Contents

	List of Figures	ix
	List of Tables	xii
	List of abbreviations	xiii
	List of judicial cases	xiv
	List of contributors	xix
1	Introduction	1
	KÁLMÁN PÓCZA	
	Outline of the volume 3	
	Notes 6	
2	Research methodology	8
	KÁLMÁN PÓCZA AND GÁBOR DOBOS	
	2.1 Introduction 8	
	2.2 Literature overview 8	
	2.3 Units of observation: judicial rulings 11	
	2.4 Components and elements of judicial rulings 12	
	2.5 Mapping the diversity of judicial rulings 18	
	2.6 Measuring the strength of judicial rulings 21	
	2.7 Network analysis of dissenting opinions 24	
	2.8 Further research projects 25	
	Notes 27	
	References 30	
3	The Czech Constitutional Court: Far away from political influence	32
	katarína šipulová	
	3.1 Introduction 32	
	3.2 Constitutional setting 33	

vi	Contents	
	 3.3 Research design and methodological particularities 36 3.4 General observations: the Czech Constitutional Court as an inconspicuous constrainer? 38 3.5 Trends in majority rulings 44 3.6 Trends in dissenting opinions 49 3.7 Qualitative evaluation 54 3.8 Conclusions 56 Notes 57 References 59 	
4	The German Federal Constitutional Court: Authority transformed into power? OLIVER W. LEMBCKE	61
	4.1 Introduction 61 4.2 A powerful Court 61 4.3 General impressions 66 4.4 Trends in majority rulings 72 4.5 Trends in dissenting opinions 78 4.6 Qualitative evaluation 81 4.7 Politically important cases 85 4.8 Conclusions 87 Appendix 88 Notes 89 References 91	
5	The Hungarian Constitutional Court: A constructive partner in constitutional dialogue KÁLMÁN PÓCZA, GÁBOR DOBOS AND ATTILA GYULAI	96
	 5.1 Introduction 96 5.2 Origins and structure of the Hungarian Constitutional Court 96 5.3 General characteristics: a Court of outstanding performance? 100 5.4 Trends in majority rulings 104 5.5 Trends in dissenting opinions 113 	

5.6 Conclusions 121

Appendix 122 Notes 122

References 124

6	The Polish Constitutional Tribunal: Deference beyond the veil of activism ARTUR WOŁEK AND IGA KENDER-JEZIORSKA	126
	 6.1 Introduction 126 6.2 Origins of the court and institutional setup 127 6.3 General observations: a barrier for politics or a part of it? 132 6.4 Trends in majority rulings 134 6.5 Trends in dissenting opinions 146 	
	6.6 Conclusions 150 Notes 151 References 152	
7	The Romanian Constitutional Court: Muddling through democratic transition CSONGOR KUTI	155
	7.1 Introduction 155 7.2 Historical background and institutional arrangements 156 7.3 Methodological peculiarities and caseload 161 7.4 Trends in the strength of majority rulings 164 7.5 Trends in the strength of unconstitutionality rulings 171 7.6 Analysis of the presidents' performance 172 7.7 Analysis of dissenting opinions 174 7.8 Conclusions 177 Appendix 179 Notes 179 References 183	
3	The Slovak Constitutional Court: The third legislator? ERIK LÁŠTIC AND MAX STEUER	184
	8.1 Introduction 184 8.2 Origins and institutional design 184 8.3 Three Courts 186 8.4 Methodological specifics of the Slovak case 187 8.5 Assessing the trends 190 8.6 Landmark cases 198 8.7 Conclusions 205 Appendix 206 Notes 206	

9	Courts compared: The practice of constitutional adjudication in Central and Eastern Europe KÁLMÁN PÓCZA, GÁBOR DOBOS AND ATTILA GYULAI	213
	9.1 Introduction 213 9.2 Rulings and decisions 214 9.3 Ruling types compared 216 9.4 Frequency of strength values compared 223 9.5 Average strength of judicial rulings in comparison 228 9.6 Dissenting opinions compared 240 9.7 Conclusions 243 Notes 245	

Index

247