

### Deputies, Senators and the Integration of the Czech Republic into the European Union

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transition culture. Kennedy introduces differing views of the Yugoslav wars, in which the responsibility is either attributed to the nationalism of the Serbs or to the international community for either its instigation of nationalism and secession or its inertia. By explicitly linking transition with nationalism, Kennedy makes a convincing case for how the Yugoslav violent trajectory should be understood as part of the transition story, rather than being completely externalised. The importance of the national framework for transition culture, exemplified by constitutional nationalism, could be seen as at the heart of the Yugoslav wars, therefore involving transition culture more than has been admitted.

Kennedy's attempt in the book has been to devise a *critical* transition culture, rather than a transcendence of transition culture altogether, one which goes beyond narrating the success story of the winners of transition by explicitly including inequality and poverty, loss, and the fragility and contingency of peace, and multiple forms of freedom. In this, he emphasises the fact that an emancipatory potential exists in any of the post-communist societies, thereby criticising the allegedly universalistic and disembedded/placeless foundations of transition culture. Here, he points to the differing but overlapping roles nationalism, socialism and liberalism have played in the transition's making and the way in which transition culture has been *de facto* embedded in different contexts. Kennedy's quest for a critical transition theory is necessary and courageous. However, even if important elements for a critical and inclusive approach have been outlined, the rather diverse nature of the cases studied and the methodologies used, as well as the rather inconclusive statements in the conclusions, make that a critical transition culture remains in itself rather sketchy and unfinished. For those sympathetic to Kennedy's approach the book likely provides a strong stimulus for further research and theorisation. However, for sceptics (which one would expect to be the greater

part of mainstream transition studies), the eventual theory-building that is offered might prove to be too thin.

Paul Blokker

### Parliamentary Research at the Institute of Sociology AS CR

Lubomír Brokl (ed.): *Deputies, Senators and the Integration of the Czech Republic into the European Union*. Workshop Proceedings. Prague 2001: Institute of Sociology, 72 pp.

Zdenka Mansfeldová (ed.): *The Relationship of the Chamber of Deputies and the Senate*. Workshop Proceedings. Prague 2001: Institute of Sociology, 42 pp.

Lukáš Linek – Petra Šalamounová (eds.): *The Parliament of the Czech Republic, 1993–1998: Factbook*. Prague 2001: Institute of Sociology, 95 pp.

MPs, senators, and the Parliament of the Czech Republic have long been the object of research for researchers at the Institute of Sociology of the Academy of Sciences of the Czech Republic. Studies have been centred on the results of large questionnaire surveys, which were conducted in 1993, 1996, 1998 and 2000, and the research findings have usually been presented at workshops and conferences, in the academic press, or as independent publications. This review looks at three publications written by researchers at the Institute of Sociology AS CR, which were published in quick succession during 2001.

The first two books are volumes that contain the proceedings from workshops of the same name that were organised on the premises of the Parliament of the Czech Republic. These publications are based mostly on research that was conducted in 2000, and each book has been published as a bilingual Czech-English edition.

In the introduction to *Deputies, Senators and the Integration of the Czech Republic into the European Union*, Lubomír Brokl reflects

on the context of the debates that surrounded the Czech Republic's accession to the European Union, especially after the Nice summit in 2000. He argues that the precondition for a functioning democratic political system is the balance of its legitimacy in inputs and outputs. The EU's democratic deficit leads to the absence of the legitimacy of the political system in inputs, where the space usually filled by political parties is instead occupied by various national and global corporations. With respect to exits, the legitimacy of the EU is manifested as the consensus on increasing the standard of living, and less so as a feedback check on power. The current nature of European integration precludes the possibility of basing it exclusively on the majority principle or the number of inhabitants, which otherwise, within the circumstances of individual states, is certainly the democratic principle.

