

How far can the Con Court go?

Can a Constitutional Court justice afford to express a personal, negative opinion on the Constitution, when it is his or her sworn duty to uphold that very Constitution? Chief Justice Pavel Rychetský used [Czech TV's OVM](#) debate show yesterday to sharply criticize the new constitutional amendment on direct presidential elections. (One of his deputies, Eliška Wagneřová, also criticized the amendment recently in Respekt, but she did it before the law was passed.) When Rychetský appeared on [OVM](#) last May, he said that the role of the Court is to oversee Parliament. "One can hardly expect the Constitutional Court not to be a political body when its main, basic function is to oversee a political body," he said. "This means setting the bounds and saying, 'You cannot go any further than this.'" Rychetský's performance yesterday is a conundrum. Could he possibly be signalling that the Court might strike down the amendment as an excess of Parliament? Or is he merely testing the bounds of how far a Constitutional Court justice can go?

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