The early introductions of freedom of the press and access to government-held documents and of political rights, including complementary civil rights, were not immediately very effective. It took some time before these rights became completely established. For instance, the reform of the representative structures in 1906 resulted in an electorate that was ten times larger than previously, in a modern party structure, and in women taking up seats in the Parliament, but all of this became fully functional only after independence in 1917, after the demise of the autocratic Russian regime. The parallel liberties of the citizen were applied to some extent even where implementing acts had not been enacted and created an atmosphere of at least relative freedom in society. After independence, they were incorporated in the Form of Government (Constitution) Act of 1919 along with a number of other fundamental rights, but they continued to lack a self-executing character, depending for their applicability upon ordinary legislation passed by the Parliament. The direct applicability of the fundamental rights provisions was further circumscribed by the interpretation that courts of law had no jurisdiction to review the constitutionality of legislation and by the fact that Finland had and still has no constitutional court. Today, of course, these fundamental rights constitute core provisions that define the relationship between the individual and the state, and the Constitution of Finland of the year 2000 makes it possible even for courts to set aside a provision in an ordinary law in situations where the application of the ordinary law is in evident conflict with the Constitution.

23. ESTONIA: FIRST LANDMARKS OF FUNDAMENTAL RIGHTS

Hesi SIIMETS-GROSS
Marelle LEPPIK

‘Chapter II of the Constitution of the Republic of Estonia deals with fundamental rights of the citizens. This, as Prof. Dr. Berends writes — “is precious treasure, which is granted and given to Estonian citizens, treasure, without which a human becomes physically, mentally and spiritually a slave.” It is necessary to take care that this treasure does not remain only on paper as a dead letter, but must find just application in real life.’

Meinhard Vasar, attorney at law, in 1932

1. INTRODUCTION

The question of exactly when the first signs of fundamental rights in the territory of the current Republic of Estonia were clearly established is not easy to answer. Would it be correct to begin with the Fundamental Laws of the Russian Empire from 23 April 1906, or should we begin the story about fundamental rights in Estonia with the first Constitution of the Republic of Estonia which was passed by the Constituent Assembly (Asutav Kogu) on 15 June 1920 and entered into

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Estonia: First Landmarks of Fundamental Rights

Theories, indisputably in the list of pre-constitutional acts which essentially influenced the fundamental rights chapter within the first constitution.

Furthermore, there were documents written before the manifesto that had an important effect on its wording. It is well known that at the end of 1917, before the manifesto, famous Estonian poet G. Suits (1883–1956) drafted the text of a memorandum entitled 'The Work of the Republic of Estonia' (Eesti Töövabariik) and that the National Council published an explanatory statement about the independent state of the people of Estonia (Iseiseisev Eesti rahvariik). Historians emphasize that all such documents were closely linked and built on one another. The common aim of all these documents were to declare Estonia an independent republic in the near future and to provide cultural autonomy to all the minorities therein. Additionally, new aspects were addressed in the form of fundamental rights regarding the equality of citizens and their civil rights.

As these examples illustrate, the legal texts which enact fundamental rights are not established from scratch, but refer back to predecessors. A subjective choice on the part of the authors is therefore necessary as to which legal documents and fundamental rights to analyse. It is considered that this chapter must first mention the judicial reform of 1889 in the Baltic provinces, as the formal equality of citizens before the court was heavily influenced by this reform established by the Russian Empire. Secondly, the Russian Fundamental Laws of 1906 will be analysed, as this legal document directly influenced freedom of speech in Estonia. Finally, the pre-constitutional acts of the Republic of Estonia from 1918 and the Constitution of the Republic of Estonia of 1920 will be examined alongside the practical example of the implementation of article 6 (equality rights) of the 1920 Constitution.

