

Characteristics of main research directions investigated at the institute and the achievements 2010–2014

Institute	Institute of State and Law of the CAS, v. v. i.
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The main areas of research focus during the evaluated period 2010 to 2014 were based on the Scientific Policy of the Institute from 2010. This policy builds on the fact that the Institute is the only research institution in the Czech Republic carrying out basic research in the area of law. In this respect, the Institute has different goals, research focus and organizational structure than faculties of law of public and state universities, as well as private schools of law, where research is formed by teaching, as well as. The Institute is therefore an important place for basic research and legal science in the Czech Republic. This is evident, among other things, from the number of successfully completed grant projects (see attachment 3.1) and from the number and quality of scientific outputs. The Institute is a respected theoretical institution in legal sciences, as evidenced by the considerable number of legal expertise requested by the government, regional governments and professional organizations, as well as private subjects (see attachment No. 3.9).

Conceptually, the research activities of the Institute focused in the evaluated period on these **basic research areas**:

- Analytical philosophy of law and theory of legal argumentation.
- Constitutional theory, political science, political economy, political philosophy and moral philosophy.
- Interdisciplinary investigation into the Health Care law and Bioethics, the Environmental Law and Sports Law, in the context of the Czech law, EU law and international law.
- Comparative law.
- Analysis of basic the basic elements and principles of private law, such as contract, delict, area of legal responsibility etc.
- Research of quantitative and qualitative aspects of the legal order; as well as the influence of EU legislation on the Czech legal order.
- Research of the legal language including quantitative and qualitative aspects as well as logical and linguistic analysis of legal language and creation of dictionaries.
- Alternative methods of dispute resolution and the choice of applicable law, harmonization of applicable law and the questions of jurisdiction and enforcement of decisions.
- The relationship between the Czech and EU law as well as international law.
- Development of legal informatics, in particular creating and maintaining legal databases.

The conceptual focus of the basic research of the Institute is reflected in its organizational structure, teams of researchers are organized into three departments: **the Department of Public Law, Department of Private Law and Department of Legal Theory.**

The Department of Public Law carries out long-term research especially in the area of public administration and administrative law, constitutional law, environmental law, financial law and international public law, as well as the EU law. Between 2010 and 2014 the department has undergone significant personnel changes that to a degree transformed the research methods and provided for a more intense cooperation with foreign researchers and institutions. Generally speaking, research activities focused on the following areas:

- international public law with special attention to the codification of international law and competing jurisdiction of international and European courts, responsibility, human rights, protection of international investments, as well as certain aspects of international humanitarian law and international criminal law and judiciary;
- European system of human rights protection;
- the effects of international law on the Czech legal system;
- medical law and bioethics;
- legal protection of the environmental and the rights and legal status of animals;
- selected topics of the administrative law, public administration and constitutional law;
- theoretical and comparative questions of the constitutional theory, political science, political economy and political philosophy.

The outcomes of research were published in national and international peer-reviewed journals, and in monographs (see attachment 3.8 of the department of public law) and presented at scientific conferences. Notable outcomes include among others the publication of M. Goldoni, “The Early Warning System and the Monti II Regulation: The Case for a Political Interpretation, published in *European Constitutional Law Review* (2014, Vol. 10, Issue 1), or M. Croce’s “Desiring What the Law Desires: A Semiotic View on the Normalization of Homosexual Sexuality, published in *Law, Culture and the Humanities* (2014, issue 10)”. Another important research outcome was the monograph of H. Müllerová (together with V. Stejskal) “Protection of Animals in the Law [Ochrana zvířat v právu]” and the monograph of J. Malíř, “The EU State Aid Law. The Ban on State Aid and Exceptions from This Ban [Právo veřejných podpor Evropské unie. Zákaz poskytování veřejných podpor a výjimky z tohoto zákazu]” as well as the monograph of I. Halász “International Migration, Countrymen and Electoral Rights. The Form and Electoral Borders of Modern Political Community in the Central European States [Medzinárodná migrácia, krajanovia a volebné právo. Podoba a volebné hranice moderného politického spoločenstva v štátoch strednej Európy].”

In the evaluated period, two research units were created within the Department of Public Law. In 2011 the **Research Unit for Medical Law and Bioethics** and in 2013 the **Centre for Law and Public Affairs** (CeLAPA) were founded.

