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Substantive Limits on Constitutional Amendments in the Swiss Federal Constitution

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Constitutions have to master the balancing act between flexibility and rigidity. Providing for the possibility of constitutional change and protecting core values of a constitution from being undermined are both key functions of a constitution. One way to safeguard these values are unamendable provisions, which are found in a plurality of constitutions worldwide. Unamendable provisions designate those contents that are withdrawn from the disposition of the constitutional legislator and thus from the political process. A well-known example of an unamendable provision is the so-called “eternity clause” in the German Grundgesetz. In recent years, comparative constitutional studies have increasingly focused on such provisions. Studying unamendable provisions seems consequential as they point to the core values and thus to the “genetic code of a constitution” (Yaniv Roznai).

The Swiss Federal Constitution also contains such a provision: Every constitutional amendment’s validity is assessed by its adherence to “mandatory provisions of international law”. From a comparative constitutional perspective, the substantive limits on constitutional amendments in the Swiss Federal Constitution – their origin, design and function – are an exciting object of study. Due to direct-democratic instruments, the Swiss Federal Constitution is shaped by everyday politics. Therefore, it can only perform its constitutional function of constraining politics to a limited extent and the unamendable provision obtains a unique role. Additionally, the substantive limits on constitutional amendments in the Swiss constitution are not linked to judicial review as in most other jurisdictions. This unusual configuration of an unamendable provision is the focus of Julia Meier’s PhD project, a part of which she will present at the Agora.



Julia Meier studied Law in Zurich and Lausanne and holds a LL.M. in human rights from Hong Kong University. She is a PhD student at the Institute for International Law and Comparative Constitutional Law, University of Zurich. Her research is funded with a Doc.CH grant by the Swiss National Science Foundation. She also co-initiated a digital platform for free legal advice concerning the pandemic in Switzerland. She is currently a visiting researcher at the Max Planck Institute for Comparative Public Law and International Law.

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