The Constitutional Court of the Czech Republic Through the Prism of Legal History
(Speech delivered on the occasion of bilateral visit)

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Dear Mr. Chief Justice,
Dear Justices of the Constitutional Court,
Ladies and Gentlemen,

Before I delve into the essence of my discourse, I wish to express my gratitude. It is with great honour that I lead our court's delegation here in Taipei, amidst distinguished colleagues and experts in constitutional law. I extend my heartfelt thanks to Mr. HSU Tzong-Li, President of the Constitutional Court of Taiwan, for his gracious invitation. This invitation, underscoring the friendly bond between our courts, was gladly accepted. I am convinced we have much in common, we can learn from each other; we can share wisdom and experience, and offer support to each other. It is a privilege to be in your company today.

Introduction

The role of constitutional courts in societal fabric is unparalleled. They serve as arbiters, a function intrinsic to the judiciary, whilst also assuming interpretative and protective duties. Straddling the realms of judicial power and legislative outputs, they navigate between honouring the decisions of other courts and the imperative to safeguard the fundamental rights and freedoms of individuals. This is no enviable position.

Owing to its distinctive status, the Constitutional Court stands aloof from ordinary courts (whose rulings it has the authority to overturn), exercising considerable power over both legislative and executive branches. The Czech Constitution stipulates that the Constitutional Court's enforceable decisions are binding on all entities and individuals, suggesting a seemingly omnipotent stature. Yet, this is not the case.

Throughout history, formidable constitutional courts such as those in the Czech Republic, Slovakia, Germany, and Spain have been moulded by necessity, rooted, it must be acknowledged, in the catastrophic failures of power separation. The inception of Constitutional Courts in Czechoslovakia and Austria in 1921, pioneering in their exclusive authority to scrutinise norms, marked modest beginnings that lacked the prestige of their contemporary highest administrative courts. The harrowing experiences of the 20th century – global conflicts, totalitarian regimes, legislative and judicial missteps – necessitated the bolstering of the constitutional judiciary to its present prominence. As a safeguard of the democratic legal framework and the ultimate protector of individual rights, constitutional courts bear the weighty responsibility of defending the constitution, even against the state itself. They tread this path cautiously, mindful of the delicate equilibrium between the powers of the state and the intricate system of legal checks and balances. Thus arises the query, who supervises the supervisors? They must self-regulate.

That is why I consider it extremely valuable that the constitutional courts can communicate on a horizontal line - that is, with each other. No other national public authority has the same experience as the constitutional courts, because their experience is unique and non-transferable. Nevertheless, they can share the experience with their foreign counterparts. Every constitutional court scrutinises the constitutionality of laws, for without this, they could not bear the title of constitutional courts. They adjudicate on jurisdictional disputes, certify election results, hear individual complaints, pass judgments on presidents, and, as exemplified in Taiwan, provide binding legal interpretations.

Despite the vast geographical distances, the Constitutional Courts of the Czech Republic and Taiwan grow from the same legal roots. These roots have defined the purpose and functions of

constitutional courts globally, championing the protection of constitutional values. Regrettably, some courts have deviated from these ideals, betraying the tenets of natural law and humanity. Nonetheless, their origins in Central Europe's legal tradition remain indisputable.

From Where We Commenced

Austrian professor Hans Kelsen, regarded as the progenitor of the concentrated constitutional judiciary, laid the foundational stones for modern constitutional law. Interestingly, Kelsen's roots were not wholly Austrian; born in Prague to a German chandelier manufacturer's family, he moved to Vienna as an infant. Prior to World War II, he also taught in Prague before finally moving to Berkeley, California.

Kelsen's seminal *Pure Theory of Law* presented a philosophical rather than a practical blueprint. It was not until 1918, upon the request of Austria's new chancellor, that Kelsen, together with three experts, was tasked with drafting a new federal constitution. His endeavour to legitimise constitutional judiciary sought to reconcile the paradox of unelected judges overturning the decisions of elected representatives. He found his solution in the hierarchy of legal norms, with both courts and legislators bound by a higher law – the constitution. This equilibrium ensured both entities were equally legitimised as the constituent power – *pouvoir constituant* – deriving their powers from the same source. Kelsen's advocacy for a specialised and concentrated form of constitutional judiciary materialised into three core propositions:

1. the safeguarding of political rights necessitates a court specifically oriented towards the protection of human rights;
2. independence from other constitutional entities can only be assured if judges are endowed with the same authority as other bodies established by the constitution;
3. and constitutional review demands personalities not merely trained in adjudication but also deeply versed in constitutional law.

