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## Editorial

# The limits of power in constitutional democracy

Equating the modern state with constitutional democracy entails reflections in which broadly understood constitutionalism is linked with the democratic form of governance. The recognition that the actor who holds power is limited by norms of a higher order leads to questions concerning both the nature of these norms and the actor endowed with sovereign powers. Constitutional democracy is usually analysed in the context of the thesis of a contemporary crisis of liberal-democratic values and institutions. However, it can also be a starting point for studies dedicated to the condition of the modern state and the transformation of concepts related to governance; the focus in these studies is on such issues as judicial guarantees of rights and freedoms, free and equal elections, protection of minority rights against the parliamentary majority, the principle of separation of powers, and the judicial review of the constitutionality of the law. These issues raise questions concerning, e.g., the relationship between 'national sovereignty' and 'constitutional sovereignty', the legitimacy and correctness of legal norms, the limits of statutory interpretation, the actor who is the proper 'guardian of the constitution', and the legislation of entities with and without democratic legitimacy. On the one hand, these issues attract the attention of academics from the fields of law, politics, political thought, and political philosophy; on the other hand, considerations devoted to them are always related to the search for the foundations of an order that may be either 'natural' or historically established by fundamental rights or by custom. In the texts published in this volume, we ask about the critique of the state formulated from the perspective of individualist

anarchism and about the limits of judicial power in the modern state. We are interested in the constitutional principle of the democratic state under the rule of law, also in the context of the relationship between the Anglo-Saxon idea of the rule of law and the continental tradition of the state under the rule of law. We also reflect on the permissible limits of governance and legislation in constitutional democracy, which lead to considerations related to constitutional change, media freedom, and legal chaos and disorder.

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