIV of 1914. Act XVIII of 1938 shows the influence of the First Jewish Law (Act XV of 1938), which set out the establishment of press chambers and limited the number of Jewish members of this chamber to 20% (Art. 2 and Art. 4). A stricter system of penalties was set out, and preliminary submission of the paper to the prosecutor was reintroduced as well (Art. 5). Hungary entered World War II on the side of Germany. As for the press, shortly after the outbreak of the war, preliminary censorship was reintroduced by Prime Minister's Decree No 8140/1939.<sup>29</sup>

In practice, the introduction of censorship allowed the government to silence the opinion of those who criticize their political orientation and thus cause tensions within society. Certain topics were banned such as defamatory writings

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27 Todos 2017. 124.

28 Klein 2013. 51–52.

29 Paál 2013. 15–16.



about the Regent,<sup>30</sup> religion, or the nation. Contrary to World War I, however, strict rules were not introduced that were specifically related to wartime. The 'pluralism' of the press was pointed out by the Germans as well (though in the form of criticism). The Hungarian government rather tried to strike a balance between the freedom of the press and censorship<sup>31</sup> but refused to engage in a closer co-operation with the German Ministry of Foreign Affairs in this matter.<sup>32</sup> The situation fundamentally changed in the last year of the war: Prime Minister's Decree No 10600/1944 introduced an even stricter censorship, which hindered the publication of a huge number of papers.<sup>33</sup>

The 1930s in the Slovak territories of Czechoslovakia were characterized by endeavours to create Slovak autonomy. However, the efforts were successful only through major political changes in the European context caused by the Munich Agreement and the ambitions of Germany. Due to these radical political changes, the Slovak state was declared by Act No 1/1939, and on Czech territories the Protectorate of Bohemia and Moravia was established.<sup>34</sup> Therefore, these territories became puppet states of the Nazi Germany and were influenced by their fascist ideology. In 1941, the Slovak Office of Propaganda was established, which issued general guidelines for preventive censorship of the press. The institutional provision of state interference in the activities of the mass media was completed by the issuance of Decree No 140/1944. The law created the possibility to establish ad hoc censorship commissions subordinated to the Propaganda Office or to the jurisdiction of a certain government member. Based on the instruction of the leading organ, the commission performed examination, guided, controlled, and censored the work of the press (Art. 1). Similarly to Hungary, a press chamber was established by Decree No 63/1939, and the fact of being a Jew hindered the admission to this chamber (Art. 10).<sup>35</sup>

As it had been pointed out above, the Czech lands were also under the influence of Nazi Germany. The German leaders of the occupation directly controlled the State and led it in accordance with their interests. Firstly, Act No 125/1933, the so-called Small Press Act was adopted, which regulated the censorship of the press. Based on the law, state authorities had the right to detain printed issues before they were published and to allow their publication only after the text was changed or deleted (Art. 10). The writers of the pertinent period were required to include in their publications propaganda and praise the representatives of

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30 During the period between 1920 and 1946, Hungary was a so-called 'Kingdom without a King', and the State was governed by Regent Miklós Horthy. That is why this period is often referred to as the Horthy era.

31 Lehotay 2011. 76–77.

32 Paál 2013. 17.

33 Paál 2013. 17–19.

34 Švecová–Gábris 2009. 152.

35 Drgonec 1995. 30.

the Third Reich. Part of this work included anti-Jewish lectures and political sketches, which ridiculed the Czechoslovak Socialist Republic government in exile.<sup>36</sup> In 1938, the Central Censorship Commission was established, which had the task of controlling periodicals and non-periodicals, radio, film, and theatre as well. The so-called 'Gruppe Presse' of the cultural-political department of the Office of the Reich Protectorate was operating under the leadership of a German photographer, journalist, and SS officer, Wolfgang Wolfram von Wolmar until 1943.<sup>37</sup> In 1939, the Press Office started to be controlled by the occupation office,<sup>38</sup> and starting from 1939 racial criteria were also applied for Jews under the Decree of the Reich Protector of 21 June 1939.

