

## Visiting Professor

# Not Everything is an Emergency: The Case for Strong Judicial Review of the Exercise of Emergency Powers

**Tuesday, December 12, 2025, 16:00**

Elga Cegla Hall (room 21), the Buchmann Faculty of Law



## Prof. Ilya Somin

Professor of Law at George Mason University and B. Kenneth Simon Chair in Constitutional Studies at the Cato Institute. He is the author of *Free to Move: Foot Voting, Migration, and Political Freedom* (Oxford University Press, rev. ed., 2022), *Democracy and Political Ignorance: Why Smaller Government is Smarter* (Stanford University Press, rev. ed. 2016), and *The Grasping Hand: Kelo v. City of New London and the Limits of Eminent Domain* (University of Chicago Press, 2015). Prof. Somin has also published articles in a variety of popular press outlets, including the New York Times, Washington Post, Wall Street Journal, Los Angeles Times, CNN, The Atlantic, and USA Today.

It is often claimed courts should give sweeping deference when governments exercise emergency powers, such as those reserved for times of war, invasion, or other serious crises. Such deference is badly misguided. It turns emergency powers that are only supposed to be used in extraordinary circumstances into blank checks that can be used anytime the government wishes. It also gravely threatens both structural constraints on government power and constitutional civil liberties. Deference on emergency powers issues also cannot be justified on the basis of appeals to the government's supposedly superior expertise. The talk draws on recent experience in the United States with government invocations of emergency powers in the fields of immigration, tariffs, and domestic use of the military. But many of the issues at stake are also relevant to other constitutional systems.