2. THE RUSSIAN JUDICIAL REFORM OF 1889 IN THE BALTIC PROVINCES

In a situation in which there is no legislation declaring and guaranteeing fundamental rights, another Act may substitute for a constitution. This function is often claimed for private law codifications, but T. Anepa suggests that in the territory of Estonia the judicial reform of 1889 was the first "where several

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4 'Eesti Vabariigi põhiseadus' (Constitution of the Republic of Estonia), RT (State Gazette) 2019, 113/114, 897. In English published as The Constitution of the Estonian Republic (Passed by the Constituent Assembly on the 19th of June 1920), Ühisele Tallinn (Reval) 1924.


7 'Maadoboga otsus kõrgemast võimus' (decision of the Estonian National Council about higher power) from 15.11.1917. The original is available on website <https://www.nigesaija.ee/viited.eht.html?id=1> accessed 15.04.2015. See also TRUULVA, supra note 6, p. 14.


9 'Eesti Vabariigi välisministe ajutine kod' (Temporary Regime of Government of Republic of Estonia) 04.07.1919, RT (State Gazette) 1919, 44, 349.


13 E. Laman, Eesti iseseisvuse sünd, Vaba Eesti, Stockholm 1964, p. 234; Pajur, supra note 11, 30.
14 Among other issues, the need to create Estonia's own court system, to release political prisoners and to restore democratically elected government were emphasised. PAJR, supra note 11, 30.
principles of the rule of law (public administration of justice, separation of powers, formal equality of citizens [before the court]) were so extensively (of course not fully!) and complexly implemented. This allows to claim that the function of constituting for a constitution belonged to the procedural codes on which the 1889 judicial reform was based, together with the Courts Administration Act.\(^6\)

Of course, this argument holds only if the preconditions for implementation of these rights are also met. For example, 'a separation of administrative and judicial powers will have a modernising effect only if the activities of the administrative power can indeed be controlled by the justice.'\(^7\)

Whether, when and to what extent the rights were implemented is not fully understood at the current stage of research. There is then a further question of whether the changes in procedural norms influenced material law so that an extent that we can accurately refer to fundamental rights. It is best simply to state, therefore, that the first ideas of fundamental rights, if greatly limited in extent, were introduced in Estonia with the judicial reforms of 1889.

3. FUNDAMENTAL LAWS OF 1906 OF THE RUSSIAN EMPIRE

It is characteristic of Estonian historiography that fundamental rights or, more precisely, research on fundamental rights, generally starts from the formation and adoption of the Constitution of the Republic of Estonia in 1920.\(^8\) If we take into account that the turbulent period in which the enforcement of the Russian Constitution of 1906 took place was from an Estonian point of view just a transitional time providing conditions favourable to independence, this is understandable.

The Russian Fundamental Laws of 1906 nonetheless occupy an important place in the history of fundamental rights in the territory of Estonia. The Russian Emperor promised civil liberties and participation by the Duma (Parliament) in the legislation process, in his manifesto of 17 October 1905.\(^9\) This manifesto and other legal acts were incorporated into the Fundamental Laws of 1906 on 23 April 1906 and were applicable in Estonia.\(^10\)

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\(^{16}\) ANEPÃO, supra note 5.


\(^{18}\) ANEPÃO, supra note 5, 150.


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After the Emperor promised civil liberties on 17 October 1905 in an effort to calm down the strikes, many people started to demand the promised rights in practice in Estonia. The editor in chief of the leading newspaper, politician and later prime minister, foreign minister and head of state J. Tönisson (1868–1941) wrote: 'Now, through the fundamental laws, i.e., the Constitution the field of activities is legally widened. [...] Options to use the remedies to fight have become wider'.\(^11\)

If a civil servant of the empire closed a newspaper or prohibited a scheduled meeting, it was possible to claim in court that the restriction was in conflict with the fundamental laws. The employees and friends of J. Tönisson's newspaper, Postimees (Postman), started actively to exercise their freedom of speech and their right to hold meetings. Since the liberties and rights promised in the text were somewhat declarative, Tönisson was able to bluntly ask: 'What must we do, to completely enforce the new fundamental laws?'.\(^12\)