Research Unit for Medical Law and Bioethics carries out research in the area of medical law and bioethics and aims to support the interdisciplinary and multidisciplinary research of law and medicine. The aim of the Unit is to deepen our understanding of medical law and bioethics and to facilitate cooperation between

leading experts in the Czech Republic and abroad. For this purpose it organizes workshops and conferences, such as :

- workshop Ethical and Legal Aspects of Medical Research [Etické a právní aspekty lékařského výzkumu], May 2011;
- workshop New Healthcare Legislation – Progress or Uncertainty? [Nová zdravotnická legislativa – pokrok či nejistota?], November 2011;
- workshop Informed Consent – Legal vs. Bioethical Understanding [Informovaný souhlas – střet právního a bioetického pojetí], May 2012;
- workshop Patient Privacy in Healthcare [Ochrana soukromí pacienta ve zdravotnictví], November 2012;
- workshop Value of the Human Life in the Light of Wrongful Life and Wrongful Birth Cases [Hodnota lidského života na pozadí wrongful life a wrongful birth žalob], June 2013;
- workshop Causality as a Necessary Element of Legal Responsibility? [Kauzalita jako nutný element právní odpovědnosti?], November 2013;
- international workshop Moral Enhancement, May 2014;
- workshop Legal Responsibility of Healthcare Services Providers under the new Civil Code, [Právní odpovědnost poskytovatelů zdravotních služeb podle NOZ], December 2014;
- conference Ethical and Legal Aspects of the Stem Cell Research [Etické a právní aspekty výzkumu kmenových buněk], May 2013;
- conference Death and Dying: Ethical, Legal and Medical Questions at the End of Life [Smrt a umírání: Etické, právní a medicínské otazníky na konci života], November 2013;
- international conference “Human Enhancement. Is Perfecting Humans Right? Ethical and Legal Obstacles in the Creation of the Perfect Human” [„Human Enhancement. Je zdokonalování člověka správné? Etická a právní úskalí při tvorbě dokonalého člověka.“], May 2014.

The Unit manages a website “www.zdravotnickepravo.info”, which brings news and interesting facts from the area of medical law and bioethics.

The Unit has own editorial board within the Institute – Board of the Research Unit for Medical Law and Bioethics, which so far published a number of publications (Appendix XYZ):

- Stem Cells. Ethical and Legal Aspects of Research. Prague: Institute of State and Law of the Academy of Sciences of the Czech Republic, 2013. 128 pp (edition of the Research Unit for Medical Law and Bioethics). ISBN 978-80-87439-13-5.
- Ethical and Legal Aspects of Stem Cell Research. Prague: Institute of State and Law of the Academy of Sciences of the Czech Republic, 2013. 64 pp (edition of the Research Unit for Medical Law and Bioethics). ISBN 978-80-87439-12-8.
- Death and Dying. Ethical, Legal and Medical Questions at the End of Life. Prague: Institute of State and Law of the Academy of Sciences of the Czech Republic, 2013. 252 pp (edition of the Research Unit for Medical Law and Bioethics). ISBN 978-80-87439-15-9.

The Unit publishes online Journal of Medical Law and Bioethics¹, which was in 2014 listed in the RIV (Information Register of R&D results) – list of reviewed non-impact periodicals published in the CZE. In 2012 the Czech Unit of the UNESCO International Network in Bioethics (Haifa) was created. In 2013 the Unit became a part of EACME (The European Association of Centres of Medical Ethics). The members of the Unit give regular talks at national and international conferences, including top worldwide events of medical law and bioethics e.g the World Conference BIOETHICS, MEDICAL ETHICS & HEALTH LAW or International Conference, Quality and Safety along the Health and Social Care Continuum, Rio de Janeiro.

Members of the Unit regularly comment on current issues in medical law and bioethics in daily press and are invited to give talks to healthcare professionals. Some outputs of the members of the Unit (e.g. monograph Stem Cells. Ethical and Legal Aspects of Research. Prague: Institute of State and Law of the Academy of Sciences of the Czech Republic, 2013) are essential for the legal and ethical discourse of the professional public and determine the direction of research in the area of medical law. In the three years since its founding the Unit has become a leader in academic research of medical law and bioethics.

The Centre for Law and Public Affairs (CeLAPA) was founded in 2013 as a cross-disciplinary platform for studying the law and legal science in the context of comprehensive research. The primary aim is joint cultivation of topics across disciplines and national academic communities, as well as importing European methodology into the local scientific work. Research community CeLAPA, comprising employees of the Institute and researchers from European universities, critically analyzes the concepts of democracy, rights and the rule of law by integrating them into broader debates about the conditions of coexistence in pluralistic world. The research methodology is based on studying concrete topics across different areas of constitutional theory, political science, political economy, political philosophy and moral philosophy. Multidisciplinary approach and emphasis put on international topics contributes to publication and other research activities that integrates domestic and international legal science (e.g. Pavlakos, George, *Between Reason and Strategy. Some Reflections on the Normativity of Proportionality. Proportionality and the rule of law: rights, justification, reasoning.* New York: Cambridge University Press, 2014 - (Huscroft, G.; Miller, B.; Webber, G.); Croce, Mariano *Homonormative dynamics and the subversion of culture.* European Journal of Social Theory. 2014).