By 1928, Kelsen had articulated that a specialised constitutional court more effectively separates from the judicial system of a non-democratic state, with constitutional court judges being more proactive in adjudicating on the constitutionality of legislative acts than general judiciary could be. In this context, he gave birth to the concept of constitutional courts as *negative legislators*. These theses mark the conceptual starting line for constitutional courts, inviting us to consider our current standing.

Contrary to many of Kelsen's other propositions, the idea of the constitutional court as a negative legislator has not only endured but has become a defining characteristic of constitutional jurisprudence. While not all constitutional courts have the competence for individual constitutional review, it is hard to find a constitutional court that does not have the authority to examine the constitutionality of legal statutes. Kelsen's concept of constitutional jurisprudence as the ultimate means of protecting the constitution and its values has etched his name into history, and we continue to follow in his footsteps a century later. But where have we arrived?

Constitutional Courts and Politics: Playing on a Field Without Boundaries

Today, inherently, every constitutional court acts as a negative legislator, though this term is not favoured and is often resisted. This resistance is as futile as the opposition from other branches of government, suspecting that by ruling on the constitutionality of laws, constitutional courts encroach upon their competencies, becoming not the guardians that guard

themselves, but rather, the thieves in the legislative orchard, picking the apples destined for the legislative branch.

Constitutional courts are acutely aware of this tension with other branches of government. Hence, in their rulings, they frequently emphasise the need for self-restraint, prioritising constitutionally conform interpretations over the simpler act of annulling a legal norm. The Czech Constitutional Court is no exception. It first adopted this approach thirty years ago, in its judgment file No Pl. ÚS 48/95, where it essentially stated the following: In situations where a legal provision allows for two interpretations – one in accordance with the constitutional order and the other in conflict with it – there is no reason to annul this provision; it is the courts' task to interpret the provision in a way that conforms with the constitution. This approach, I believe, achieves the protection of constitutionally enshrined interests without the judiciary radically intervening in the legislative sphere. If this sounds familiar, then rightly so – it echoes the famous sentiment by Schumann.

Did the Czech Constitutional Court receive accolades for this approach? Far from it. Hundreds of other Constitutional Court decisions followed, some outstanding and others less so, along with a changing political landscape in the Parliament. Previous oppositions came to power, and former ministers turned into opposition members. Those who once sought the Constitutional Court's protection now critiqued it, while advocates for its dissolution flooded it with submissions. To politicians, the Constitutional Court is hardly their favourite institution. And rightly so, for the mission of constitutional jurisprudence is not a popularity contest but the protection of constitutionality. If, by nature, the Constitutional Court does not just impact the content and structure of the legal order but also the political system's relationships, it leads to two fundamentally flawed temptations. On one hand, Constitutional Courts venture deeper into the realm of politics in their quest to further safeguard fundamental rights, democracy, and the rule of law, leaning more towards political matters. On the other hand, political forces resist this inclination, sometimes voicing thoughts on limiting constitutional jurisprudence, overstepping bounds, inappropriate activism, and "judgeocracy".

Both tendencies—excessive activism and efforts to weaken constitutional courts—are, in my opinion, perilous. Yet, they are manifestations of the shifting sands of power in contemporary society.

Indeed, in most democratically labelled nations, there exists a constitutional framework for the political system, including judicial protections. The existence of these protections, however, means courts can significantly influence policy content and direction. Nonetheless, it is contradictory to simultaneously claim courts have no place in politics while also calling for their intervention when the political system falters. Courts become political actors not by choice but by summons to the political arena. Whether as judges, protectors, advocates, or arbiters, they are present. Alec Stone Sweet first coined the "*judicialisation of politics*" in 1999, and since then, countless analyses and articles have explored this phenomenon. Allow me to share some thoughts on this topic, which has long captivated my attention…

Transitioning from Authoritarian Rule to Democracy

It is crucial to note that courts do not trouble political elites in authoritarian regimes because they do not weaken politics; rather, they readily affirm the decisions of the ruling majority, and as is customary in authoritarian states, there is no criticism. The political and judicial systems appear separate but are in reality intertwined. As I have observed, constitutional courts in some countries that could be deemed authoritarian vote solely unanimously. This, however, negates not only judicial protection but also judicial review and the very essence of jurisprudence. The

catalyst for the judicialisation of politics often arises from society's transition to a democratic system, which guarantees no social group perpetual governance. This democratic transition establishes systematic rules for political life, providing systemic stability and mechanisms for protecting and enforcing these rules, usually through judicial means. Examples include judicial review of legislation, dissolution of political parties, electoral jurisprudence, impeachment, or resolution of jurisdictional disputes. It is through these channels that political questions are brought before the courts. Answering political questions without impacting politics is a tall order.

