

REVIEWS AND ANNOTATIONS

Skřejpková, P, Soukup, L.: Nedemokratické právní systémy ve vybraných státech Evropy první poloviny 20. století, 1. vydání, AVENIRA Stiftung, Havlíček Brain Team, Praha 2011, 200 s. (Undemocratic legal systems in selected European states in the first half of the 20th century, 1st publication, AVENIRA Stiftung, Havlíček Brain Team, Praha 2011, 200 pp.)

Book *Undemocratic legal systems* from authors Petra Skřejpková and Ladislav Soukup brings historical and legal perspective aiming to unveil and describe individual totalitarian regimes, in particular in the European area.

The publication of these experienced authors focuses mainly on the circumstances and causes leading to the rise of totalitarianism appearing in the beginning of the 20th century in various forms, most pronounced in national socialism and communism. The book also attempts to explain the legal development linked with the rise of totalitarianism and points out ways, in which the law was used or misused in the process.

Most attention is given to the period between the wars, when totalitarian power grew considerably in the geographic areas authors chose to follow. But also the preceding periods, during which conditions for subsequent rise of dictators, and the ensuing period of the World War II, are not neglected.

In the first part "*On principles*" the focus is on specific principles (e.g. principle of power and responsibility, principle of action and reaction, as formulated by E. F. Smidak), based on which undemocratic systems functioned.

The author of the second part, "*Totalitarian and authoritarian regimes*" is P. Skřejpková.

She attempts here to find the answer to the basic question; what are the defining attributes of totalitarianism and in what way is it different from other similar regimes. The concept of totalitarianism is analyzed with reference to works of H. Arendt, Jakob L. Thalman and others.

The publication also works with such terms

as dictatorship, despotism, totalitarian state, communism etc., and also addresses in this context the question "whether to use the terms *totalitarian state* and *totalitarianism* only for those states that existed after these terms were established. In other words, should only fascist, Nazi and communist regimes be classified under these terms, excluding from consideration older regimes that exhibit all or at least most of the signs of totalitarian states" (21).

Besides general questions of totalitarian society and authoritarian regimes in the following chapters of this part much attention is devoted to the development of two strongest European totalitarian regimes – fascist Italy and Nazi Germany.

In chapter "*Italian fascism*" the authors in detail analyze the term „fascism“, characterizing it as „idealistic political movement, which is at the same time anti-ideological and pragmatic“ (24). Other subchapters contain analysis of codifications in Mussolini's Italy, Italian racial legislation and Lateran Treaty.

Chapter "*German national socialism*" deals with the general principles of Nazi laws, Nuremberg Laws and refers to post-war events in Germany, when agreement was reached regarding the splitting of Germany and Nuremberg Trails.

A very interesting chapter "*Some other undemocratic systems*" introduces 18 states, not only from the European continent. Using these examples the author demonstrates that there were other regimes more or less leaning towards totalitarianism or that can be described as authoritarian.

In this chapter the author concludes that „establishing of authoritarian regimes has some common features“ and also that „it is not possible to say whether there is a single cause of their rise, however certain links can be traced“. (89)

Special attention is devoted to the phenomenon typical for the political and legal development of this interwar period – enabling legislation.

In the third part, "*The transition of Russia*

from absolutism to dictatorship of the proletariat” the author Ladislav Soukup addresses the circumstances and conditions of the origin of totalitarian power in Soviet Russia. Ladislav Soukup very correctly begins his narrative in the era of czarism.

Authors points out immediately in the beginning that „economic elements of modern bourgeois society were still missing in Russia in the early second half of the 19th century. (104). Only after pressure from people’s movements from rural areas absolutist feudal regime was forced to carry out reforms, in particular abolishment of serfdom and land reform. The events, concepts etc. are described in the ensuing chapters.

And now the reader is taken to the period of war dictatorship monarchy of 1914-1917 (chap. V). Here the author describes the functioning of the war machinery of this totalitarian regime and its improvements via special central advisory bodies, such as counsel.

The following chapters describe the period of the fall of monarchy, when legislative and other functioning bodies, including temporary government and Soviets as the second power center, were created. The author correctly emphasizes that at this time (February Revolution) there was no express announcement of the end of monarchy or rise of republic (chap. VI).

In the following the author describes the military revolution of 1917, when the dictatorship of the proletariat emerged (chap. VII), creation of new repressive bodies of this regime, such as the Red Army, militia, whose most reliable divisions were referred to as „Red Guards”, Czeka. All of these new entities were implementing the policies of the proletariat and represent the nuclei of future socialist-type national security (chap. IX).

Author also describes what law looked like according to this dictatorship and the creation of law that was to serve the totalitarian system. He is focusing on the area of public and private law. At the level of public law he elaborates in particular on the criminal law, referring to new crimes and new type of courts – revolutionary tribunals. At the level of the public (civil) law the author describes deep encroachment of property relationships, in particular abolishment of private ownership and establishment of collective (state) ownership, as implemented by particular acts, such as land decree and other laws on confiscation and nationalization (chap. XIV).

In the following the book offers description of the tightening dictatorship – war communism – and its transition from war goals to economic development (chap. XIII).

Outline of the general political and legal development of totalitarian and authoritarian governments using authentic resources as evidence of the legal ideology of this period can be considered to be the aim achieved by the authors.

Extending the text with illustrative examples of legal norms enriches considerably the publication and inspires readers towards further studying of this issues, for example by following the large list of references at the end of the publication.

This publication is strongly recommended not only to all those, who are dealing with the questions of undemocratic legal regimes on expert level, but to all who are interested in this general topic.

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