

*Příbáň, Jiří: The Defence of Constitutionalism: The Czech Question in Post-National Europe.*

Karolinum Press, Prague 2017, 310 S., ISBN 978-80-246-3423-4.

It is customary in constitutionally labile countries to number their republics. France, Venezuela and the Philippines are on their fifth, Nigeria and Ghana on their fourth, Greece, Portugal and Armenia on their third. In the Czech(oslovak) case, counting usually stops at the second, in 1938-39, and there is less of a tendency to resume the tally after the Second World War, although in 2018 Czech Television ran a ten-part documentary series on the 'Third Republic' of 1945-48 and Petr Janoch published a historical novel, "Třetí republika: Příběh mezi dvěma světy" (The Third Republic: A Story between Two Worlds), so it may be coming into fashion. It can be hard to specify cutoff dates, but we could hazard that a fourth republic existed from 1948 to 1989. A fifth has been in place since 1990, despite the end of federation with Slovakia, because the Czech Republic has been governed all along on largely the same terms, with power vested in a prime minister and cabinet answering to a multiparty legislature. The question arises of whether the country has been shifting since 2013 to a sixth republic, owing to the introduction of direct presidential elections and the rise of 'movement' parties, such as Tomio Okamura's Freedom and Direct Democracy and Andrej Babiš's Action of Dissatisfied Citizens (ANO 2011, not to be confused with the Second Republic's ANO, "Akce národní obrody", or National Revival Action). Even if Czech political scientists hold that the new way of choosing the head of state has not yet caused a wholesale shift from a parliamentary to a semi-

presidential system, the next republic may be dawning in “spirit”, as officeholders display a more cavalier attitude to norms written and unwritten.

The fate of constitutional, representative government is the subject of these collected essays by Jiří Přibáň, who has become one of the Czech Republic’s most prominent public intellectuals while holding a chair at Cardiff University’s School of Law and Politics. From that Welsh perch he can view Czech developments in their European, global and historical context; as he has said elsewhere of his writing, it always starts with the general and makes its way to the specific. Like the seminal texts by Tomáš Masaryk, “Česká otázka” (The Czech Question) and “Naše nynější krize” (Our Current Crisis) to which the book’s subtitle and many of the essays allude, these reflections see the Czech predicament as indicative of larger and longer trends. Most of the chapters have an analytical dimension, reflecting the author’s academic position and grounding in sociology and jurisprudence, but given their origin as columns in the newspaper *Právo’s* Salon supplement in 2006–2014, they are also works of advocacy: Přibáň wants to convince his readers that representative democracy is still the superior form of government, despite its flaws in practice. Like Masaryk’s books – which originated as contributions to the journal “*Naše doba*” – and Karel Čapek’s interwar pieces for “*Přítomnost*” and “*Lidové noviny*”, Přibáň’s essays appeal for political realism but not *Realpolitik*, for pragmatism but not opportunism, for a sense of home but not idolatry of homeland. It is a message designed to have meaning beyond Czech borders, which is why it is right that it be available to a wider audience in Stuart Hoskins’ smooth translation.

Today’s Czech ‘question’ or ‘crisis’ is nested not in the issues of political theology that exercised Masaryk, but in concurrent and concentric civilizational and planetary challenges, such as the global financial crunch of 2008, a changing climate, demographic anxieties, and lapses of confidence in European institutions and practices. Přibáň includes chapters on Greece and Wales, which poignantly impress on Czechs the situation at opposite ends of Europe, where the landscapes are beautiful but living standards fall below the EU average and below that of the Czech Republic to boot.

The book’s first section brings to mind another of Masaryk’s works, his lecture on ‘Problem of Small Nations in the European Crisis’, delivered in London in October 1915 when he, like Přibáň, was a professor at a British university. Masaryk placed the world war in a larger process of the disintegration of old empires and integration into a new kind of European organization, of a striving both for self-government and for supranational unions – a process that Přibáň says is captured today in Roland Robertson’s idea of ‘glocalization’. Even as smaller nations freed themselves, Masaryk foresaw that their new sovereignty would always be relative, hemmed by a growing interdependence that required even the great powers to forge alliances. Přibáň has no appetite for the shared European identity favored by Jürgen Habermas, nor for the petty Euroscepticism of Václav Klaus. While clearly wanting the European Union to endure and for the Czech Republic to stay in it, Přibáň inclines to a liberal inter-governmentalism that would rely on subsidiarity, parties and interest groups, and input from national institutions suffering less (at least somewhat) from a democratic deficit.

Like Masaryk and Čapek, Přibáň does not conceal the ambivalence that constitutional government engenders even in its defenders. He wants politics to rest on traditional contestation between political parties battling rigorously over ideas while remaining civil in their manners. Experts should play a part in public policy, but they should not displace men and women who can practice politics as its own vocation; he is troubled by an apparent Czech fondness for ‘caretaker’ cabinets unmoored from electoral competition. (The shift from the First to the Second Republic entailed a similar recourse to rule by specialists under Rudolf Beran, who, like Andrej Babiš, had started out in agro-business with a flair for fertilizer.) Democratic politics should be calm, not a carnival, but not so calm as to cool to a fatal ‘room temperature’, and it should safeguard itself by proudly subscribing to the tradition of ‘militant democracy’, as exemplified by the Supreme Administrative Court’s decision in 2010 to ban the extremist Workers Party. The trick is to defend with panache a type of politics that abjures the cheap stunts of plebiscitary populism and extremism, that commends the delayed gratification of political slow food over the sugary doughnuts handed out to voters in metro stations. Přibáň accomplishes this feat in part by enlisting the authority of his erudition and academic discipline, as Masaryk did, and he adeptly applies the sociology of Niklas Luhmann in particular. Among the philosophers, he musters Tocqueville, Hume and Rorty against Rousseau and Schmitt. These chapters, however, show him equally at ease with literature, film and painting, the classics and contemporaries (he is also the author of the engrossing *„Pictures of Czech Postmodernism“*). The quotations and allusions that pepper his writing are not adornments, but an indispensable emotional agent, infusing the abstract virtues of democracy and constitutionalism with the warmth of human creativity, wit, and pathos. In an age when it is hard to move a jaded public with rational exposition, the success of an anti-populist vision may depend on civic-minded affect.

One topic that this book does not touch on very much is the judiciary. This may be surprising, given Přibáň’s expertise, but it reflects the relatively good condition of that branch of the Czech state, especially when compared to Poland, where the courts have been the front line of the Law and Justice Party’s attempted shift to a fourth republic, or to interwar Czechoslovakia, where the legal elite too readily collaborated with the Second Republic. When Přibáň was composing the essays gathered in this book, he was offered a place on the Constitutional Court. For many understandable reasons, he turned it down. As hinted by Petr Pithart in his foreword to this book, there is hope that someday Přibáň will leave his island home (there are many references here to Shakespeare’s *“Tempest”*) and return to participate directly in Czech public affairs. For now, he follows the line from Turgenev’s *“Rudin”*, fondly quoted by Masaryk, that ‘a good word is also a deed’.

Des Moines

Kieran Williams