

RADOSLAV PROCHÁZKA: DISBANDED REPUBLIC - 25 YEARS OF SLOVAK CONSTITUTIONAL DISORDER

N Press, Bratislava, 2018, 176 p.

The publication is not only a reflection of the 25 years long creation of the constitutional order of modern Slovakia. In addition to the historiography of the events related to the creation and subsequent amendments to the basic act of the state, it offers an analysis of the causes and real or possible consequences of interventions in the Constitution of the Slovak Republic. The author - constitutional lawyer, professor and former politician - avoids unnecessary polemic about the correctness or uselessness of some of the legislators' steps, instead, in a language understandable even to the laity, points to imperfections, and at the end offers alternative solutions that could be a starting point for the future.

Although the publication is divided into three parts and twelve chapters, subsequently subdivided into subchapters, you do not have the feeling that you hold an university textbook in your hands, although it is primarily intended for the next generation of lawyers, political scientists, or politicians. An important advantage for the reader is that the author has chosen a free style of writing so it passes through the chapters and subchapters in a smooth and understandable way also for the ordinary reader. Even if the reader gets accidentally lost in the text, at the end of the chapter there is a summary of what he was reading, and also a link to the previous text so that the reader will not come out of the context.

At the beginning of the publication the author mentions that a modern political nation should know its constitutional history and lead a meaningful discussion about it. However, it is difficult in the environment of university students, for whom the 25-year history of modern Slovakia is a distant past, and therefore, of course, insignificant. But he found a way to get their attention. For example, by telling a fictional story, what would be their present like if...the division of the Czech and Slovak Federal Republic was decided in a referendum and not in the political culverts.

The author should be appreciated for summing up the important facts on ten pages in the first part, which he suitably called the Walk of the Labyrinth. It deals with the constitution (often uses the archaic name the social contract) as the basic law of the state and subsequently offers the chronological classification of its amendments. The circumstances which led to their creation will be considered as the most interesting by the reader. In three chapters, he returns the reader back

to the beginning of modern Slovak constitutional history, particularly to point out relevant or irrelevant interference with the basic law of the state during the Mečiarism, the two Dzurinda's governments, the first Fico's government and the last eight years, which have been turbulent in Slovak politics not only in the direction of government change but also in the development of relations between society and top politicians.

It points out that these widely-mentioned relationships have a serious impact on the quality of the Constitution and fragment it under a tolerable degree. There are emerging new constitutional laws, which would be more rigorous to achieve the desired goal (Act on the Proof of the Origin of Property), or laws which rank lower in the significance or importance hierarchy, but they became a part of the constitution only to demonstrate the interest of politicians in meeting the wishes of certain groups of the population, their voter base. We will not reveal which laws are meant, but for a better idea we will mention the current effort to implement the retirement age of the population into the constitution.

In the second part of the publication entitled Inventory, the author classifies constitutional laws in terms of the purpose of their modification or use in the legal system and discusses in detail the various amendments. He divides them into operational, meritorious and communicational. In the penultimate chapter he also deals with other constitutional laws, and at the end of this section he also brings his own insight into political processes, since he used to be the legislator and also co-creator of constitutional laws.

Individual chapters with their titles resemble university textbooks, but despite the many passages of theory, the ordinary reader will not get lost in them. The author's language remains simple, and the range of chapters is proportional to the importance of the topic. The second part of the publication opens an uninterested man the eyes, sometimes even the mouth with the astonishment, of what are all legislators capable of if... we will not finish this sentence on purpose, because it would reveal the whole point of the publication. The author, at the time a member of the Christian Democratic Movement (Kresťansko Demokratické Hnutie), deserves respect for not politicking and not trying to back up for himself or embellish the circumstances in favor of the rights but retains reality as it was in the Slovak Parliament during the period under review.

The third part of the publication is a recapitulation of the current situation and it explains the reasons and causes of the "constitutional disorder". The author also adds instructions how to deal with this situation. He sees the cause of the disorder in the fragmentation of the Constitution of the SR, which is made up by almost four dozen constitutional laws. Even those, that are not appropriate to the constitution. Specifying of the interventions to the legal nature of the constitution in individual cases is another unquestionable benefit of this publication. It is a pity that it occupies a substantial range of 48 pages of this section of the book with

three chapters. While the first of them, entitled the Disbanded Constitution, is an imaginary icing on the cake of this publication, the following one is actually just an addition that tries to keep the reader's attention before the final. But it does not come with the pomp that we would expect.

It is caused by the fact, that the author refuses to hypothesize the future. Neither the development of Slovak politics nor the need to adopt a new constitution. The question is, what should it be like. The author does not say the answer, it is more about restoring the majesty to the present law of laws. The final chapter of the publication is thus a mix of ideas how to modify the rules of constitutional normative formation in order to limit the "folk creativity" of parliament. There are also references to the reader, presenting on the one hand the experimental reflections about the Scandinavian model of approval of changes in the constitution and on the other hand leading him to change the political environment. Although it refers to direct democracy, in Slovakia it does not give it a great chance to succeed yet. However, it appeals to a citizen, by legitimizing his representatives, to consider, that the social contract is an important element of their relationship, and should therefore serve the citizen's interests rather than the interests of the government's political representation.

Despite the bumpy conclusion of the third part, the publication as a whole is clearly a benefit not only as a study material. As we have already mentioned, it is useful to anyone who is interested in this topic or wants to expand the knowledge in it. Together with the preface from František Mikloško and the epilogue from Juraj Šeliga, it has 173 pages, which can easily be read in one day. The publication was published in the book of the journal N in 2018.

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