CeLAPA regularly invites a selected group of international researchers from legal and social sciences and humanities to give lectures. For this purpose CeLAPA established *Franz Weyr Fellowship* and *Hans Kelsen Annual Lecture*, which featured a number of renowned European academics (e.g. Komárek (LSE), Jiří Přibáň (Cardiff), Emiliios Christodoulidis (Glasgow), Axel Gosseries (Louvain) and Mattias Kumm (Berlin). These programs enable thematic interaction of multidisciplinary research between Institute's researchers and top scientific centers in the Czech Republic and Europe. This provides ample opportunities for the interaction between the visiting scholars and members of the local scientific community, which leads to

¹ www.ilaw.cas.cz/medlawjournal

joint publications and other long-term synergies. CeLAPA organizes a number of seminars in cooperation with European partners (such as Centre for Law and Cosmopolitan Values (Faculty of Law, UA), University of Upsala, University of Helsinki, Louvain University), for example “The Euro-crisis and the post-communist “Return to Europe: Will Europe finally unite?”” (jointly with LSE). As a result of these activities, the Institute has been awarded grant support (by the Czech Science Foundation) for the following number of projects: “The Role of the Principle of Proportionality in the Decisions of Constitutional Courts” [Role principu proporcionality v rozhodování ústavních soudů] (investigator R. Alexy (Kiel) and K. Moller (LSE)), project “Transsexuality and the Problem of Minority Identity in Legal Discourse” [Transsexualita a problém menšinové identity v právním diskursu] (investigator M. Croce (Antwerp)) and project “European Court of Human Rights as a Co-author of European Identity – a dialogue between the “old” and “new” Europe” [Evropský soud pro lidská práva jako spoluvůrce evropské identity - dialog mezi "starou" a "novou" Evropou], in cooperation with the Centre for Law and Cosmopolitan Values (Antwerp). Together with the Faculty of Law of Charles University and the Faculty of Law of Masaryk University the Institute co-founded initiative *Graduate Colloquim* a series of doctoral seminars for the students of Czech universities with foreign guests who visited the Institute.

The research of the **Department of Private Law** focused principally on the following areas:

- Research following up on the process of the recodification of private law;
- Research in the area of the law of delicts with special focus on damages or other wrong caused in the health care sector, sports etc.;
- Research in the area of corporate and insolvency law;
- Comparative research in the area of private international law focusing not only on the institutes of private law (contract, delict, corporation) but also on theoretical questions of the choice of applicable law, transfers of seat of legal persons, international law of civil procedure etc.;
- Development of European private law, especially European contract law, European civil code, European family law, European endowment law, European corporate law, European criminal law;
- Theory of private law (in cooperation with the Department of Legal Theory);
- The „digitalization“ of private law with focus on interdisciplinary research into normative regulation of the environment of new technologies and other phenomena with the aim to name the characteristic features of this environment in relation to its normativity and efficiency;
- Research of selected aspects of authors’ rights, into the applicable law on the Internet, domains and domain rights, protection of personal data and consumer protection,
- Publicization of private law and privatization of public law;

Research activities were strongly influenced by the preparation, partial conceptual evaluation and overall finalization of the long-term process of the recodification of Czech private law. Emphasis was placed on the structure and conception of the new recodification of Czech private law, analysis of related topics of private law and the new regulation of public registers. Within the process of recodification of private law, considerable attention was further dedicated to the construction and new conception of commercial law in the Czech Republic as well as

to the scientific research into the motivational function of company members. In this context, B. Havel published in 2010 a key treatise entitled “Commercial Corporations in the Light of Changes” [“Obchodní korporace ve světle proměn”] which addresses a series of current legal and philosophical issues in this still relevant area of law.

New (interdisciplinary) subjects were developed notably in the fields of medical law, sports law and in the area of information technology law, computer networks and authors' rights. Research in this area primarily focused on the topics of non-material damages, the regulatory regime of sports associations in the EU; the impact of international sports associations on domestic legal regulation of sports, legal-technological issues and important application issues in the area of IT law. The department members also focused on the analysis of the impact of EU law on selected areas of private law, selected questions on arbitration, horizontal application of human rights towards the non-state sector, the labour law status of the exercise of dependent work in the light of European and domestic law, modern arbitration and legal-technological questions. In the area of private international law, research continued to focus on the issue of the new code of private international law and the related issues of European regulation (EU Regulations and International Conventions – Shifts in Time and amendments to the “Common European Sales Law”).

The department members published a series of outputs as a part of the implementation of two key grant projects (“European private international law on its way to codification” and “European sports law and its role in the legal regulation of sports”) and also in other scholarly outputs, for example a large treatise of B. Havel entitled „Commercial Corporations in the Light of Changes: Essays on an Open Topic of Corporate Governance“ (Obchodní korporace ve světle proměn: Variace na neuzavřené téma správy obchodních korporací) which addresses the issue of corporate governance under a wholly new legal regulation of private law and perceives commercial corporations as a conglomerate of legal, social and economic components; the treatise authored by J. Matějka entitled „The Internet as the Object of Law: Searching for a Balance of Autonomy and Privacy“ (Internet jako objekt práva: hledání rovnováhy autonomie a soukromí which addresses the legal regulation of the protection of privacy, its boundaries and possibilities in the environment of the global reach of the Internet. The book „Private International Law in the Czech Republic“ by M. Pauknerová published by Kluwer Law International Encyclopedia is another important output. The book offers a complex analysis of private international law in the Czech Republic. Important output in the area of labour and social law includes the treatise by M. Štěfek et al. “General Issues of Social Policy“ (Obecné otázky sociální politiky) which includes a detailed analysis of the key concepts of the general question of social policy, including EU law. Another important output is represented by P. Hamerník's “Sports Law: Searching for Boundaries between Specific Sports Regulation and existing law“ (Sportovní právo: hledání rovnováhy mezi specifickou sportovní úpravou a platným právem) which addresses issues of disciplinary sanctions, discrimination in sports etc.