On the State of Being Overwhelmed

Modern political society has grown accustomed to shifting the resolution of its political disputes to the courts. Whether it pertains to administrative or constitutional jurisprudence, it is easy for political actors to transfer the burden of decision-making to an independent third party. It has become so routine that what was once exceptional is now the norm. Let the court decide! And if we disagree with the court's decision, we can critique it for lacking democratic legitimacy and for intruding into a sphere beyond its purview. Judges, however, do not rule based on political will or considerations of the best political solution but on the legality and constitutionality of the matter at hand. They utilise legal, not political, arguments and would prefer if political actors could reach agreements without their intervention. Yet, politics mirrors society, which is also grappling with the erosion of authority. Religious, moral, or hierarchical imperatives have been so diminished that their adherence, much less enforcement, is easily overlooked. A society lacking in authority feels overwhelmed and turns to the only enforceable system available: the law. If legal solutions are unsatisfactory, criticism is directed not at the source or genesis of the problem but at the courts that dealt with it.

On Esteem

"The judiciary, on the contrary, has no influence over either the sword or the purse." It has become commonplace to quote Alexander Hamilton, who thusly expressed his believe that courts have neither force nor will but merely judgement, thus constituting the weakest branch of the state. This is true, but only partially. Courts indeed cannot enforce their most audacious or righteous decisions. The effectuation of court rulings relies on the willingness of the other two branches of government to accept and implement such judicial decisions. The willingness to respect and enforce constitutional court rulings is not a given, as it incurs high transactional costs for political bodies – the metaphorical "wrath of the people" falls on those who implement measures, not on those who issue them. In my view, the enforcement of constitutional court decisions by other actors depends on two fundamental factors: the respect the constitutional court has earned, ideally ingrained in society to the extent that its decisions are beyond question, and the level of public interest in the specific issue at hand. Naturally, issues such as the right to abortion, pension amounts, or the extent of religious freedom will elicit stronger social responses than, say, the taxation rate on steel. Nevertheless, the convincing nature of the reasoning and the authority of the constitutional court should suffice to ensure that, while its decisions may be debated in public discourse and critiqued in the public sphere, no one should contemplate non-compliance.

On Peril

I am uncertain of the popularity of Taiwan's Constitutional Court, but I assume it is an institution held in high public regard. This is similar in other countries, and in the Czech Republic, the Constitutional Court is consistently the most trusted institution. This pleases me. I see such trust as an indication that we are performing our duties well. But to be perfectly understood – constitutional court judges must not adjudicate with popularity in mind but rather

with justice as their guiding principle. We must not be swayed by the potential repercussions of our decisions, the outcry of politicians, headlines, or crowds gathered beneath our windows. If we remain unwavering and decide impartially and justly, then, in the long run, this will only strengthen the constitutional court's credibility. And therein may lie the catch.

A credible, respected, and possibly even popular constitutional court poses a barrier to totalitarian measures, often creeping in nature. Should elections bring an authoritarian leader to power, weakening the constitutional court becomes a priority for them. Constitutional courts are simultaneously the last bastion of legal state protection and the first stronghold that must be conquered for totalitarian ends.

Experiences from various countries teach us that subjugating the constitutional court can take many forms. The most rudimentary is an attack on the essence of constitutional jurisprudence – altering legal provisions, constitutionally limiting powers, dismissing judges, or slashing budgets. However, this is too conspicuous and likely to provoke public outrage and international condemnation.

Another method to weaken the Constitutional Court is its polar opposite: pampering and ostentation. This form of erosion requires time but bears fruit. There exists a constitutional court where judges reside in a palace, offices feature golden doorknobs, staff wear liveries, and a private helipad is available. Only the finest is deemed good enough for the judges, and police clear roads when a judge's limousine transports them home. This transcends the rational material provision for judges as a guarantee of their independence; it is corruption through services and wealth. A taste of Byzantine luxury in exchange for Byzantine justice transforms judges into complacent pets with their masters, bowls, and, regrettably, leashes.

