

**The Role of Constitutional Courts in Post-Communist  
Transition**

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**Abstract:**

This paper aims to examine the way the Constitutional Courts have developed in Central and Eastern Europe in order to explain different development pattern of these institutions in different countries. The main question this paper tries to answer is what "the normal way of activeness" of a Constitutional Court is, and in which case we can talk about overactive or underactive Courts. The preliminary question which needs to be answered is what causes the different degree of "activism" of the CEE Constitutional Courts.

**Key words:** Constitutional Courts, passivism/activism, checks and balances, democracy