In one chapter in the volume, titled 'Preparation for EU Accession in the Context of Parliament's Activities', Zdenka Mansfeldová analyses how parliamentarians view and rate the significance of their work and individual activities. Preparation for EU accession, legislative tasks, and approving the state budget are the activities MPs ascribe with the highest importance. But in this reviewer's opinion, these activities do not constitute fully commensurable categories, as it is through the approximation of laws that preparation for EU accession is manifested in the parliamentary agenda. The data indicate that members in both chambers evaluate their performances in this field best among comparable activities. The text also presents interesting data on the degree to which MPs and senators feel bound to adhere to the position on issues advocated by their clubs and on how they perceive this obligation. For example, more than 40% of senators do not feel bound by their club's position on an issue at all, and 32% feel so in only less than one-tenth of cases. For MPs the respective figures are 8% and 44%. According to 88% of senators and 54% of MPs, when the club's position clashes

with their own opinion on an issue, the latter takes priority. However, the degree to which this assertion applies varies according to the particular issue (constitutional laws, state budget, social policy, etc.). Parliamentarians are most influenced in their decision-making by the chair of the club and by colleagues with professional specialisations in particular fields. Decisions relating to EU integration in particular are significantly influenced by national interests as defined according to party affiliation, professional opinions, and the compatibility of proposed legislation with European law.

Martin Vyšín and Adéla Seidlová provide a more detailed analysis of some of these data in their chapter on 'MPs and Senators in the Decision-Making Process on Issues of the Czech Republic's Accession to the European Union'. When parliamentarians make decisions, they do so in a particular environment and under the influence of specific information and certain pressures. The degree to which they identify with their club's positions need not just be an indication of strict party discipline, as it also says something about how much consensus exists over points in the party programme. The authors distinguish between the procedural imperative, i.e. binding recommendations from the club, the moral imperative, which is the personal preserve of autonomous decision-making, and the professional imperative, where decisions are made primarily on the basis of a professional evaluation of the issue. With respect to EU accession, the dominant guiding principle is the position of the club, which is formulated on the basis of input from internal experts, chairs, and the club leadership (the particular significance of each varies according to individual factions or parliamentary groups). The role that experts play considerably depends on the prestige of the committee they belong to and from which they derive their professional authority. MPs and senators generally feel that they are equipped with a sufficient amount of 'European' information, and they acquire

this information from their interactions with the executive, from the delegation to the European Commission, and from academic institutions, etc. The authors also observe that the contacts between MPs and senators are relatively weak.

In the chapter on 'The Committees for European Integration Set Up by the Chamber of Deputies and the Senate of the Parliament of the Czech Republic and Their Professional Background in the Process of Harmonising Czech Law with EC/EU Law', Štěpán Pecháček looks at the activities of the bodies that were established by each chamber in 1998 for specialising in the European agenda. Here more attention is devoted to the Chamber of Deputies, which is unquestionably the stronger of the two chambers. The committees' activities focus on reviewing the compatibility of proposed legislation with European law, and they also take part in the procedures of preliminary consultation with the Chamber of Deputies. The continued existence of the committees requires that some thought be given to integrating them into the discussions on normative acts produced by European bodies, and to this end the author recommends establishing them as one joint committee. The committees' professional background is in the Parliamentary Institute, which drafts opinions on compatibility regarding private members bills or amendments approved by the Chamber of Deputies. To complete the picture it must be noted that, as the legislative department also drafts opinions, the information put forth by the Parliamentary Institute is not the only source of official materials on the compatibility of bills passed to the Senate.

In the chapter titled 'MPs and Senators after EU Accession' Jan Kysela draws attention to the openings or possibilities for national parliaments to take an active role in EU affairs. In practical terms this means reducing the democratic deficit, while in normative terms it relates to the constitutions of some EU member states and to European

documents. A concise analysis is given of the constitutional foundation behind the cooperation between Parliament and the government in the period after accession to the EU, and an indication is given of its rendering in the Act on Relations between the two Chambers and their respective Rules of Procedure (on what the parliamentary chambers are to address and how they are to proceed).

