

Preface

“The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed”

(Alexander Hamilton)

Although more than 200 years have passed since Alexander Hamilton, a Founding Father of the United States completed his essay on the necessity of government,¹ his finding still holds in many respects. The global crisis triggered by COVID-19 shed light on the exceptional situations in which governments may need to be empowered to take actions that they would not normally be permitted, in order to maintain or restore the integrity of the state and public safety and protect their citizens. Emergency powers are often regarded as a neglected field of constitutional law since most European countries rarely have to face crises or threats that cannot be managed under normal operating conditions.

It would be not an overstatement to say that the pandemic was a milestone in the history of emergency powers. It was quite obvious from the very beginning that national responses have varied considerably, which may be attributed to the apparent differences between the legal frameworks of the various countries. As this book points out, each country struggled to find the proper legal response for the crisis and some of them were even forced to cross existing legal frameworks, whilst seeking a balance between legality and efficiency.

The basic goal of this volume is twofold: On the one hand, readers are provided with an in-depth analysis and comparison of the systems of emergency powers of eight Central and Eastern European countries, paying special attention to the states of exception declared in the previous decades; on the other hand, the book is devoted to discussing the constitutional law aspects of the responses for COVID-19 crisis, highlighting the relevant legal and

¹ Alexander Hamilton: *Federalist Papers #23, The Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union. The Federalist: A Collection of Essays, Written in Favour of the New Constitution, as Agreed upon by the Federal Convention*, September 17, 1787. Available at: https://avalon.law.yale.edu/18th_century/fed23.asp (Accessed: 15 June 2022)

political debates, dilemmas and viewpoints surrounding the pandemic up until June 2021. Although the viewpoint of the book is primarily based on constitutional law, we also deal with the COVID-19 pandemic as an economic crisis, comparing the fiscal and monetary measures of crisis management.

The first chapter of the book is devoted to the theoretical issues of the state of emergency, focusing on the justification of emergency powers; meanwhile the second and third chapters revolve around the international aspects of the COVID-19 crisis and the coordinating role of the European Union, respectively. The country chapters offer an in-depth analysis of the legal framework of emergency powers and emergency regimes, covering the constitutional law aspects of COVID-19 crisis.

Fiscal and monetary policies, introduced by the national governments to mitigate the pandemic-triggered economic crisis, are also touched upon. The last chapter makes an attempt to compare the legal framework of the emergency powers and outline the aspects of constitutional law related to the COVID-19 crisis.

As the pandemic and debates on the state of emergency will be in the limelight for years, we sincerely hope that our book may be of great interest for researchers, scholars, and experts, serving as a valuable contribution for further research.

June 2022

The Editors