The most insightful autocrats attempt to subjugate constitutional courts subtly, under the guise of protecting indisputable values. Need to replace some judges? Question the past of older judges and the experience of younger ones. Introduce a body that could, in the name of justice, of course, retrospectively review constitutional court decisions. Double the number of judges and fill the vacancies with loyalists. Narrow the funnel of proposals so that accessing the constitutional court becomes nearly impossible. In the media, repeatedly question the validity of a judicial decision, labelling it as bad, anti-people, absurd, and possibly influenced. This is how constitutional courts are restrained, and to the uninitiated, it appears as though the governing majority is acting in the best interest of constitutionality.

On Enchantment

If it turns out that the Constitutional Court is effective, enjoys public trust, rules impartially, and is not targeted for destruction by politicians, another risk looms—becoming enchanted with one's own success. American judge and legal theorist Richard Posner spoke of the US Supreme Court occasionally behaving towards politicians like a teacher to a class of slow learners. However, constitutional courts should not be arrogant, superior, and must especially avoid becoming accustomed to the idea that judicial review of constitutionality can substitute political decision-making. High courts should not strive to advance progress or seek legal shortcuts to a brighter legal future. Courts deserve moderation, and if they too frequently take to the barricades of social struggle for something better, newer, and more correct, they harm not only themselves but the entire system. A well-functioning society and correct value system are not characterised by a super-efficient and all-knowing constitutional court resolving dozens of political issues annually, continuously educating everyone, and featuring judges as visible in the media as show business stars. Quite the contrary!

A constitutional court should be humble, reserved, and aware of its subsidiary role in addressing political issues. When called upon to decide, it must do so with the full weight of its authority, rationally, impartially, and with solid argumentation. In my opinion, this is the path to decision-making transparency, public trust, respect from political actors, and fulfilling the purpose and essence of constitutional jurisprudence.

Three Verdicts Reflecting Three Decades

Everything discussed thus far represents my theoretical observations. Let me now illustrate these with three judgments made by the Constitutional Court of the Czech Republic, adopted in three different decades of its existence. These decisions reflect the evolution of Czech society and its Constitutional Court.

Addressing the Communist Legacy

The Constitutional Court of the Czech Republic was established in 1993. Its first twelve justices were appointed in July, and by 15th September that year, a group of (communist) members of parliament filed a motion to repeal the law on the illegality of the communist regime and opposition to it. This was logical, as the law targeted the legacy of communist legal history.

The transition from a communist to a democratic regime in our country was not revolutionary but rather continuous. The leading role of the Communist Party was abolished, the Parliament was renewed, political prisoners were released, a new government was appointed, a new president was elected, and suddenly—without a clear dividing line—we were living in a democratic system. Those unjustly judged in the past were given the chance for judicial rehabilitation, and property injustices were mitigated through restitution (returning property to its original owners). Collaborators with secret services were barred by the lustration law from holding leading positions in public administration. However, a symbolic line under the injustice of communism was drawn only with the enactment of the law on the illegality of the communist regime.

The contested law underscored the necessity of confronting the communist regime. It declared the communist regime "*criminal, illegitimate, and despicable*" and the Communist Party a "*criminal and despicable*" organisation. The essence of the law lay in the provision that the period during which the Communist Party ruled would not be counted towards the statute of limitations for criminal offences. The main motive behind this provision was the belief that a state that initiated or tolerated criminal acts did not intend to rid itself of those executing such violence. Perpetrators of evil were thus protected by state power. If there was a lack of will, effort, and willingness on the part of the state to prosecute certain crimes, then these crimes cannot be considered barred by limitation.

