

Beňa, Jozef. Diskontiuunitná kontinuita slovenských ústavných dejín. Bratislava: Atticum, 2014, 276 s. [Discontinuous continuity of Slovak constitutional history. Bratislava: Atticum, 2014, 276 pp.]

Authors from many countries have taken interest in the topic of continuity and discontinuity of a state and law. In the Czech Republic it was in particular prof. Václav Pavlíček who worked on this topic in several studies. In Slovakia prof. Josef Beňa offered his views on this topic last year.

He divided his monograph into introduction and three parts. In the introduction the author explained from the point of view of general theory of law in detail the meaning of terms legal continuity and discontinuity. He is interested in understanding whether these terms are mutually exclusive or form unity in contradiction. It is clear that the author decided for the latter.

However, Beňa in the introduction pointed out that constitutional history of Slovakia is inseparably connected with national statehood. This in particular had Beňa in mind when he approached the topic of his work and processed it chronologically, i.e. in stages.

In the first part, comprising six chapters, he first described the emergence of Slovak statehood and the constitutional law that started forming during World War 2. The Christmas Treaty of 1943, which provided basis for the Slovak National Council, could not be omitted. The author emphasized that the main attribute of this process was the creation of anti-fascist statehood. Perhaps it would be more accurate to say that it was primarily anti-Nazi statehood.

In the second chapter Beňa analyzed the relevance of various concepts of legal continuity in connection with the description of legal continuity of Czechoslovakia, as well as the concept of legal continuity of the Slovak National Council.

The third chapter deals with the questions connected with the Prague Treaties, especially the first Prague Treaty from 1 June 1945 and the question of coexisting constitutional laws – federal and Slovak. In this chapter the reader will find interesting also the analysis of the discussion around the focuses of legal order. J. Beňa emphasized that unification meant removal of bodies representing Slovak statehood and of the legal order that was a manifestation of national sovereignty.

In the fourth chapter J. Beňa studied in much detail the construction of legal continuity during and after the war and showed the differences. In the spirit of Luďácky fascism F. Ďurčanský was forming his concept of continuity in 1946. On the other hand, there have been attempts of the Slovak government-in-exile and, naturally, the Slovak National Council, to distance themselves from this in order to gain international recognition.

The fifth chapter maps the development of the constitutional law in the period of the single state, efforts to maximize Slovakia's autonomy that were not satisfied by the May Constitution of 1948 nor by the Constitution of 1960. The efforts to prepare federalization of the state were intensifying and finally came to be partially met in the Act on Czechoslovak Federation of 1968.

In the sixth chapter the author reflects upon the historiography evaluating in a completely different way the relevance of Slovak National Uprising for Slovak statehood, e.g. from purely nationalistic perspective. He pointed out unfair trials in the fifties directed against the "bourgeois nationalists".

In the second part J. Beňa uses two chapters to study the constitutional development in Slovakia after federalization was declared. This was accompanied with efforts to shape the federation to favor Slovak statehood and even prepare triple constitution – Czechoslovak, Czech and Slovak constitutions. At that time it was absolutely doomed to fail.

The third part titled "Two decades of development of the Constitution of the Slovak Republic" in three chapters captures the state and constitutional legal development of Slovakia after 1989 and particularly after 1992, when Czech and Slovak Republics formed.

In the third part of his monograph J. Beňa showed the effects of Slovak constitution on selected institutions (e.g. the president) *de iure* as well as *de facto*, as they were changing. He also captured the process of Slovakia's integration into the European Union.

In this chapter the author pointed out the historical continuity with anti-fascist statehood. He looked at the borders of Slovakia, its state language and relationship with Hungary.

The author very convincingly explained the right to self-determination, after the split of the federation and creation of two new states, in the context of the development of Slovakia's statehood.

The entire very competently-written book has woven into its pages the question of continuity and discontinuity or, in author's words, discontinuous continuity. He also very clearly identified the elements of continuity and discontinuity in Slovakia's constitutional development.

As for the sources used by the author we could mention printed sources, archive sources and basic literature. It is not worth the while to point out that the author has not used e.g. study by J. Kulkík on presidential decrees or a book on the development of the relationship between Czech and Slovak statehoods from young author Petr Beránek, who was in fact working under J. Beňa. The author would only be referring to literature because it is perhaps customary without real benefits for his excellent book.

Professor J. Beňa is a renowned author who focuses in his research on recent Slovak legal history. His most recent output deals with still current questions of Slovakia's history and we can highly recommend it to the readers.

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