

# Fundamentals of Anglo- American and Polish Legal Systems – Striking points of contrast

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# Striking points of contrast

- The source of constitutional law
- Unwritten constitution in UK (statutes, constitutional convenances, royal prerogatives)
- Constitution of 1787 in USA
- Constitution of 1997 in PL



# Striking points of contrast

- The date of constitution
- Outcome of evolution (UK)
- Outcome of revolution:
  - Independence from UK (USA)
  - Change of political system (PL)



# Striking points of contrast

- How to change constitution?
- Flexibility (UK) [simple majority of Commons]
- Rigidity (USA) [2/3 both houses -> 3/4 states]
- Rigidity (PL) [2/3 Sejm -> simple majority of Senate -> referendum(?)]

# Striking points of contrast

- Sovereign
- The Parliament (UK)
- The Nation / the Constitution (USA)
- The Nation (PL)



# Striking points of contrast

- Distribution of powers
- Parliamentary sovereignty (UK)
- Separation of powers / checks and ballances (USA)
- Separation of powers / checks and ballances (PL)



# Striking points of contrast

- Character of state's administration
- Unitary state (?) (UK)
- Federal state (USA)
- Unitary state (PL)

# Striking points of contrast

- Government - parliament relation (membership)
- Ministers have to be MPs (UK)
- Ministers must not be MPs (USA)
- Irrelevant (PL)



# Striking points of contrast

- Government - parliament relation (vote of no confidence)

- Yes (UK)
- No (USA)
- Yes (PL)



# Striking points of contrast

- Head of state
- The Queen (UK)
- The President (USA)
- The President (PL)



# Striking points of contrast

- Head of state – parliament relations (veto)
- The Royal Assent of Queen (UK)
- The President's vetoes – suspensive/pocket (USA)
- The President's suspensive veto/referral to the Constitutional Tribunal – (PL)

# Striking points of contrast

- Head of state – parliament relations (right of legislative initiative)
- No (UK)
- No – Message on the State of the Union (USA)
- Yes (PL)



# Striking points of contrast

- Judiciary – parliament relations (judicial review)
- No (UK)
- Judicial review as unwritten part of the constitution (USA)
- The President's right to refer the bill to the Constitutional Tribunal/  
The direct application of the Constitution by the courts – (PL)

# Striking points of contrast

- Government – subject relations (Bill of rights)
- No (UK)
- Ten constitutional amendments of 1791 (USA)
- Part of constitution (PL)