In the next chapter, Markéta Rulíková examines 'The Attitudes of Czech MPs towards EU Accession'. In the Czech Republic the pre-accession debate was generally limited to matters concerned with the approximation of law. It is therefore useful to round out the body of statistical information with reflections provided by politicians in open interviews focusing on a complex examination of their viewpoints. The responses indicate that while politicians view EU membership as unquestionable, it is perceived more as a 'marriage of reason'. Concerns over a loss of sovereignty appear not to be very strong, but a somewhat different evaluation is made with regard to 'national interests', where a greater sense of euroskepticism can be traced, albeit in a moderate form.

In the next chapter Marie Chatardová provides information on 'The Communication Policy of the Czech Republic before EU Accession', a document approved in 1997 and later reworked. As part of this policy thirteen regional information centres were set up, approximately five hundred local libraries served as contact points, and numerous information materials were produced and issued.

In 'The European Union in the Media – The Role of MPs and Senators', Jiří Česal provides statistical evidence about the minor role that Parliament and its members play in providing information about the EU, basing his observations mainly on an analysis of the frequency with which it is mentioned or cited as such a source.

In the final chapter, Jitka Sýkorová looks at 'Evaluations of How Prepared the Public in the Czech Republic and in the Other Candi-

date Countries Are for EU Accession'. Slovenians feel the most prepared, while Turks and Lithuanians lie at the opposite end of the scale. Also worth noting is the relatively strong self-confidence of the Bulgarians, exceeding that observed among the Czechs or the Estonians.

The second of the edited volumes, *The Relationship of the Chamber of Deputies and the Senate*, begins with a chapter by Eva Broklová on 'The Senate – Three Instances in the History of Czechoslovakia and the Czech Republic', in which she focuses on discussions dating from three periods: 1920, 1945–1947, and 1994. Among early French theorists of democracy in particular the bicameral system was considered incompatible with the indivisible sovereignty of the people, and for this reason bicameralism only became firmly established in 1875. Similar arguments were used in 1920 also in Czechoslovakia. At that time such views clashed with demands for the differentiation of chambers secured through distinct methods of composition or at least through the indissolubility of the second chamber. The main reason for the less prominent function of the Senate was the nearly identical political composition of the two chambers. After 1945 the prevailing opinion sought a different form of institutional solution to Czech-Slovak relations than that offered by the establishment of two chambers, which moreover posed as a possible and undesirable barrier to the overall radicalisation of public life and by extension also to the power ambitions of the communists. With regard to the current Senate, the author considers it more appropriate to define it in positive rather than negative terms (i.e. as a democratic safeguard). In the author's opinion the majority electoral system does not prevent the rise of extremists, and partial elections may represent an obstacle to conceptual work. Two other points should also be noted: 1) single-mandate electoral districts are not compatible with the proportional electoral system; 2) a two-round majority system generates compromise and produces candi-

dates that are more generally acceptable, and in this way it is not conducive to the rise of extremists.

Lubomír Brokl analyses 'Arguments For and Against the Senate in the Light of Empirical Research'. Supporters of the Senate employ a number of logical and well-structured arguments in its favour, but they have difficulty demonstrating them empirically: for example, the closer connection between senators and voters, channels of communication beyond those just within party means, fewer internal party divisions, partial elections allowing for continuous conceptual work, and the ability of the Senate to direct its attention to the upholding of rules, etc. The data reveal that the Senate's biggest advantages and disadvantages are considered to be, respectively, its role as 'democratic and legislative safeguard', and the fact that it slows down the legislative process (MPs' views) and has only limited powers (senators' views). Interestingly, only one-quarter of MPs consider the Senate unnecessary. An examination of the activities of senators and deputies in electoral districts and regions reveals that senators are slightly more engaged in and in more frequent contact with the third sector. Senators also much more strongly identify themselves as representatives of their electoral district (68% compared to 25% of MPs). The author concludes by pointing out that the position of parliament, including the second chamber, "evokes criticism and aversion on the very principle of its democratic function".

