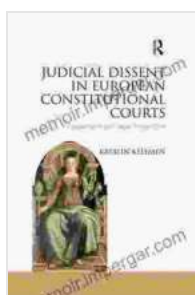


# Judicial Law Making in European Constitutional Courts: Comparative Perspectives

Constitutional courts play a pivotal role in modern democracies, safeguarding constitutional rights and interpreting the supreme law of the land. In Europe, these courts have emerged as key actors in shaping law and policy, exercising significant influence on a wide range of issues, from fundamental freedoms to economic regulation.



## Judicial Law-Making in European Constitutional Courts (Comparative Constitutional Change)

★★★★★ 5 out of 5

Language : English  
File size : 827 KB  
Text-to-Speech : Enabled  
Screen Reader : Supported  
Enhanced typesetting : Enabled  
Word Wise : Enabled  
Print length : 277 pages



This book provides a comprehensive and comparative analysis of judicial law making in European constitutional courts. It brings together leading scholars from across Europe to examine the diverse approaches and practices of these courts, offering a nuanced understanding of their impact on constitutionalism and the rule of law.

## Judicial Activism and Judicial Restraint

One of the central themes explored in this book is the tension between judicial activism and judicial restraint. Some constitutional courts have adopted a more activist approach, interpreting the constitution broadly and intervening in policy debates. Others have adhered to a more restrained approach, deferring to the elected branches of government and interpreting the constitution narrowly.

The book examines the factors that influence the level of judicial activism or restraint in different constitutional courts, including the political and historical context, the nature of the constitutional text, and the composition of the court.

### **Constitutional Interpretation**

Another key aspect of judicial law making is constitutional interpretation. Constitutional courts play a crucial role in interpreting the constitution and applying it to specific cases. This process involves a complex interplay of legal reasoning, historical analysis, and policy considerations.

The book analyzes the different approaches to constitutional interpretation adopted by European constitutional courts. It examines the use of textualism, purposive interpretation, and comparative law in interpreting constitutional provisions.

### **Comparative Perspectives**

One of the strengths of this book is its comparative approach. By examining the practices and approaches of different European constitutional courts, the book provides valuable insights into the similarities and differences in judicial law making across Europe.

The book includes detailed case studies of constitutional courts in Germany, France, Italy, Spain, Poland, and the United Kingdom. These case studies offer a rich empirical basis for analyzing the role of constitutional courts in shaping law and policy.

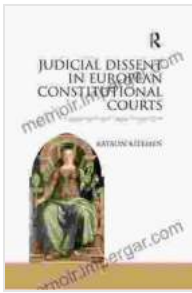
### **Impact on Constitutionalism**

The book concludes with a reflection on the impact of judicial law making on constitutionalism in Europe. The authors assess the extent to which constitutional courts have contributed to the protection of constitutional rights, the development of constitutional principles, and the maintenance of the rule of law.

They also consider the challenges and criticisms facing constitutional courts, including concerns about judicial overreach, democratic legitimacy, and the potential for political polarization.

**"Judicial Law Making in European Constitutional Courts: Comparative Perspectives"** is an essential resource for scholars, practitioners, and students of law, political science, and public policy. It provides a comprehensive and comparative analysis of the role of constitutional courts in shaping law and policy in Europe, offering valuable insights into the complex relationship between constitutionalism, judicial power, and democracy.

The book is a timely and thought-provoking contribution to the ongoing debate about the role of judicial review in modern constitutional democracies.



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