Research activities further included participating in foreign conferences and research stays (e.g. the workshop of the Institute and the Max-Planck Institut für Sozialrecht und Sozialpolitik entitled „Social rights of third-state citizens“ (Sociální práva občanů třetích států)). In addition to scholarly outputs, a number of popularizing activities were organized, related to the recodification of private law.

A series of sessions with expert and laymen audience and lectures were organized and the work of K. Eliáš et al.: „Civil law for everyone. Through the eyes of (not only) the authors of the new Civil Code“ [Občanské právo pro každého. Pohledem (nejen) tvůrců nového občanského zákoníku] was published.

Department of Legal Theory carries out long-term research of the legal language, including research of legal terminology, automatic analysis of legal texts and parametrization of Czech legislation (quantitative analysis of the structure of Czech legislation, indicators of development, quantitative characteristics of Czech legislation). It also conducts logical and philosophical analysis of law, especially legal concepts, and the use of qualitative research methods in law (analysis of judicial proceedings, language structure), including the general questions of comparative law and their applications.

In the evaluated period the members of the Department focused in particular on the following research areas:

- legal informatics and working on the Electronic Legal Dictionary;
- quantitative and qualitative analyses of Czech legislation;
- philosophical problems of the law, especially analysis of legal concepts (grant project “Discursive Terms in Law”);
- selected historical-legal questions;
- comparative legal science of the constitutional law;
- theory of human rights;
- Islamic law in comparative perspective.

The the first phase of the Electronic Legal Dictionary, built under a joint grant project PES with the Institute of the Czech Language of the Academy of Sciences of the Czech Republic and the Faculty of Informatics of Masaryk University in Brno Crucially important was completed of. The PES project was also developed in cooperation with other teams, especially in the area of IT applications (Faculty of Informatics of the MU in Brno) and in the area of legal education (FPR ZČU in Plzeň and Faculty of Law in Olomouc). In the area of legal informatics the database of legal information (legal and IT analysis of legally relevant documents – legislation, jurisprudence, professional literature, quasi-legal documents, formal legal structure of documents, linguistic analysis and processing of texts for searching in databases) was further developed.

As a part of research in the area of legal informatics and analysis of legislation members of the Department have a long-term cooperation with the Institute of the Czech Language of the Academy of Sciences of the Czech Republic and the Faculty of Informatics of Masaryk University in Brno, Istituto di Teoria e Tecnica dell’Informazione Giuridica – CNR in Florence and other European teams focusing on legal informatics and legislation.

The research outputs were published in a number of peer-reviewed journals and monographs (see attachment 3.8 for the Department of Legal Theory). An example would be the monograph by F. Cvrček “Legal Informatics”, which aimed to lay down modern basis of this field within the Czech science, monograph by T. Sobek “Legal Thought: a Critique of Moralism” and a contribution to a collective monograph following up on the international conference “Viktor Knapp – his Scientific Contribution Over Time”.

The members of the Department contributed to the international project “Metamorphosis of law in Visegrad countries” [„Metamorfózy práva ve Visegrádských zemích“]. The members of the Department also co-organized in 2013 an international conference “Viktor Knapp – his Scientific Contribution Over Time” („Viktor Knapp – vědecké dílo v proměnách času“), including the publication of articles in a special monothematic issue of the journal *Právník* and chapters in an edited volume.

For the near future the department plans to prepare and realize a project within the CORECEL group with the aim of creating a collective monograph, as well as participating in an international conference with similar focus that will take place in 2015 in Piešťany.

The members of the Department also participated in the preparation of projects under the new Strategy AV21. The proposed projects included “Centre for Research of Legal Language” („Centrum pro výzkum právního jazyka“) in collaboration with the Institute of the Czech Language of the Academy of Sciences of the Czech Republic and the Faculty of Informatics of MU in Brno, as well as in the project “Development of Czech Archive for Social Sciences” („Rozšiřování českého sociálně vědního archivu“) - a statistical description of Czech legislation in the long- term perspective, in cooperation with the Institute of Sociology of the Academy of Sciences of the Czech Republic. A new project named MAPA was launched that aims to compare the state of the Czech legal order before and after the reform of the Czech private law.

