

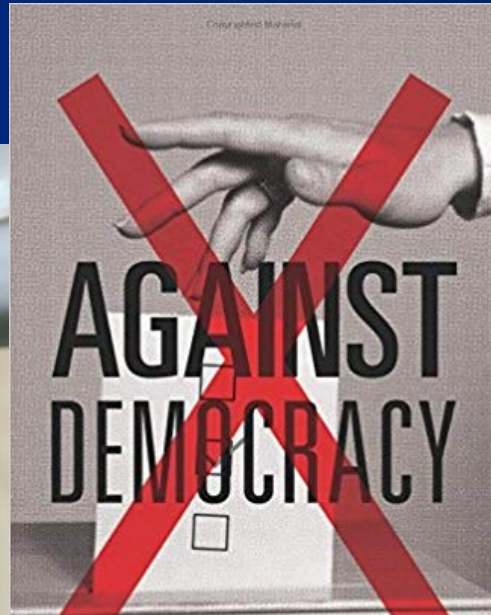


MASARYKOVA UNIVERZITA

Constitutionalism

From Legal to Populist Constitutionalism

Jiří Baroš



Constitutionalism



Constitutionalism and Democracy

- What is Democracy?
- What is Constitutionalism?
- Harmony or Tension?

Constitutionalism in CE

- Legal Constitutionalism and its Alternatives
- Populism and Constitutionalism

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Legal Constitutionalism

- What is Legal Constitutionalism?
- Alternatives?
- Development in CE after 1989

What is LC?

- Negative View of Constitutions
- Politics v. Rule of Law
- Judicial Supremacy
- Citizen Engagement?

Alternatives to LC?

- **Political C.:** Constitution and Disagreement, Parliamentary Supremacy?
- **Democratic C.:** Depoliticization X Discussion on Constitutional Essentials, Political Participation

CE after 1989

- CC: Adhere, or Oppose Governmental Policies?
- Adoption of New Constitutions?

CE after 1989

- Czech R.: Value-Laden Constitutionalism, First and the Second Term
- Hungary: Democracy by Judiciary v. Orbán's Attack
- Poland: Government's Helper v. Kaczyński Brothers and CT
- Slovakia: Mečiar's Era, Accession to EU

Constitutionalism in CE

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Populism and Constitutionalism

- Hostility or Engagement?
- Populism Deconstructed
- Populist Leaders Takes Stage in CE

Hostility or Engagement?

- Democratic Backsliding and Illiberal Democracy
- Negation of, Problematic Relationship with CD

X

- Populist Constitution-Making

Populism Deconstructed (Blokker)

- The Popular Will
- Majoritarianism
- Legal Resentment
- Constitutional Instrumentalism

Populist Leaders Takes Stage...

- Orbán (CC, Ordinary Courts, Independent Agencies)
- Kaczyński (CT, Ordinary Courts, NCJ)
- How to Tackle Populism?

Who 's Next?

