



MASARYKOVA UNIVERZITA

# Constitutionalism

## Constitutionalism in V4 Countries

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# Constitutionalism in V4 Countries

- Introduction
- Czech Republic
- Hungary
- Poland
- Slovakia
- Conclusion

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# Introduction

- For or Against Constitutional Democracy
- Legal Constitutionalism, and Constitutional Crisis
- Constitutional Courts until Accession to EU

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# Czech Republic

- Value-Oriented Constitutionalism
- Constitutional State – Material Rechtsstaat – Formal Rechtsstaat – Fundamental Rights

# Czech Republic

- First (1993-2003) and Second (2003-2013) Terms:
- (1) agenda
- (2) comparison

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# Hungary

- Democracy by Judiciary
- CC: Guardian of Transformation
- Future-Oriented, or Prospective Constitutionalism

# Hungary

- Jurisprudence:
- (1) Dealing with the Past v. Social and Economic Reforms
- (2) Human Dignity and Fundamental Rights

# Hungary

- Two-Thirds Majority of Fidesz
- New Constitution and Constitutional Changes
- Resentment against Legal Constitutionalism

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# Poland

- Constitutional Tribunal (1985): Government's Helper
- New Constitution in 1997
- Case-Law: Rule of Law

# Poland

- Kaczyński Brothers and CT
- Civic Platform and CT
- Current Issues

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# Slovakia

- Mečiar's Era
- Constitutional Court's Case Law: Protecting the Rule of Law



# Slovakia

- Accession to EU
- Constitutional Court's Case Law: Presidential, and Judiciary Cases

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# Conclusion

- Common Origins v. Resulting Position
- Courts and Politics

# Sources

- Blokker, P., *New Democracies in Crisis?: A Comparative Constitutional Study of the Czech Republic, Hungary, Poland, Romania and Slovakia*
- Procházka, R., *Mission Accomplished: On Founding Constitutional Adjudication in Central Europe*
- Puchalska, B., *Limits to Democratic Constitutionalism in Central and Eastern Europe*
- Sadurski, W., *Rights Before Courts: A Study of Constitutional Courts in Postcommunist States of Central and Eastern Europe*
- Sadurski, W., Febbrajo, A., *Central and Eastern Europe After Transition: Towards a New Socio-legal Semantics*
- Skapska, G., *From 'Civil Society' to 'Europe'*