The main focus of the Russian Fundamental Laws of 1906 was to determine the scope of the emperor's power. According to the Fundamental Laws, the emperor had to share legislative power with the Duma and the Council of State (Chapter I, article 7). S. Zetterberg sums up the general view by arguing that Russia adopted a partial constitutional monarchy, although in reality the emperor kept the position of an autocrat.\(^23\) The low importance of fundamental rights is evidenced by their place in the constitution, that is in Chapter VIII. Nonetheless, some very important fundamental rights and liberties were enacted such as protection against unfair trial (article 72) and the right that infringement of personal freedoms could only occur in accordance with the law (article 73). The right of inviolability of the person (article 75) and personal property (article 77), the freedom to choose one's habitation and profession (article 76), freedom of speech, the right to hold meetings, freedom of association and freedom of religion (articles 78–81) were also laid down.

The general right of equality, however, was not guaranteed by the Russian Fundamental Laws of 1906, and, as always, the implementation of the principles depended on special regulations and administrative practice.\(^24\)
The Fundamental Laws of 1906 repeated rights which had prior existence in various Acts. For example, censorship had already been tightened in 1905, due to the publication of revolutionary opinions in newspapers. Therefore the rights had been withdrawn and in Estonia some newspapers were closed. S. Zetterberg gives some illustrative examples: The Journal of Tallinn (Tallinna Teataja) was closed after the censor filed 15 accusations during the period from 19 October until 5 December 1905. The publisher of the journal (who was an Estonian politician, later to serve five times as the head of state, prime minister, in duties of state leadership and speaker of the parliament, and who became the first president of Estonia in 1938), K. Päts (1874–1956) was accused of inciting rebellion. After another publisher J. Tönisson in his newspaper Postimees, criticised the new laws regulating Duma elections, the newspaper was shut down. Altogether, during the period from 1905 until 1908 over 20 newspapers were closed in Estonia. Some of them were, however, restarted later (e.g. Postimees).

It is nevertheless possible to say that despite the censor's bureaucratic demands, the situation for Estonian newspapers was certainly better after 1905 and 1906. Last but not least, the growth in printed materials made the exercise of censorship quite complex, since it was difficult to thoroughly monitor all publications.

The fundamental rights enacted in 1906 at least gave an opportunity to test their limits. After 1905, for example, the first political parties were formed in Estonia and during 1905–1906 the first political strikes and demonstrations were organised. It is notable that these developments took place before the enactment of the constitution.

Article 83 stated that 'Specific laws define exceptions to the rules expounded in this chapter regarding localities under martial law or under exceptional circumstances'. A state of emergency which was imposed in 1881 endured until 1917 in Russia. There are different views on the Russian Fundamental Laws of 1906 in Russia as well as in Western Europe. The German political theorist Max Weber, for instance, viewed the Act as a caricature of constitutionalism. Critical analyses originate from the fact that the emperor still had, compared to other western constitutional monarchs, considerable power and political control. Estonian lawyer H. Kalmi has made a critical remark in the context of self-determination of nations and the principle of autonomy for minorities that the 'emperor and administration did not care much [for] the constitution and even did not name the document enacted in 1906 the "constitution"'. On the other hand, in the opinion of L. Schultz, it is significant that fundamental rights were recognised as subjective public rights in the territories of the Russian Empire, although the rights were limited by special laws in a state of emergency.

The state of emergency was imposed for different periods in various parts of Russia. According to T. Anepaia: 'an emergency situation in the form of a state of war (not an enhanced or emergency state of defence) was fully established on the Estonian territory only on 20 December 1905 and it was lifted on 15 September (26 August) 1908'. In T. Kiihlimäe's opinion, an enhanced state of defence was thereafter established and it lasted until 4 September 1911, after which it was maintained only in Tallinn and Riga.