Research Report of the team in the period 2010–2014

Institute	Institute of State and Law of the CAS, v. v. i.
Scientific team	Department of Public Law

The Department of Public Law is the largest department of the ISL but at the same time also the least compact. In connection with the results of the previous periodical evaluation the Department has undergone significant personnel changes between 2010 and 2014 that lead to changes in the structure of research and ensured more intense cooperation with foreign scientists and institutions. Generally, we can say that the members of the department focus their research efforts on the following areas:

- international public law with special focus on the issues related to the codification of international law and competing jurisdiction of international and European courts, responsibility, human rights, protection of international investments, as well as certain aspects of international humanitarian law and international criminal law and judiciary;
- development of the European system of human rights protection;
- the effects of international law in the Czech legal system and certain questions of international and constitutional law, taking into account also the phenomenon of the judicialization of law in comparative perspective;
- medical law and bioethics;
- questions of the legal protection of the environmental and animals;
- theoretical and comparative questions of the constitutional theory, political science, political economy and political philosophy;
- legal regulation of territorial public administration and theoretical questions of administrative policy and administrative reform.

Two relatively independent research units were created in the Department of Public Law in the evaluated period. In 2011 the Research Unit for Medical Law and Bioethics and in 2013 the Centre for Law and Public Affairs (CeLAPA) were founded. With respect to the relatively independent nature of these research units their research activities are described below separately (although formally they are part of the Department outcomes).

An important part of research work of the Department is the work on grant projects. In this regard it can be said that the members of the Department were very successful in winning grant support from the Czech Science Foundation. For more details see the other forms. The members of the Department have, among other things, taken part in international scientific conferences abroad and have also been active pedagogically abroad in the evaluated period.

Research Unit for Medical Law and Bioethics was founded in January 2011. The Unit carries out research in the area of medical law and bioethics, aiming to increase the level of research in these areas.

The aim of the Unit is to conduct own research and thus deepen our understanding of medical law and bioethics but also facilitate cooperation between the leading experts in these areas in the Czech Republic and abroad by organizing meetings on regular

basis. For this purpose workshops and conferences are organized annually:

- workshop on medical law and bioethics – Ethical and Legal Aspects of Medical Research [Etické a právní aspekty lékařského výzkumu], May 2011
- workshop on medical law and bioethics – New Healthcare Legislation – Progress or Uncertainty? Progress or Uncertainty? [Nová zdravotnická legislativa – pokrok či nejistota?], November 2011
- workshop on medical law and bioethics – Informed Consent – Legal vs. Bioethical Understanding [Informovaný souhlas – střet právního a bioetického pojetí], May 2012
- workshop on medical law and bioethics – Patient Privacy in Healthcare [Ochrana soukromí pacienta ve zdravotnictví], November 2012
- workshop on medical law and bioethics – Value of Human Life in the Light of Wrongful Life and Wrongful Birth Cases [Hodnota lidského života na pozadí wrongful life a wrongful birth žalob], June 2013
- workshop on medical law and bioethics – Causality as a Necessary Element of Legal Responsibility? [Kauzalita jako nutný element právní odpovědnosti?], November 2013
- conference Ethical and Legal Aspects of the Stem Cell Research [Etické a právní aspekty výzkumu kmenových buněk], May 2013
- conference Death and Dying: Ethical, Legal and Medical Questions at the End of Life [Smrt a umírání: Etické, právní a medicínské otázky na konci života], November 2013
- international workshop on medical law and bioethics Moral enhancement, May 2014
- workshop on medical law and bioethics Legal Responsibility of Healthcare Services Providers under the new Civil Code [Právní odpovědnost poskytovatelů zdravotních služeb podle NOZ], December 2014
- international conference “Human Enhancement. Is Perfecting Humans Right? Ethical and Legal Obstacles in the Creation of the Perfect Human” [„Human Enhancement. Je zdokonalování člověka správné? Etická a právní úskalí při tvorbě dokonalého člověka.“], May 2014

The Unit also organizes popularization events, e.g.:

- colloquium series on the new healthcare legislation – 2012
- summer schools of ethics – July 2014

The Unit provides support to the website www.zdravotnickepravo.info, which brings news and interesting facts from the area of medical law and bioethics. The Unit has own editorial board within the ISL ASCR – Board of the Research Unit for Medical Law and Bioethics. Also, since 2011 the Unit publishes under the ISL ASCR also on-line journal – Journal of Medical Law and Bioethics (www.ilaw.cas.cz/medlawjournal), which was in 2014 listed in the government register RIV (Information Register of R&D Results) – a [list of peer-reviewed non- impact periodicals published in the CR](#).

In 2012 the Research Unit for Medical Law and Bioethics founded the “Czech Unit of the UNESCO International Network in Bioethics” and strong cooperation was initiated within this network. In 2013 the Unit became a part of EACME (The European Association of Centres of Medical Ethics).