The Constitutional Court at that time consisted of judicial personalities who had their own, mostly bitter, experiences with communism. It is no surprise, then, that the Court dismissed the communist members of parliament's motion to repeal the law. In its verdict, the Court clearly articulated the difference between the legality and legitimacy of a regime and how to use the inherited legal order in new societal conditions. It stated, "*The Constitution of the Czech Republic is not based on value neutrality, it is not merely a definition of institutions and processes, but integrates into its text certain regulatory ideas expressing the fundamental inviolable values of democratic society. … This means – even with continuity to "old law" – value discontinuity with the "old regime*". This concept of the constitutional state rejects the formally rational legitimacy of the regime and the formal legal state. No matter the laws of the

state, in a state that identifies as democratic and proclaims the principle of the sovereignty of the people, no regime other than a democratic regime can be legitimate. Regarding the objection of statute limitations, it emphasised that an essential part of the concept of statute limitations for criminal prosecution is the will, effort, and willingness of the state to prosecute a crime. Without this premise, neither the content of the concept of statute limitations nor the meaning of this legal institution can be fulfilled. … If the state does not want to prosecute certain crimes and certain perpetrators, statute limitations are redundant: in these cases, the statute limitations period does not actually exist, and the statute of limitations itself is fictitious."

In 1993, I was a young judge, but I applauded the decision of these silver-haired legends of the law. At that time, I could not have imagined that thirty years later, I would be continuing their legacy.

The Lisbon Treaty

In its second decade, the Constitutional Court underwent transformation. Topics related to property restitution, redressing injustices from the communist era, and privatisation of state enterprises receded into the background. The court saw a higher representation of former lawyers and academics among its justices, and its value orientation shifted towards a more active protection of fundamental rights and a liberal interpretation of its mandate. European and constitutional law's relationship increasingly came to the fore.

On 13 December 2007, the Lisbon Treaty was ceremoniously signed by the highest representatives of the 27 Member States of the European Union in Lisbon. This occurred 31 months after the more radical change to European law, in the form of the "Constitution for Europe", was rejected in referendums in France and the Netherlands. This international treaty nevertheless strengthened the position of the European Union and its institutions, serving as an intermediary between the former European Communities and a future European federation. However, it was necessary for all EU Member States to ratify this international treaty.

On 30 April 2008, the Senate, the upper chamber of the Czech Parliament, proposed that the Constitutional Court decide on the treaty's conformity with the Constitution. The motion itself was brief, spanning only four pages, and lightly touched upon—featuring merely six objections that oscillated around the senators' doubts about the reduction of Czech Republic's sovereignty and the inadmissible transfer of too many competences to this supranational entity.

The Constitutional Court, in its judgment Pl. ÚS 19/08 dated 26 November 2008, found that the Lisbon Treaty, in all six aspects raised by the Senate, was in conformity with the constitutional order. The reasoning, nearly a hundred pages long, elucidated the state's role and sovereignty in an integrating Europe, as well as the role the Constitutional Court itself should play in relation to supranational law. If the previous decade's decision was about reconciling with the past, this verdict was forward-looking.

Among other points, the court noted, "*It is no longer possible to view the global stage merely as a world of isolated states. It is widely accepted that the state and its sovereignty are undergoing transformation, and that no state is any longer such a unified separate organisation as classical theories assumed in the past. It is of fundamental interest for the integrating European civilisation to present itself as a significant and respected force in global competition. ... However, the most important finding for the Constitutional Court's review was that the Union continues to be founded on values of respect for human dignity, freedom, democracy, the materially understood rule of law, and the observance of human rights, thus emphasising what historically, spiritually, and ideologically unites the nations of Europe in*

seeking justice in individual cases, as well as for the whole. The goals and integration role of the EU are clearly formulated in this direction, and the Constitutional Court, as a guarantor of the constitutionality of the democratic legal state responsible to the people of the Czech Republic, especially charged with protecting the inalienable, intransmissible, imprescriptible, and irrevocable fundamental rights and freedoms of individuals, equal in dignity and rights, found nothing in this regard that would lead it to the necessity to intervene.".

This conclusion was not altered by the fact that, less than a year later, the Constitutional Court received a second motion to review the conformity of the Lisbon Treaty with the constitutional order. This motion was submitted by a group of senators challenging the entire treaty, including other international agreements. The Constitutional Court, however, ruled on this second proposal within weeks of its submission, affirming that the contested parts of the treaty were not in conflict with the Czech Republic's constitutional order, rejected all other proposals, and indicated in its reasoning that the President of the Czech Republic must sign the treaty without delay. Although this eventually happened, the Czech Republic was the last EU country to deposit its ratification instruments. From an international politics perspective, this was somewhat embarrassing, but from the Constitutional Court's viewpoint, it was a clear signal of its new, now European role.