It may be concluded that, although the Russian Fundamental Laws of 1906 had less impact than hoped and expected, they were valid in Estonia and influenced the practice of rights in Estonia.

Even in later case law of the Supreme Court of the Republic of Estonia, the court has examined how fundamental rights were guaranteed when Estonia was a part of Russia: "During the temporary government of Russia females could freely enter the higher educational institutions and they had the right to become a civil servant if they ended the course, so all doubts disappeared about that now, under the Constitution of the Republic of Estonia [...] article 6, that acts as follows: "All Estonian citizens are equal in the eyes of law. There cannot be any public privileges or prejudices derived from birth, religion, sex, rank or nationality." Thus, harmonizing the rights of both genders." This court case from 1924 illustrates that later, in the Republic of Estonia, it was considered inappropriate for wider fundamental rights to be granted in Russia than in independent Estonia, at least with respect to gender equality.

32 SCHULTZ, supra note 20, p. 48.
34 SCHULTZ, supra note 20, p. 50.
35 ANEPAIA, supra note 5, 158.
4. PRE-CONSTITUTIONAL ACTS OF THE REPUBLIC OF ESTONIA, 1918–1920

Before the first Constitution of the Republic of Estonia was passed by the Constituent Assembly on 15 June 1920 (entering into force on 21 December 1920), other Acts were passed that filled the place of a missing constitution.

Estonian independence was declared by the Manifesto to All the Peoples of Estonia on 24 February 1918. According to one author of the manifesto, F. Peterson, the purpose of the manifesto was as follows: 'Thus, the manifesto is at the moment a fundamental act of state governance. The manifesto has to include the fundamental rights of an independent Estonia; regulations about forming the Constituent Assembly; clarifications about the status of soldiers in the Estonian military, so that they cannot be stigmatised as deserters of the Russian military; and regulations about future actions of the government with respect to the security of citizens and property. The manifesto must give a clear promise of what citizens can expect from their own Estonian state'. The idea was to give to the manifesto 'such a substance as if it were a reduced form of constitution'.

In the Declaration of Independence or Manifesto of 1918, the most important fundamental rights were compressed and listed in three points:

1. All citizens of the Republic of Estonia, irrespective of their religion, ethnic origin, and political views, shall enjoy equal protection under the law and courts of justice of the Republic.
2. All ethnic minorities, the Russians, Germans, Swedes, Jews, and others residing within the borders of the Republic, shall be guaranteed the right to their cultural autonomy.
3. All civic freedoms, such as the freedom of expression, of the press, of religion, of assembly, of association, and the freedom to strike as well as the inviolability of the individual and the home, shall be irrefutably effective within the territory of the Estonian Republic and based on laws which the Government shall immediately work out. The manifesto was inspired by independence declarations (such as the Declaration of Independence of the United States and the French Declaration of the Rights of Man and of Citizen) that had their basis in the natural rights of every human being (les droits naturels, inaliénables et sacres de l’Homme) which must be protected by every political association.

In addition to the manifesto, fundamental rights were part of other pre-constitutional acts, such as the Temporary Regime of Government of the Republic of Estonia of 4 June 1919. The general principles of the Temporary Regime of Government of the Republic of Estonia were later enacted in the first constitution of 1920. It was established in this document that Estonia is an independent, sovereign and democratic republic (§ 1). The document also determined the provisional borders of the state and named the parts of the land that belonged to the Republic of Estonia (§ 2). According to this document, the official language of the state should be Estonian; at the same time, minorities were granted the right to use their own language (§ 3); all Estonian citizens were declared equal before the law and there could be no prejudice or privileges (§ 4). As the social and economic power of the estates, especially the German nobility, was very strong until that point, the abolition of estates was a significant change. Similarly to the manifesto of 1918, the Temporary Regime of Government included a chapter about fundamental rights (§§ 4–8). In addition to personal and political rights, social rights were guaranteed: free obligatory primary education in the native language (§ 5); the right to acquire land for agriculture and exploitation (§ 7); the right to an adequate standard of living (§ 7); the right to gain employment and labour protection (§ 7); and the right to state support for those who are old, young or unable to work (§ 7), etc. The highest power belonged to the people, in whose name the Constituent Assembly should act (§ 9). The important task of the Constituent Assembly was to pass the Constitution of the Republic of Estonia (§ 10).
5. FIRST CONSTITUTION OF THE REPUBLIC OF ESTONIA OF 1920