The members of the Unit give regular talks at national and international conferences, including top worldwide events of medical law and bioethics:

- talks given by A. Doležal, D. Černý and T. Doležal on the 9th World

Conference BIOETHICS, MEDICAL ETHICS & HEALTH LAW, Towards the 21st Century, Naples, 2013;

- ISQUA 32nd International Conference, Quality and Safety along the Health and Social Care Continuum, Rio de Janeiro, Brazil, 2014 (T. Doležal)
- talks at the 10th World Conference BIOETHICS, MEDICAL ETHICS & HEALTH LAW, Jerusalem, Israel, 2015 (T. Doležal)

The Centre for Law and Public Affairs (CeLAPA) was founded in 2013 as a cross-disciplinary platform for studying the law and legal science in the context of comprehensive research. The primary aim is joint cultivation of topics across disciplines and national academic communities, as well as importing European methodology into the local scientific work. Research community CeLAPA, comprising employees of the Institute and researchers from European universities, critically analyses the concepts of democracy, rights and the rule of law by integrating them into broader debates about the conditions of coexistence in pluralistic world. The research methodology is based on studying concrete topics across different areas of constitutional theory, political science, political economy, political philosophy and moral philosophy. Multidisciplinary approach and emphasis put on international topics contributes to publication and other research activities that integrate domestic and international legal science.¹

CeLAPA regularly invites a selected group of international researchers from legal and social sciences and humanities to give lectures. For this purpose the initiatives *Franz Weyr Fellowship*² and *Hans Kelsen Annual Lecture*³ were developed. These programs enable thematic interaction of multidisciplinary research between Institute's researchers and top science centers in the Czech Republic and Europe. A program of professional events provides ample opportunities for the interaction between the visiting scholars and members of the local scientific community, which leads to joint publications and other long-term synergies. CeLAPA organizes a number of seminars in cooperation with European partners⁴, for example "The Euro-crisis and the post-communist "Return to Europe": Will Europe finally unite?" (jointly with LSE).⁵ The head of the centre is Prof. G. Pavlakos, holder of the J. E. Purkyně Fellowship, awarded by the Academy of Sciences of the Czech Republic to highly recognized scientists.

The Institute has been awarded grant support for important projects resulting from previous research cooperation within CeLAPA. Specifically, these projects included: a) "*The Role of the Principle of Proportionality in the Decisions of Constitutional Courts*" [Role principu proporcionality v rozhodování ústavních soudů], in which Robert Alexy (Kiel) and Kai Moller (LSE) take part, b) project "*Transsexuality and the Problem of Minority Identity in Legal Discourse*" [Transsexualita a problém menšinové identity v právním diskursu], in which Mariano Croce (Antwerp) takes part, and project "*European Court of Human Rights as a Co-author of European Identity – a dialogue between the "old" and "new" Europe*" [Evropský soud pro lidská práva jako spolutvůrce evropské identity - dialog mezi "starou" a "novou" Evropou], in cooperation with the Centre for Law and Cosmopolitan Values (Antwerp).

An initiative *Graduate Colloquim* was launched (in cooperation with the Faculty of Law of Charles University and the Faculty of Law of Masaryk University) – a series of doctoral seminars for the students of Czech universities with foreign guests who visit the Institute.

¹ E.g. Pavlakos, George, *Between Reason and Strategy. Some Reflections on the Normativity of Proportionality*. Proportionality and the rule of law : rights, justification, reasoning. New York: Cambridge University Press, 2014 – (Huscroft, G.; Miller, B.; Webber, G.), s. 90-119 ISBN 9781107064072; Croce, Mariano *Homonormative dynamics and the subversion of culture*. *European Journal of Social Theory*. (2014). ISSN 1368-4310; Goldoni, Marco *The Early Warning System and the Monti II Regulation: The Case for a Political Interpretation*. *European Constitutional Law Review*. Volume 10, issue 1 (2014), p. 90-108. ISSN 1574-0196.

² Jan Komárek (LSE), Jiří Přibáň (Cardiff), Emiliios Christodoulidis (Glasgow), Axel Gosseries (Louvain).

³ Mattias Kumm (Berlin).

⁴ Centre for Law and Cosmopolitan Values (Faculty of Law, UA), University of Upsala, University of Helsinki, Louvain University.

⁵ The seminar participants included: Damian Chalmers (LSE), Paul Blokker (University of Trento), Pal Sonnevend (Eötvös Lóránt University ELTE in Budapest), Radosław Markowski (Institute of Political Studies, Polish Academy of Sciences), Zsuzsa Gille (Department of Sociology, University of Illinois), Michael Wilkinson (LSE), Mark Dawson (Hertie School of Governance), Floris de Witte (LSE).

Research Report of the team in the period 2010–2014

Institute	Institute of State and Law of the CAS, v. v. i.
Scientific team	Department of Private Law

From the perspective of the scientific specialization of the department, the evaluated period was strongly influenced especially by the preparation, partial conceptual evaluation and overall finalization of the long-term process of implementation of the recodification of Czech private law. Therefore, the department performed a systematic and long-term impact analysis of the synthesis of private law recodification as well as an analysis of related private law topics and proposals. Current issues related to commercial corporations (corporate law) and selected aspects of the application of the draft Czech Civil Code formed a predominant part of this analysis. The research itself further focused also on private international law in the European context. Within the process of recodification of private law, considerable attention was dedicated to the construction and new conception of commercial law in the Czech Republic as well as to the scientific research into the motivational function of company members. In this context, B. Havel published in 2010 a key treatise entitled “Commercial Corporations in the Light of Changes” (*Obchodní korporace ve světle proměn*) which addresses a series of current legal and philosophical issues in this still relevant area of law. New (interdisciplinary) subjects were developed notably in the fields of medical law and sports law, and focused on the topics of non-material damages and the regulatory regime of sports associations in the European Union; research into computer networks was centered on the new topics of authors’ rights.

