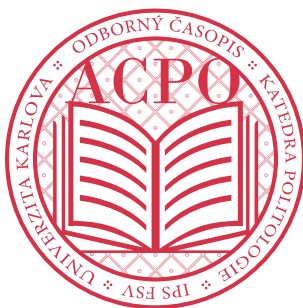


ACTA POLITOLOGICA

www.acpo.cz

RECENZOVANÝ ČASOPIS | PEER-REVIEWED JOURNAL

2024 | Vol. 16 | No. 1 | ISSN 1803-8220



BRUNCLÍK, Miloš; KUBÁT, Michal; VINCZE, Attila; KINDLOVÁ, Miluše; ANTOŠ, Marek; HORÁK, Filip; HÁJEK, Lukáš (2023). *Power Beyond Constitutions: Presidential Constitutional Conventions in Central Europe*. Cham: Palgrave Macmillan, 312 p., ISBN 978-3-031-34243-1.

RECENZE MICHAELA DRAŠARA
REVIEW FROM MICHAEL DRAŠAR

https://doi.org/10.14712/1803-8220/44_2023

Published: 10/04/2024

Tento článek podléhá autorským právům, kopírování a využívání jeho obsahu bez řádného odkazování na něj je považováno za plagiátorství a podléhá sankcím dle platné legislativy.

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The question of constitutional conventions appears worldwide in connection with political reality. The problematics of constitutional conventions and their influence on relations among political actors are not sufficiently explored, although the contradiction between the normativity embodying the rules of the constitution and the facticity of the political reality provides a range of research opportunities. This topic, which connects areas of political science and constitutional law, gave rise to the cooperation of researchers from three faculties of two Czech universities – the Faculty of Social Sciences at Charles University, the Faculty of Law at Charles University, and the Faculty of Law at Masaryk University – who came with the interdisciplinary monography mapping the presidential constitutional conventions in Central Europe.

This collective of authors associating leading experts in political science and juridical questions of the constitutional institutions and actors bring an original and, so far, unique book where they, in the relatively limited space of 312 pages, analyse the problem from the theoretical and practical sides in detail.

The book is divided into six chapters that thematically frame individual research areas and are further divided into subsections devoted to various research areas and case studies. The authors describe the book structure, research methods, and case selection in the introduction. The book works with four Central European countries – the Czech Republic, Slovakia, Poland, and Hungary. Here, it is necessary to highly appreciate the selection of these countries due to the different natures and durations of the type of their presidential elections due to different perceptions of presidential legitimacy, and potentially stretching constitutional conventions (Wintr, Antoš and Kysela, 2016).

The second chapter summarises the scholarship traditions of constitutional conventions research, and their origins. The additional value of this part is that it works with primary sources from the 19th and early 20th century, when the research tradition started. The authors also describe the development of these four countries' legal systems. The next part of the chapter focuses on the conceptual aspect of constitutional convention mapping. Drawing on previous research, they create the conceptualisation used in the analysis. They then discuss the problem of classification in the context of many aspects, for example, their origin or the deviation from the respective constitutional texts.

The next chapter of the monograph extensively describes the constitutional position of the president in all four countries. At first glance, it may seem unnecessary to describe in detail the circumstances of the formation of the presidency throughout history. Still, as we can see in the following parts of the book, doing so is essential for understanding the constitutional continuity of political systems and the research of constitutional conventions. In addition, for foreign readers living outside the selected case countries, this is the informative part of the book where they can learn about the institutional settings of Central European political systems in detail.

The fourth chapter, which is, as the authors note, the central one of the book (p. 145), focuses on analysing the constitutional conventions in all four countries in several specific areas. The authors analyse the conventions very well from several perspectives. The first part always focuses on the relationship of the president vis-à-vis the prime minister and government; and finally, the relationship with parliament, the legislative

process, and other political institutions. All these areas are discussed in the context of political reality, from the situations in the first years after the democratic transition to the latest political events connected with constitutional conventions.

At the end of each chapter dedicated to a country, the political reality is discussed in the context of the theoretical background defined in the previous chapters. The fact that at the end of this extensive part of the book there is a concluding section summarising the findings and comparing the most important differences is also worthy of appreciation. The added value of this chapter is also the summary table regarding the number of identified constitutional customs of the head of state (p. 251). At this point, however, it would not be irrelevant to describe more the similarities and differences in the importance of constitutional customs due to the character of political regimes in Central European states and the position of the head of states (Metcalf 2000).

However, the otherwise smooth reading of the chapter is disrupted by a problem that runs throughout the book but is most visible in this part: on many pages, there are extensively long footnotes. Additionally, they are exploratory parts that they are essential to understand the context, quite often, and as such should be discussed in the text of the study itself. For example, the description of approaches to the term “election winner” is in a footnote that takes up almost half a page (p. 150). This phenomenon is significant, especially in the context of government appointments, which again should be described in the body of the text. For readers, this approach is inconvenient and distracting.

The book would also benefit from an additional and different methodological approach. Quantitative analysis, which is currently so popular (of course, based on appropriate operationalisation), would not be a problem given the professional compe-

tencies and previous publications of some authors of the monograph (e.g. Hájek 2020).

The next chapter analyses the relationship between constitutional conventions and constitutional courts. As in the previous chapter, the authors introduce the position of constitutional courts in the political systems and their approaches to the conventions. Although the authors sufficiently explain why they deal in more detail only with the Constitutional Court in the Czech Republic and Slovakia (p. 268), it would be good to present here at least briefly the constitutional anchoring of this judicial institution in Poland and Hungary. The next and last part of the book concludes and evaluates the research results introduced in this monograph.

Despite some rather formal or marginal shortcomings of the text, it can be stated that the book is a very successful work on the topic, which has not been much discussed in political science so far. In addition to thoroughly presenting the issue of constitutional customs on a theoretical level, which it then very appropriately applies to four Central European countries, the descriptive side of the text is also admirable. Today’s political science is no longer dominated by publications that deal with the presentation of political systems in a purely descriptive way; existing earlier texts focused on the complex overview of political systems in Central European countries in past and current times (see Kubát et al., 2004; Cabada et al., 2008) are often not actual in many aspects. Because the authors analyse presidential constitutional conventions in relation to other political institutions, an integral part of the theoretical chapters is the presentation of the setting and functioning of these institutions. They, therefore, very well remedy this deficiency of contemporary political science. Thanks to this fact, the book is suitable not only for scientists dealing with the problematics of constitutional conventions

but also for students studying the basics of comparative politics. This monograph, published by one of the most prestigious publishing houses, therefore definitely deserves our attention.

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