The Polish press was subject to serious restrictions as well: contrary to the previous Constitution, the new Polish Constitution of 1935 did not contain a separate article on the freedom of press. The guarantee of its existence could be derived from Art. 5, which provided the possibility of the development of the personal values of the citizens, freedom of conscience, freedom of speech, and freedom of association. The demand for the creation of a free press was fulfilled in 1938, when the Presidential Decree on Press Law (1938 nr 89 poz. 608) was adopted. This act abolished preliminary censorship (Art. 2) and introduced the institution of confiscation (Art. 38). Therefore, it can be concluded that the Polish press regulation of the time was rather obsolete, but at least it followed a unitary approach, and thus the same rules applied for the whole territory of the country.<sup>39</sup> The functioning of the press headed towards its total control of the state, as both the Constitution and the press act gave primacy to the interest of the state.<sup>40</sup>

During World War II, similarly to the situation of the other examined countries, the Polish-language press was subordinated to the interest of the Third Reich, which occupied the country, and to that of the Soviet Union, whose forces entered Polish territories in September 1939. There was no press law in the occupied territories, and the activity of publishing houses was subject to ad hoc orders of offices responsible for propaganda and the functioning of the terror apparatus.<sup>41</sup> The legal activity of the Polish or Jewish press was limited to publications fully controlled and censored by the totalitarian authorities.<sup>42</sup> Illegal publishing activities, as other 'offences', were punished with death penalty or captivity in camps on the basis of summarizing sentences.<sup>43</sup> However, underground movements and emigration press could, to some extent, represent the voice of

36 [http://dvacatestoleti.eu/data/files/MH\\_ML\\_6\\_protektorat\\_CaM.pdf](http://dvacatestoleti.eu/data/files/MH_ML_6_protektorat_CaM.pdf).

37 Končelík–Köpplová–Kryšpínová 2003. 402.

38 Končelík–Večeřa–Orság 2010. 94.

39 Todos 2017. 135–138.

40 Notkowski–Władyka 1982. 168.

41 Poprawa 2017. 58–59.

42 Poprawa 2017. 57.

43 Lewandowska 1980. 50.

Polish society and of the exile state, which was silently trying to build its state structures. Numerous journals representing various political and social parties of the fighting Poland were published; most of them had an informative character.<sup>44</sup>

The end of World War II means the end of a long and tragical period, which started with the tensions between the great European powers at the beginning of the 20<sup>th</sup> century. The countries of the Central European region were rather chess figures in the hands of the great powers in the war, namely in the hands of Nazi Germany, who occupied or collaborated with these states. Consequently, the operation of the press, similarly to any other field of governance and administration, was rather centralized and was strongly influenced by nationalism and antisemitism in this period. The effects of German defeat in World War II did not live up to the expectations of the examined countries, as they were soon 'liberated' by the Soviet Union, which introduced strict censorship rules that characterized the upcoming decades.

## **5. The Communist Era**

### **5.1. Introduction of a Communist Concept of Press Regulation**

The political leadership of the post-war era was devoted to the re-establishment of the free press, although with the aim of excluding anti-democratic ideas and thoughts, especially national-socialist and fascist manifestations.<sup>45</sup> After a short transitional period, around the end of the 1940s, communist parties took the leadership in all the examined countries and tried to shape the press according to their interest.

In Hungary, the first period of communism (between 1947 and 1956) was characterized by strict totalitarianism and centralization. The General Secretary of the Party, Mátyás Rákosi introduced his concept of press control as early as in 1945. According to him, the press could be controlled through the seizure of paper supplies, which created the possibility to determine the operation of the press not only on political but also on economic basis.<sup>46</sup> The legal framework was set up by the Constitution of the People's Republic of Hungary (Act XX of 1949), namely by Art. 55, which provided the freedom of press and freedom of assembly 'in the workers' interest'. This provision practically established the justification for state intervention in the press, as the state reserved the right for determining what the interest of the workers was.<sup>47</sup> Consequently, media pluralism was

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44 Lewandowska 1980. 51–56.

45 Nagy 2017. 192–194.

46 Nagy 2014. 105.

47 Buzinkay 1993.

completely eliminated: publishing houses and paper supplies were publicly owned, so there was no possibility for papers to operate officially without state supervision.<sup>48</sup> It can be concluded that the Rákosi era was one of the darkest periods of the Hungarian press: in the absence of laws and clear normative and procedural regulations, cases were ruled only in an administrative manner.<sup>49</sup> Press, therefore, was not regulated by laws, but it was functioning on the basis of direct commandments. The need for the adoption of a press law did not emerge until the revolution of 1956.