Adoption within Registered Partnerships

The third decade saw another periodic renewal of the Constitutional Court. However, this decade did not witness proposals that would alter the fundamental value framework of society or lead to changes in European doctrines. Perhaps unfairly, this period has been criticised for lacking dramatic rulings or pivotal changes. As our colleague, Vojtěch Šimíček, mentioned at a conference, it is natural that after "*previous periods of poetry, years of prose followed, and the Constitutional Court became a completely standard court. The transition period is behind us; we are now a stable member of the European Union, for the first time since the 1990s, two governments have completed their full terms in succession, and we have not experienced real constitutional crises, or at least some crises did not become the subject of proceedings before the Constitutional Court.*". Nonetheless, this decade brought numerous significant decisions. For instance, a ruling on the partial annulment of the electoral law just before elections provoked the strongest possible media and political reactions, despite its legal significance being smaller compared to other rulings. The elections proceeded on time, without any issues, and under new rules. There were indeed powerful rulings from the Constitutional Court in this third decade, addressing conflicts of interest, the right to assemble, electronic records of sales, citizenship, the anti-smoking law, mandatory vaccinations, and a series of decisions related to COVID-19 measures. But I shall not dwell on them.

Instead, I wish to highlight a Constitutional Court ruling on a delicate and sensitive matter, emblematic of our times.

In 2015, the Municipal Court in Prague approached the Constitutional Court. It was considering an action from an individual living in a registered partnership who was not included in the registry of applicants deemed suitable to adopt a child because the law on registered partnership explicitly prohibited such an arrangement. The Municipal Court suspended the proceeding on this action and referred the matter to the Constitutional Court, concluding that the applicable provision was discriminatory and thus unconstitutional. The Constitutional Court agreed and annulled the contested provision.

The Constitutional Court acknowledged that there is no fundamental right to adopt a child, but it also recognised the considerable leeway the legislature has in regulating relationships

between same-sex partners. If there is no fundamental right for individuals of the same sex to marry (or enter into a registered partnership), it is a political decision for the legislature whether and how to regulate such a relationship.

The crux of the issue was identified as the Civil Code allowing a child to be adopted exceptionally by someone other than a spouse, while the law on registered partnership explicitly prohibited individuals in such partnerships from being that person. This created a situation where the legislature permitted a child's adoption by an individual not in a marital relationship without any restrictions on their sexual orientation. Yet, it specifically forbade individuals living in a form of union designated for same-sex partners from doing so.

The Constitutional Court stated, "… *the contested legal provision contradicts the right to human dignity. If it is based on excluding a certain group of individuals from a certain right simply because they have decided to enter into a registered partnership, it essentially makes them "second-class" persons and unjustifiably assigns them a certain stigma, evoking the notion of their inferiority, fundamental difference from others, and presumably also of their incapacity to – unlike other persons – adequately care for children. … by excluding one group of individuals (registered partners) entirely and unjustifiably from the possibility of child adoption, the contested legal provision ultimately infringes on their human dignity and also violates their right to the protection of private life*.".

Conclusion

This address, perhaps overly extensive, aimed to sketch the fundamental outline of the trajectory and development of the Constitutional Court of the Czech Republic. It sought to illuminate the principles it stands on, the values it protects, and its evolution over time.

Yet, I am convinced there are several attributes essential and enduring for constitutional jurisprudence:

1. The constitutional court must be the supreme interpreter of the constitution. It is tasked with legitimising and controlling state power through adjudicating constitutionality disputes.
2. The constitutional court must be answerable to no one. It does not receive directives and is not a hierarchical component of other bodies or powers.
3. The constitutional court must be apolitical and independent. Its sole measure and benchmark is constitutionality.
4. The constitutional court must exercise restraint. Aware of its power and the implications of its decisions, it adopts the principle of minimal intervention and prioritises constitutionally conforming interpretations.
5. The constitutional court must be the final resort. The subsidiarity of the protection of constitutionality and fundamental rights extends the obligation of protection across all public authorities. Constitutional court intervention is warranted only after all other legal protections have been exhausted.
6. Finally, the constitutional court must be trustworthy. It need not be popular or praised, but it must enjoy the trust of citizens and institutions. The true strength of the constitutional court does not lie in the enumeration of its competencies or the magnitude of its budget but in trust.

I take pride in the fact that the Czech Constitutional Court has upheld these criteria for thirty years. If under my presidency it continues to do so for the next decade, I will be content.

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Once again, I thank our host for this lovely meeting and all of you for your attention.