The Constituent Assembly enacted the first Constitution of the Republic of Estonia on 15 June 1920, and it entered into force on 21 December 1920. As a result of the legislative process, the fundamental rights in the Constitution of 1920 were, in comparison with the Temporary Regime of Government of the Republic of Estonia, specified and widened, while not being changed in principle.

However, in drafting the Constitution it was first discussed whether fundamental rights should be included in the constitutional text in Estonia at all, as doing so was uncommon at that time, let alone earlier. For example, most constitutions in German states after 1848 did not mention fundamental rights, for they were considered in legal theory to be self-evidently guaranteed. Nonetheless, it was decided in the Weimar Constitution that, to tie the Constitution with the one from 1848, an extended series of fundamental rights should be included. The Latvian Constitution of 1922 did not address human rights. After the question about the necessity of fundamental rights in the Estonian Constitution arose, there was demand for establishing fundamental rights in the Constitution on all sides, from the right wing and the left, and consequently fundamental rights were enshrined there as legal guarantees.

In the opinion of an Estonian lawyer, E. Laaman, the Estonian Constitution of 1920 was influenced by the French Declaration of the Rights of Man and of the Citizen, by extreme collectivism in Soviet Russia, and by the Weimar Constitution. The Weimar Constitution and the French Declaration were considered to be the best examples at that time. The French Declaration was an example for all constitutions developed after its adoption. The Weimar Constitution was held up as a model of a modern and democratic constitution of the twentieth century, and it was indeed one of the most advanced constitutions of its time. So the best constitutional acts were chosen as the standard.

46 "Eesti Vabariigi põhiseadus" (Constitution of the Republic of Estonia), RT (State Gazette) 1920, 113/134, 897.
49 J. LAZDINS, "Rechtspolitishe Besonderheiten bei der Entstehung des lettischen Staates und seiner Verfassung" (2014) 7 Juridiski zinātnes 9, 16.
50 E. LAAMON, "Eesti ja riik Eesti põhiseaduses" (1937) 3 Õigus 102, 106.
51 Ibid.

The fact that French Declaration of the Rights of Man and of the Citizen was taken as a model was certainly important for the self-esteem of the newly established state. When comparing the Constitution of 1920 with the French Declaration, some similarities can be seen. Both contained guarantees of personal rights (such as equality of the sexes), but there were no social rights in the Declaration, whereas these were provided in the Estonian Constitution of 1920. It can be said that the liberal spirit of the French human rights declaration was incorporated into the Constitution of 1920. In both the French document and the Estonian Constitution of 1920, the section containing the series of fundamental rights was the first to follow the introduction. Additionally, the title of the chapter on human rights, 'About Fundamental Rights', was very characteristic of the general aim and essence of the Constitution of 1920.

As noted above, the Constitution of 1920 was also influenced by the Weimar Constitution. Although the Constitution of 1920 set itself apart from the German tradition — according to which the series of human rights, inclusive of social and economic human rights, was traditionally very thorough (the Weimar Constitution contained 56 sections) — the authors find some of the Weimar Constitution's social and economic fundamental rights similarly worded in the Estonian Constitution of 1920. Article 25 contains a translation from the Weimar Constitution — that the organisation of economic life must be in accordance with the principles of equity. However, this article was criticized during preparatory work on the Estonian constitution; the claim was 'that equality stays only on paper' since civic democracy is only a delusion. In fact, from a legal point of view article 25 of the Estonian Constitution was more precise and clear: it gave guidelines for the legislator concerning the areas that needed regulation.

