

THE THEORY OF CZECHOSLOVAK CONTINUITY

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In contradiction to the principles, recognized in international law, regarding the continuance of a state in spite of loss of territory, or a change of the form of government, the „theory of Czechoslovak continuity“ insinuates that Czechoslovakia continued to exist after 1938 within the boundaries of 1918—1938. This theory was developed by the Czechoslovak government-in-exile, and was supported by extremely questionable arguments, and even fictions. The far-reaching consequences of this doctrine only became fully clear when the „provisional Czechoslovak government“ began, after the occupation of the former state territory of the ČSR by Allied troops, and as the latter's executive organ, to draw not only in its legislation but also in general all the consequences of this doctrine which it deemed proper. From the theory of Czechoslovak continuity were derived all those measures which deprived the members of the German and Magyar ethnic groups of the basis of their economic and cultural life and also threatened their physical existence. It

offered not only the means for rescinding retroactively as desired, all legal regulations issued from 1938 on and for challenging all legal transactions which had taken place in this period: beyond this, it also made it possible to measure the conduct of the inhabitants of the former state territory — above all the Germans and the Magyars — according to the standard of an exaggerated concept of loyalty to a Czechoslovakia alleged to have continued to exist within its old boundaries; to mete out draconic punishment retroactively for their conduct (the Retribution Decree, among others); to expropriate them; to compel them to perform forced labour; to put them in concentration camps; and many similar things. The foreground nature of this supposedly fundamental doctrine and the ability to manipulate it in the interest of considerations of political expediency are also shown in the attempted reinterpretations of the theory of continuity by Czech authors in recent years. Here a „conception of revolution“ is placed next to the „conception of continuity“, with „formal continuity“ being rejected. The „conception of revolution“ secured the transition „from formal to material democracy, from liberalism to state socialism“ and is supposed to justify „the urgent liquidation of the old problem of nationalities and the necessary transformation of the nationality state into a national state“.