The revolution of 23 October 1956 against the communist leadership brought important changes for the regulation of the press and generally for freedom of expression: the negotiations started in early 1958, and Governmental Decree No 26/1959 soon entered into force.<sup>50</sup> The Decree overruled all the previous acts that were related to the press (except the constitutional provision, of course) and introduced novelties in various issues: the scope of press products was broadened to thoughts transmitted through radio, television, films, discs, and tape recorders (Art. 1), as well as the scope of applicants for rectification (Art. 13). The Constitutional Amendment of 1972 (Act I of 1972) brought certain novelties to press regulation: instead of the previous concept of 'the workers' interest', freedom of expression, freedom of press, and freedom of assembly were guaranteed 'in the interest of socialism and the people' (Art. 64). Even though this provision did not lead to practical changes, it could be considered as a promising conceptual change that paved the way for further changes in the 1980s.

Following World War II, there were endeavours to restore the Czechoslovak legal system, which finally resulted in the re-unification of the two states undoubtedly by Decree No 30/1945.<sup>51</sup> Similarly to Hungary, the communist party took over the leadership through a coup d'état in 1948 and soon adopted a Constitution (the so-called 'Ninth-of-May Constitution'), which laid down the fundamental principles on the basis of which the press could operate in the subsequent period. According to Art. 21, freedom of press was formally guaranteed, and preliminary censorship was banned. This article also made a distinction between two kinds of press products, which were periodical journals and non-periodical publications such as books, musical scores, or reproductions of works of art. Act No 184/1950 specified all the conditions for the publication of magazines, stipulating that the publication of the press and periodicals cannot be the subject of private enterprise. Everyone had to be authorized to print, and the authorization was granted by the political parties of the National Front, state bodies, or united trade unions, but also by top cultural, economic, interest, sports, and social

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48 Takács 2013. 70.

49 Bányász 1986. 38.

50 Révész 2013. 58.

51 Vojáček 2004. 69–77.

organizations.<sup>52</sup> The situation theoretically changed with the new Constitution of 1960: Art. 28 declared freedom of expression in all fields of public life, in particular freedom of speech and of the press, consistent with 'the interests of the working people'. The Constitution secured these freedoms by making publishing houses and printing presses, public buildings, halls, assembly grounds, as well as broadcasting, television, and other facilities 'available to the working people and their organizations'. These could be considered as material guarantees, which in practice served for the verification of whether the publication was in accordance with the ideology or policy of the party or the government.<sup>53</sup> Thus, similarly to the framework rules of the Hungarian Constitution, the Czechoslovak law guaranteed the freedom of the press only for the interest of the working class, which practically meant that any other pieces of information not serving their interest could be banned from being published. It is worth mentioning that Act No 81/1966 on periodicals and other mass media brought a conceptual novelty to press law by introducing the notion of mass media, which consisted of periodicals, agency news, as well as radio and television broadcasting.

In Poland, the Manifesto of the Polish Committee of National Liberation of 22 July 1944 was considered to be the founding act of the communist state. It offered the restauration of a number of democratic freedoms, including the freedom of the press, with the restriction of serving hostile democratic purposes. The first years of communism in Poland were characterized by the lack of legal certainty and the lack of transparency. In this period, the press was operating 'informally' despite the formal upholding of the Press Law of 1938 and – until 1952 – the Constitution of 1921, guaranteeing the freedom of the press to a large extent. However, the press in Polish territories under the communist rule was more institutionalized and centralized.<sup>54</sup> The relevant press regulations, such as the Decree of the Council of Ministers establishing the office controlling the publications and performances (1946 nr 34 poz. 210), were intentionally ambiguous, and thus the interpretation was left to the discretion of the authorities.<sup>55</sup> Moreover, there were no legal remedies for such arbitrary decisions.<sup>56</sup> The notion of censorship, therefore, did not appear in legal texts; however, the actual control over the press was carried out through the means of preliminary censorship. Similarly to the abovementioned countries, a communist Constitution was soon adopted, the so-called July Constitution of 1952. The Constitution introduced a new name for the state, which was the Polish People's Republic. Art. 71.1 of this Constitution guaranteed, among others, freedom of speech and of the press. According to

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52 Murín 2010. 59.