In the third chapter, Jan Kysela looks at 'The Relationship between the Chamber of Deputies and the Senate in the Proposed Act on Relations between the two Chambers'. It is incorrect to view the safeguard that exists within the framework of legislative power as lying solely in the second chamber, as it is the collaboration between the two chambers that actually serves as a democratic safeguard. It depends, however, on how these relations are specifically defined and demarcated, not only in the constitution, but also

in both chambers' Rules of Procedure. A key place in this should be occupied by the 'Act on Relations between the two Chambers'. As yet no such act exists in the Czech Republic, but two proposals for the act (MP and senatorial) are discussed in the analysis.

Martin Vyšín examines the 'Differences between the Decisions of MPs and Senators'. In addition to the points that have already been mentioned above, there are a number of other differences between senators and MPs worth noting. For example, MPs assign substantially greater weight to the information they gain from their political parties; MPs and senators perceive their mandates differently (40% of MPs but only just over 5% of senators feel they represent the voters of their political party); they differ with regard to how much they tow the party line (approx. 26% of MPs compared to 7% of senators) and with regard to their independence from decisions made by the club (54% of MPs compared to 88% of senators). The author is able to confirm the theory that senators are more independent of their political parties, but he also points out that, owing to the weaker position of the Senate, senators are also in a position to allow themselves greater independence.

The volume closes with the chapter by Adéla Seidlová, 'Do MPs and Senators Differ as Representatives of Voters?'. The chapter presents a detailed analysis of the indicators of the frequency of contact between MPs and senators on the one hand and voters on the other, the structure of issues MPs and senators discuss with voters, and the degree of independence they have in decision-making according to individual parliamentary factions (the highest index of autonomy in decision-making belongs to the MPs and senator club of KDU-ČSL), which is usually lower than it is for government parties.

*The Parliament of the Czech Republic, 1993–1998: Factbook*, the third publication reviewed here, is not a volume but rather a collective work co-authored by three young scholars from the Institute of Sociology. It

mainly offers a detailed commentary on an abundance of statistical data, preceded by an introductory chapter providing a brief background summary to the Czech Republic in the years between 1993 and 1998 (*The Czech Republic, 1993–1998: The Context*), written by Lukáš Linek.

An important aspect of parliamentary research is the context in which the Parliament operates and at the same time influences. For this reason the author begins by presenting the results of the elections to the Federal Assembly and the Czech National Council in 1992 and describes the two constitutional debates that occurred in that year (on the dissolution of the federation and the preparation of the constitution for the Czech Republic as an independent state). The outcome of both debates was the seizure of legislative power by the Czech National Council, which transformed itself into the Chamber of Deputies while refusing to set up an Interim Senate. The deferral of the establishment of the Senate was caused by the absence of agreement over the form of electoral law; this was compounded by attempts to abolish the Senate and by disagreement over the date of the first elections. The first electoral term was dominated by a government coalition (it began with 105 MPs and ended with 112), but the elections in 1996 signified a change in the distribution of power, as the coalition gained only 99 mandates (later the distribution of power was 100 + 1 + 1 + 98). Conversely, the first Senate elections were a considerable success for right-wing parties. Even so, the government coalition in 1997 fell apart, and the second electoral term ended prematurely.

In the next part of the text a description is given of the legislative process (regular laws, constitutional acts, and acts pursuant to Article 40 of the Constitution), which in theory should be directed by the government, not only as the sponsor of the majority of bills, but rather also as it holds the confidence of the Chamber of Deputies, which in turn should therefore support the govern-

ment's legislative programme. While the Constitution defines the political regime, the electoral system, and the powers and authority of each of the chambers, other rules of their proceedings are outlined in the rules of procedure and, in unwritten form, as precedential decisions. In the period under observation there are two relevant Rules of Procedure: that of the Czech National Council from 1989 and that of the Chamber of Deputies from 1995, which, in amended form, was also used in the Senate until 1999. The author compares both Rules of Procedure and points out their main differences (the system of multiple readings, the somewhat different standing of the clubs, etc.).

