

Edited by Martin Belov

Courts and Judicial Activism under Crisis Conditions

Policy Making in a Time of Illiberalism and
Emergency Constitutionalism



Comparative Constitutional Change



Courts and Judicial Activism under Crisis Conditions

This collection examines topical issues related to the impact of courts on constitutional politics during extreme conditions.

The book explores the impact of activist courts on democracy, separation of powers and rule of law in times of emergency constitutionalism. It starts with a theoretical explanation of the concept, features and main manifestations of judicial activism and its impact in shaping the relationship between constitutional, international and supranational law. It then focuses on judicial activism in extreme conditions, for example, in times of emergencies and pandemics, or in the context of democratic backsliding, authoritarian constitutionalism and illiberal constitutionalism. Thus, the book may be considered as a contribution to the debates on judicial activism, including the discussion of the impact of courts on certainty, proportionality and balancing of rights, as well as on revolutionary courts challenging authoritarian context and generally over the role of courts in the context of illiberalism and democratic backsliding. The volume thus offers an explanation of the concept of judicial activism, its impact on both the legal system and the political order and the role of courts in shaping the structures of the legal order. These issues are explored in theoretical and comparative constitutional perspectives.

The book will be a valuable resource for academics and researchers working in the areas of courts, constitutional law and constitutional politics.

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Comparative Constitutional Change

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Martin Below**

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To my beloved children: my daughter Albena and my son Boyan



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