In the following years, *i.e.* 2011, 2012, the employees of the Department focused especially on analysing the impact of the EU law on selected private law topics in the legal order. The analytic-synthetic processing of these selected topics included in particular the impact of international sports associations on Czech legal environment in sports, the related arbitration issues as well as important topics related to the application of IT law and labour law. Emphasis was also put on the structure and conception of scientific research carried out into the planned recodification of private law. The research itself further focused on private international law in the European context as well as on international trade law. These activities then resulted in a series of research outputs in the form of scientific treatises and articles that were a part of the implementation of three key grant projects by the employees of the Department of Private Law. The Department continued analysing the impact of the EU law on selected private law issues, including the regulation of sports, human rights of non-state subjects, and also topics related to labour law and technology-related law. The analytic-synthetic processing of these selected questions further followed up on private international law issues analysed by the Department on a long-term basis, including both the Czech private international law (recodification) as well as European private international law (preparation of codification of the European Private International Law) and including also the debated regulation of “Common European Sales Law” as well as the related issues of civil law. The structure and conception of the scientific research into the new recodification of Czech private law were emphasized, including the issues related to commercial corporations and new regulation of public registers. These activities then resulted in a series of research outputs in the form of scientific treatises

and articles that were a part of the implementation of two key grant projects (“European private international law on its way to codification” and “European sports law and its role in the legal regulation of sports”). Further, the members of the Department of Private Law attended conferences abroad (Austria, Belgium), prepared a workshop with the Munich-based Max Planck Institute and searched for multi-source financing (Czech Science Foundation, Cefres).

In 2013, based on new experience following the issuance of legal regulations recodifying private law, the department continued its systematic and comparative analysis of the new conception and the real-life impact of private, international and EU law in the area of regulation of human rights, privacy and sports as well as numerous other relevant civil law issues and technology-related legal issues. The analytic-synthetic processing of these selected questions further followed up on some previously unattended questions related to the new code of private international law, including the related issues of European regulation (EU Regulations and International Conventions – Shifts in Time). Research focused also on the importance and nature of the new codifications of Czech private law (the new Civil Code and key related regulations came into force on the first day of 2014). In addition, popularizing activities related to Czech civil law theory were carried out, including among others the publication of K. Eliáš *et al.*: “Civil law for everyone.

Through the eyes of (not only) the authors of the new Civil Code” (*Občanské právo pro každého. Pohledem (nejen) tvůrců nového občanského zákoníku*). At the same time, numerous popularizing sessions with expert and laymen audience were organized.

The research output of the employees of the department further included lecturing (related in particular to the recodification of Czech private law) and participation in conferences and stays abroad (Belgium, Germany, Slovakia, Poland).

In 2014, the last year of the evaluated period, research activities of the department focused on the regulation of human rights and general theory of civil law as well as on numerous other relevant questions of civil law and legal practice. In this context, the department continuously followed up on its work and results of the previous periods which were specifically reflected in a number of research outputs and related research and popularizing activities. Special attention was paid to the questions of the new institutes of private law, horizontal application of human rights towards the non-state sector, modern arbitration, regulation of prevention and labour law status of the exercise of dependent work in the light of European and domestic law. Further, the employees of the department also focused on publishing foreign research outputs, organizing conferences and developing their cooperation with the Munich-based Max Planck Institute, as well as on searching for new sources of financing of research projects in the area of civil law theory.

These main activities then resulted in dozens of research outputs, for example a large treatise by B. Havel entitled “Commercial Corporations in the Light of Changes: Essays on an Open Topic of Corporate Governance” (*Obchodní korporace ve světle proměn: Variace na neuzavřené téma správy obchodních korporací*) addressing a very relevant and highly practical issue of corporate governance under wholly new legal regulation. The treatise deals with both the current law and the main principles and standards and perceives commercial corporations as a conglomerate of legal, social and economic components. Another publication is the treatise authored by J. Matejka entitled “The Internet as the Object of Law: Searching for a Balance between Autonomy and Privacy” (*Internet jako objekt práva: hledání rovnováhy autonomie a soukromí*). The treatise addresses the legal regulation of the protection of privacy, its boundaries and possibilities in the global Internet environment. The book by M. Pauknerová “Private

International Law in the Czech Republic” published by Kluwer Law International is another important output. The book offers a complex analysis of private international law in the Czech Republic starting with the historical development and general principles and including also the specific characteristics of Czech private (international) law.