Lukáš Linek is also the author of the second chapter on 'The Parliament of the Czech Republic, 1993–1998: Characterising Its Activity'. The Czech bicameral system is founded on the principle of unequal bicameralism, where the stronger position of the Chamber of Deputies derives mainly from its position in relation to the government and from the function of approving the state budget, but to a significant degree is nonetheless also manifested in the legislative process. The author examines separately the influence of the Chamber of Deputies, the Senate, and the President on the legislative process. Up until 1996 the Chamber of Deputies was not constrained by the function of the Senate. Statistics show, for example, that the majority of legislative initiatives originated in the government, the readings of international treaties were non-political and rather more formal in character, and that by comparison the number of days spent deliberating bills and the length of the sessions increased during the second term. The length of sessions and number of days spent on deliberation are considerably shorter and fewer in the Senate. Here the government tends to be more successful at defending its bills, which is also connected with the fact that private members bills tend to be of poorer quality. During the Senate's first term it sent back or rejected 20% of the bills passed to it for de-

liberation; returned or amended bills were more successful than rejected bills when submitted to further votes in the Chamber of Deputies. The influence of the President of the Republic is relatively limited: in 1993–98 the president vetoed eleven laws, wherein in six cases the Chamber of Deputies overrode that decision and pushed the bill through anyway.

In the third chapter Petra Šalamounová presents the 'Demographic and Social Characteristics of Members of the Parliament of the Czech Republic (1993–1998)'. These characteristics show that the education and prior political experience of MPs and senators have an unquestionable effect on the work of Parliament. Other data on the composition of Parliament show that the percentage of women in Parliament fell after 1989, though it began to rise slightly as the new elites became stabilised. In 1997 on average senators were ten years older than MPs. In 1996–1997 the proportion of university-educated members of both chambers hovered around 75%. Also, a significant proportion of senators, almost one-half, enter parliament directly from communal politics.

The fourth chapter, 'Parliamentary Bodies: Committees and Factions', is co-authored by Lukáš Linek and Petra Rakušanová. The activities of Parliament's chambers are shaped by the committees, sub-committees, commissions, and clubs. Of key importance for the legislative process are the committees, specialised bodies, the professional qualifications or specialisations of the parliamentarians, the clubs, and the platforms for political cooperation and agreement. The chapter describes the committees and the way in which members are appointed to sit on committees, which has changed somewhat between individual electoral terms: for example, in the first electoral term the officials from the Chamber of Deputies and the chairs of the committees were exclusively coalition members, while in the second electoral term this was no longer the case. Parliamentary clubs are an important link between

Parliament and political parties, and one aspect of this link is funding. In 1990–1992 the clubs experienced a fragmentation with the break up of Civic Forum. In 1992–1996 this process continued on the side of the opposition, as an extraordinary number of individual transfers occurred between clubs and as these clubs continued to fragment and rename themselves. In the government benches, the transformation of the political spectrum affected the Christian Democratic Party (KDS). A more important change in the second electoral term was the break up of the MP club of ODS, while its senator club remained stable. In the first functional term the senator clubs were stable on the whole (with only the transfer of three ODS senators to the ODA club as the newly formed US-ODA), though the chairs of the clubs were changed more frequently.

Despite some minor inaccuracies and questionable points relating to how the authors have interpreted the data from the ta-

bles and figures that the text is meant to be based on, the three authors of this volume have managed nonetheless to accurately depict many of the fundamental features of Parliament's activities without succumbing to the perspective of just one of the two chambers.

In this reviewer's opinion the three publications represent an important contribution to research in this field, not only owing to the large amount of interesting, summarily interpreted and well-commented data and information they present on the activities of the Parliament of the Czech Republic, but also and especially for their accessibility to readers and researchers outside the Czech language community. They may therefore help to facilitate the inclusion of analyses of Czech constitutional and political institutions as regular components in international comparative studies, which is no small accomplishment.

*Jan Kysela*