Although an influence over the Constitution of 1920 came, in the opinion of the authors, from the Weimar Constitution of 1919, there are some clear differences as well. The fundamental difference lies in the title of the chapter, which in the Weimar Constitution was 'Concerning the rights and duties of Germans' (Grundrechte und Grundpflichten der Deutschen). As J. Röcker has formulated, 'when the right and duty each applies, will be the principal question'. As the chapter in the Estonian Constitution of 1920 was entitled 'On the Fundamental Rights of Estonian Citizens', this was not a problem for that constitution (though it was different later, e.g., in 1938). In the Constitution of 1920, individual rights and freedoms were in focus.
Thus, in Chapter II of the Constitution of 1920 the obligations of the state in favour of the citizen were not in focus, but the obligation of the state to refrain from intervention in the freedoms of citizens was emphasised, according to one of the compilers of the constitution, J. Ulots. The concept of the 1920 Constitution was based on individuality, rather than on collectivism, and beside the fundamental rights there were few obligations.

Because of the more than 20 fundamental rights in Chapter II, the 1920 Constitution is described as 'very democratic'. Some historians however think it has been described as more democratic than it deserves, since its less democratic aspects have been left out from some analyses. Moreover, we still lack complete and systematic data on how fundamental rights were actually realised in everyday life and applied in legal practice and how fundamental rights were implemented and interpreted by the independent court system.

To illustrate this critical remark, let us take article 6 of the 1920 Constitution. According to article 6, all citizens were declared to be equal before the law, men and women alike: 'There cannot be any public privileges or prejudices derived from birth, religion, sex, rank, or nationality. In Estonia there are no legal class divisions or titles.' Compared to the usual wording of the equality principle, this norm contains the short addition 'public', which can lead to non-application in private law questions.

Even in the public sphere where equality should prevail and was expressis verbis affirmed by the Supreme Court, the reality could be different. On 1 September 1924 the Grand Chamber of the Supreme Court issued an opinion on a complaint submitted by Mrs. Auguste Susi-Tannebaum, who challenged the decision that she — as a woman — was not suitable to be appointed to the position of judge candidate. Lower court instances had interpreted a special law, the Judicial Institution Act of 1917, and reached the conclusion that it was not permitted for a woman to enter the judge’s profession, because of her gender. The Grand Chamber of the Supreme Court explained that the interpretation of the court of lower instance was not in accordance with article 6 of the 1920 Constitution, since there may be no privileges dependant on gender. Additionally, the Supreme Court drew attention to the fact that women were allowed to receive higher education in 1924, and that women were allowed to work as civil servants.

Thus, the right to become a candidate justice, regardless of gender, was according to the Supreme Court the only solution that was constitutionally consistent and in support of gender equality. We can see this from the judgment of the Grand Chamber of the Supreme Court from 1924, which may be the first court case concerning gender equality in Estonia. However, it is an historical fact that there were no women working as justices in ordinary courts during the period 1918–1940 in the Republic of Estonia.

On the other hand, even in 1925 the legal scholar and politician, and first head of state during the interwar period, A. Piip (1884–1942) commented on how gender equality was not, in his opinion, always objectively implemented: ‘It is interesting to note that despite this provision many laws exist which protect women in industry, thereby discriminating favourably against men.’

This, together with the non-equality of gender in the private sphere and the restriction of freedom of movement such that it applies only within one’s home country, shows a restrictive approach in the interpretation of fundamental rights which are widely formulated.

