

Reverse causality



One of the main arguments ([Page 52](#)) of the Czech government in responding to Pres. Petr Pavel's [jurisdictional complaint](#) in the matter of his participation at the Nato summit in Ankara is that the authority to set foreign policy and to decide on the make-up of official delegations lies with the cabinet. Since at least the end of 2012, the cabinet argues, each president has accepted this and has agreed to adhere to Gov. Resolution No. 894/2012 about arranging high-level foreign trips. This is the only reason the president headed the delegations to previous Nato summits, the cabinet argues. Never, the cabinet adds, has the president been the one to decide on his own participation in an official delegation of the Czech Republic. The established practice and constitutional custom, therefore, is that the presidents have always respected that the cabinet makes the decision, the document states. By arguing that the president's participation is the established practice, the cabinet concludes, Pavel is relying on reverse causality. Which, if true, we add, means that the Constitutional Court also relied on reverse causality when basing its [preliminary injunction](#) on Pavel's reasoning.

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