53 Peráček 2015.

54 Ciećwierz 1983. 27–29.

55 Id. 34.

56 Sobczak 2009. 96.

Art. 71.2, ‘the use of printing shops, stocks of paper, [...] the radio, and other indispensable means’ shall have been made available to the working class, in order to give effect to this freedom.

Thus, it can be inferred that the legal framework of the operation of the press was guaranteed by the national constitutions adopted by the communist party that took over the leadership in the examined countries after World War II, while the adoption of separate press acts was not a common practice. Consequently, the press operated on the basis of the constitutional declarations, all of which emphasized that the freedom of the press was guaranteed in the interest of the working people, for the working people, etc. This term, in the authors’ opinion, is utterly misleading: albeit the reference to the working class might sound preferential and beneficial, instead it could be rather considered as a restriction, since the state sought to justify the limitation of the freedom of expression by arbitrarily deciding on what fit within the scope of the interest of the working class and what did not.

## **5.2. The Path towards the Regime Change and Its Aftermath for Press Regulation**

The need for the adoption of a separate or new, comprehensive press law emerged from time to time from the 1970s onwards; however, due to the strict control of the communist party, this could not happen easily. However, in the last decade of the communist era, in the 1980s, critics of the regime raised their voice more and more forcefully through the means of the illegal or underground press.

In Hungary, a new act was being drafted after the adoption of the Constitutional Amendment of 1972, but it was passed only in 1986. Act II of 1986 did not bring radical changes; instead, it rather confirmed the previous press system, although the wording could be considered as less strict and more permissive. Art. 2, for instance, provided that the right to access to information had to be guaranteed through the press. It should be noted, however, that in practice this right was interpreted as a right to be informed about the development of socialism, including the experiences, best methods, and new solutions that serve the construction of the socialist society.<sup>57</sup> At this point, it is worth mentioning that the 1970s and the 1980s gave rise to the publication of the so-called samizdat papers. Samizdat<sup>58</sup> was a type of publication or paper that was illegally published under the Soviet dictatorship – in the Soviet Union, as well as in other countries, including Hungary. The articles of such papers dealt with topics that were banned such as

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57 Ádám 1987. 4–5.

58 The word originates from the Russian expression *самсебяиздат* (*samsebyaizdat*), which means ‘published for myself’, and it was presumably first used by Russian poet Nikolay Glazkov. See: Popov 2000.

the revolution of 1956 or the Polish Solidarity Movement of 1980.<sup>59</sup> Publication without permission was originally regulated by the Criminal Code;<sup>60</sup> however, since the adoption of Government Decree No 21/1983 MT, this matter belonged to the police, and instead of the previous practice of confiscation of the illegal prints, the punishment was rather the obligation to pay a certain amount of fine.<sup>61</sup> The re-regulation of the issue of illegal publications shows that the rigid political system slowly started to melt. Taking into consideration the growing number of samizdats within a relatively short time, in the authors' view, the lawmaker did not make a significant step for the effective reduction or repression of the spread of these illegal prints. Moreover, these prints had an outstanding importance in the formation of an anti-communist opposition that consequently paved the way for the regime change in 1989.<sup>62</sup>

In Czechoslovakia, Act No 180/1980 established the Czechoslovak Federal Office for Press and Information,<sup>63</sup> a state administration body for the control of the exercise of freedom of expression, which replaced the previously operating authoritarian Central Publication Report Office. Under this law, the Federal Information Press Office was the federal central government agency responsible for the press and other media. The period of the creation of the socialist press law in the Czechoslovak socialist state was concluded in a debatable way. On the one hand, the chairmanship of the Central Committee approved the establishment of a 16-member scientific law committee in 1987 for stipulating the new guiding principles of the press law; nevertheless, the actual legislative work never started.<sup>64</sup> At this point, it is worth highlighting that – as one could see through the example of Hungary – the operation of the illegal samizdat press was significant in Czechoslovakia as well, especially in the last decade of the communist era. However, most of these prints were published in the Czech part of the country, mainly focusing on the works of authors who were publishing in the 1960s and who were silenced after 1969.<sup>65</sup> The Velvet Revolution of November 1989 replaced the socialist regime with a new democratic federative solution which subsequently resulted in the separation of two democratic states. The press law was built on completely new grounds, and the current democratic level of freedom of press was established.