6. CONCLUDING REMARKS

Taking account of the traditions and history of the Republic of Estonia, it is not hard to understand why research on fundamental rights in Estonia generally starts with the Declaration of Independence (Manifesto to All the Peoples of Estonia) of 24 February 1918, and why the debate about fundamental rights in Estonia begins with analysis of the historical context of the first Constitution of the Republic of Estonia of 1920. However, if the question is when the first fundamental rights in Estonian territory were enacted, it is necessary to expand the investigation to earlier legal acts. At the same time, it cannot be said that all fundamental rights that are considered important today were laid down concurrently.

The judicial reform of 1889 in the Baltic Provinces can be viewed as the first attempt to establish some fundamental rights in a certain area of law in the Russian Empire. As often happens, the Russian Fundamental Laws of 1906...
followed massive civil disorder. This did not mean that all of the important fundamental rights were guaranteed, or that full use of them was allowed. For example, freedom of speech and publishing, as well as the right to hold meetings, were guaranteed and restricted before the Fundamental Laws entered into force. Thus, the Constitution of 1906 did not greatly change some aspects of fundamental rights from the status quo. The recognition of fundamental rights as subjective public rights in the territory of the Russian Empire was still important, despite restrictions in the special laws and the fact that the equality principle was not yet laid down.

The idea of an independent state, the Republic of Estonia, included the wish that it should be a state with the rule of law in which fundamental rights were followed. For this reason, both pre-constitutional acts stressed fundamental rights.

Despite certain doubts about including the fundamental rights catalogue in the first Constitution of the Republic of Estonia of 1920, those rights were laid down in the second chapter of that Act. How necessary this was, and that the presence of rights was not as self-evident as it was claimed to be during discussions in the Constituent Assembly, was demonstrated by the various interpretations of the text in theory and practice. Our example concerning gender equality shows different views and practices in the courts and society. However, the catalogue of fundamental rights in Chapter II of the 1920 Constitution with the possibility of a constitutional review by the Supreme Court was predominantly liberal and modern.

24. SLOVAKIA:
THE RIGHT OF A NATION

Tomáš GÁBRIS
Mária PATAKYOVÁ

1. INTRODUCTION

When searching for the first fundamental rights documents in Slovakian history we must admit that these emerged relatively late in comparison with other European countries — in the mid-nineteenth century. Additionally, they are marked by a specific feature of being aimed at collective rights rather than individual rights. Individual rights (mostly political ones) were only to serve the execution of the most important fundamental right — the right of a nation to equality, which has later turned into the right of a nation to self-determination. This was the main goal strived at by the small nations of Central Europe, and in case of Slovakia, it took almost two centuries until the right to self-determination of the Slovakian nation was fully executed. That is what makes this right of special interest in Slovakia, and hopefully of importance also for the purposes of this book.

At the very beginning of our treatment of the documents related to Slovakia, we must note that we shall not discuss one sole document, but rather a series of documents, which are additionally mostly of political rather than of legal nature. This was caused by the fact that Slovakia did not have any independent legislature until recently. The Slovak Republic is one of the youngest states on the map of Europe, gaining its independence only on 1 January 1993. The history of fundamental rights in the territory of Slovakia before 1993 is therefore strongly linked to the history of the Hungarian Kingdom (until 1918) and Czechoslovakia (until 1992). Still, Slovak national leaders independently authored several political declarations and projects in the nineteenth century (mainly in 1848, 1849, and 1861), specifically aimed at the rights of the nation, hand in hand with requests for individual political rights. The fact that these were political declarations rather than laws was perhaps the reason why these documents of the nineteenth century were more radical than the reforms introduced by the actual laws of the conservative multi-national Hungarian Kingdom.

The idea of a nation being a legal person, carrying specific collective fundamental rights, is the main feature of all these documents. The arguments
FIRST
FUNDAMENTAL RIGHTS
DOCUMENTS
IN EUROPE

Commemorating 800 Years of Magna Carta

Markku SUKSI
Kalliope AGAPIOU-JOSEPHIDES
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