Results in other areas within the department’s scope of research, e.g. labour and social law, were equally relevant, see, e.g., the treatise by M. Štefko *et al.* “General Questions of Social Policy” (*Obecné otázky sociální politiky*), which includes a detailed analysis of the key concepts of general social policy and the EU law. Other publications addressed the current questions of sports law including issues of disciplinary sanctions, discrimination in sports and others, see, e.g., “Sports Law: Searching for Boundaries between Specific Sports Regulation and the existing law” (*Sportovní právo: hledání rovnováhy mezi specifickou sportovní úpravou a platným právem*) by P. Hamerník.

Research Report of the team in the period 2010–2014

Institute	Institute of State and Law of the CAS, v. v. i.
Scientific team	Department of Legal Theory

The research carried by the members at the Department of Legal Theory has traditionally focused primarily on programmes of legal informatics, linguistics, legal philosophy and comparative legal science of constitutional law. In the beginning of the evaluated period (2010) F. Cvrček published an important monograph in the field of legal informatics with the intention to lay down modern foundations of this field. At the same time research into qualitative and quantitative methodology in legal science was being carried out, especially in connection with research into the legislation and jurisdiction. Selected historical-legal issues were also analysed. In 2011 research activities of the Department were relatively diverse; from topics of the constitutional law, including human rights, legislation issues and constitutional jurisdiction, to historical studies and multidisciplinary and methodological aspects of the field applied in legal linguistic research and legal informatics research, in the development of qualitative research methods and in approaching philosophical, ethical and psychological problems related to the analysis of the interpretation of legal thinking.

The completion of the first part of the Electronic Legal Dictionary (joint grant project PES carried out in cooperation with the Institute of the Czech Language of the Academy of Sciences of the Czech Republic and the Faculty of Informatics of Masaryk University in Brno) was important. The team also contributed substantially to the international project “Metamorphosis of law in Visegrad countries” („Metamorfózy práva ve Visegrádských zemích“), organized a workshop building on previously held and very successful international scientific events and created certain institutional framework for the Central European initiative, especially in theoretical and historical specializations. Also, we must not omit the extensive monograph “Legal Thinking. Criticism of Moralism“ („Právní myšlení. Kritika moralismu.“), as well as the continuing quantitative description and the first analysis of the development of Czech legislation, representing a specific scientific method of monitoring the state and development of this extremely important sociopolitical, legal and theoretic phenomenon.

In 2012 much attention was aimed at the comparative legal science of constitutional law, theory of human rights, selected historical-legal issues and, last but not least, to the Islamic law in comparative perspective. In the field of legal informatics the data sources for the continuing project of Electronic Legal Dictionary (PES) and research into Czech republic legislation were being further developed. The collaboration with other departments on improving PES was continued, especially in the area of IT applications (Faculty of Informatics of the MU in Brno) and in the area of legal education (FPR ZČU in Plzeň and Faculty of Law in Olomouc). Philosophical problems in law, particularly the analysis of legal terminology, were, and still are, the studied within the ongoing grant project “Discursive Terminology in Law“ („Diskursivní pojmy v právu“).

In 2013 the Department focused particularly on supporting the empirical methodology, including collaboration on the development of its data archives. The Department of Legal Theory co-organized international scientific conference “Viktor

Knapp – his Research Over Time“ („Viktor Knapp – vědecké dílo v proměnách času“), including an active participation in this conference, publication of articles in a special monothematic issue of the journal *Právník* and in a forthcoming collaborative monograph. The members of the Department also actively participated the preparation of projects under the new Strategy AV21. The proposed projects included “Centre for Research of Legal Language“ („Centrum pro výzkum právního jazyka“) in collaboration with the Institute of the Czech Language of the Academy of Sciences of the Czech Republic and the Faculty of Informatics of MU in Brno, and “Development of Czech Archive for Social Sciences“ („Rozšiřování českého sociálně vědního archivu“) - a statistical description of Czech legislation in the long-term perspective, in cooperation with the Institute of Sociology of the Academy of Sciences of the Czech Republic.

In 2014 the research activities of the Department of Legal Theory focused primary on further development of the PES project and on the newly launched MAPA project that aims to compare the state of the Czech legal order before and after the reform of the Czech private law. Special focus was on the theory of human rights, selected topics from constitutional law and also selected institutes of the Islam law from a comparative perspective. Historical-legal studies were carried out – also in connection with other topics, e.g., human rights. Philosophical problems of the law, especially analysis of legal terms, were the subject of ongoing grant project “Discursive Terminology in Law“ (“Diskursivní pojmy v právu”). Members of the Department also contributed significantly to a collective monograph following up on international conference “Viktor Knapp – his Research Over Time“ („Viktor Knapp – vědecké dílo v proměnách času“) that took place at the end of 2013. Another important effort was the participation of the members of the Department in the traditional conference “Metamorphosis of Law in Central Europe IV“ („Metamorfózy práva ve střední Evropě IV“) organized in November 2014 in Znojmo, where the results of their research activities were presented. In this case the contributions focused on critical analysis of the legislation and the legal order in Central European countries, especially the Czech Republic. For the near future we expect the preparation and realization of a project within international cooperation of the CORECEL group with the aim of creating a collective monograph, as well as participating in an international conference with similar focus that will take place this year in Piešťany.