59 Some of the most significant samizdat papers were *Kelet-európai Figyelő* [Eastern European Observer], *Beszélő* [Speaker], and *Szféra* [Sphere]. See: Horváth 2013. 91–92.

60 Statutory Rule 28 of 1971.

61 Horváth 2013. 91–93.

62 Marengo 2017. 50–55.

63 It is important to highlight that the Czechoslovak Socialist Republic became a federal state on 1 January 1969.

64 Šutková–Vagovič 2008.

65 One of the most influential papers was *Petice* [Latch], edited by Ludvík Vaculík. In Slovakia, the main representative of samizdat literature was Dominik Tatarka. See: Hanáková 1997. 368.



From the mid-70s, samizdat (the so-called ‘second’, or ‘independent publishing circuit’) gained force significantly in Poland as well.<sup>66</sup> Moreover, in the 1970s and 1980s, Poland faced regular strike movements in large industrial plants, which led to the conclusion of an agreement with the government and the creation of the Solidarity movement.<sup>67</sup> The so-called Gdańsk Agreement was signed on 31 August 1980 and comprised 21 points, including the postulate of the implementation of freedom of the press. Censorship activities were exclusively limited to state secrets and issues regarding security, protection of religious ideology and of non-believers, and prevention of the dissemination of morally harmful content. Moreover, a new act was adopted on 26 January 1984: similarly to the Hungarian act of 1986, it still set out certain rules that were rooted in the communist concept of the press – for instance, the control of paper supplies was kept in force. It should be noted, however, that the act introduced several novelties such as the extension of judicial control to censorship issues or the mechanism for the protection of personal rights, including freedom of speech, with the possibility of remedy in case of their violation.<sup>68</sup> This act is still in force in Poland – obviously, it was amended and modified several times, in order to be suitable for the new democratic era.

## 6. Conclusions

The aim of this paper was to give a brief introduction and comparison of the history of press law in the territory of the current V4 countries. The presentation of the actual operation of the press exceeds the limits of this study; therefore, the authors rather focused on the legislative framework that determined the world of journalism in the past century. As it could be concluded from the above, the development of the freedom of the press shows similarities in the four (or, in certain periods, three) countries: the regulation at the beginning of the 20<sup>th</sup> century was rather obsolete, as they were either issued by an oppressing state (in the case of the Slovak and Czech, as well as the Polish territories) or adopted decades ago (as in Hungary, where the act was actually passed in 1848). World War I put an end to this chaotic situation, and all studied states gained freedom and independence. This period was mainly characterized by pathfinding, as these states had been struggling for independence for centuries. A number of press acts were adopted, which guaranteed the free operation of the press in the

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66 See the lexicon on the website of the Institute of National Remembrance. Available at: <https://web.archive.org/web/20150721203522/http://www.13grudnia81.pl/sw/slownik-pojec/6663,Drugi-obieg-wydawniczy.html> (accessed: 02.04.2023).

67 Pronobis 1996. 408–409.

68 Sobczak 2009. 97.



national language. World War II unfortunately brought a major setback in this development: during this period, similarly to World War I, the press was seriously restricted due to several reasons – among others, nationalism, antisemitism, as well as the fear from the opinion of hostile papers and anti-war publications.

Shortly after the end of World War II, the communist parties took the leadership in all four countries and soon adopted constitutions that were similar to each other, as they were influenced by the Soviet Constitution of 1936. Therefore, the authors point out that the regulation of the press of this era showed similarities, as the freedom of speech, expression, and press were guaranteed for the interest and benefit of the working class, which clearly posed a barrier to the flourishing of this right: the party reserved the right to decide the scope of the workers' interest, and the voices that did not serve this interest were silenced. Underground movements, however, became more and more powerful, and thanks to their operation, the communist regime could be overthrown at the end of the 1980s. Therefore, it was only the fall of communism that could pave the way for the creation of the free and pluralistic press that can tackle the challenges of the 21<sup>st</sup> century and that is in conformity with international standards, as well as the law of the European Union.

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