



COMPARATIVE MATTERS

*The Renaissance of Comparative
Constitutional Law*

Ran Hirschl

OXFORD

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George Lansing Raymond



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Comparative Matters Ran Hirschl, 2014 Comparative study has emerged as the new frontier of constitutional law scholarship as well as an important aspect of constitutional adjudication Increasingly jurists scholars and constitution drafters worldwide are accepting that we are all comparativists now And yet despite this tremendous renaissance the comparative aspect of the enterprise as a method and a project remains under theorized and blurry Fundamental questions concerning the very meaning and purpose of comparative constitutional inquiry and how it is to be undertaken are seldom asked let alone answered In this path breaking book Ran Hirschl addresses this gap by charting the intellectual history and analytical underpinnings of comparative constitutional inquiry probing the various types aims and methodologies of engagement with the constitutive laws of others through the ages and exploring how and why comparative constitutional inquiry has been and ought to be pursued by academics and jurists worldwide Through an extensive exploration of comparative constitutional endeavours past and present near and far Hirschl shows how attitudes towards engagement with the constitutive laws of others reflect tensions between particularism and universalism as well as competing visions of who we are as a political community Drawing on insights from social theory religion history political science and public law Hirschl argues for an interdisciplinary approach to comparative constitutionalism that is methodologically and substantively preferable to merely doctrinal accounts The future of comparative constitutional studies he contends lies in relaxing the sharp divide between constitutional law and the social sciences *Comparative Matters* makes a unique and welcome contribution to the comparative study of constitutions and constitutionalism sharpening our understanding of the historical development political parameters epistemology and methodologies of one of the most intellectually vibrant areas in contemporary legal scholarship

On What Matters in Comparative Constitutional Law Katharine Young, 2017 The field of comparative constitutional law has developed in interesting and exciting directions in recent years This essay provides a comment on Ran Hirschl's *Comparative Matters* The Renaissance of Comparative Constitutional Law a path breaking example of the new methodologies that have become possible in the field Its new boundaries described not as comparative constitutional law but as comparative constitutional studies include comparative politics political economy and the broader social sciences By contrast this essay suggests that the field must remain anchored in law in all of its complexity This may at times suggest different answers and indeed different questions from those that Hirschl provides Moreover I argue that the difficult questions that the social practice of law raises such as the demand for justification and the reliance on interpretation cannot be abandoned in this new moment of social scientific possibility

Comparative Constitutional Law as a Social Science? A Hegelian Reaction to Ran Hirschl's Comparative Matters

Armin von Bogdandy, 2020 This contribution reviews Ran Hirschl's book *Comparative Matters* to discuss the discipline of comparative constitutional law It contrasts his social science approach informed by comparative politics with a more lawyerly approach he very much critiques The latter

considers law above all as a phenomenon distinguished by intersubjectivity and normativity directed at the understanding of normative validity claiming acts as well as the construction and maintenance of normative meaning This approach stands in contrast to Hirschl's approach which derives from political economy and aims at social scientific explanation This contribution questions whether and how causal identification is possible in such complex phenomena as comparative constitutionalism It also points out that the challenges confronting inner European comparison are to be distinguished from those of the global comparative law at which Hirschl aims

How Constitutional Rights Matter Adam Chilton, Mila Versteeg, 2020-06-19 Do countries that add rights to their constitutions actually do better at protecting those rights This study draws on global statistical analyses and survey experiments to answer this question It explores whether constitutionalizing rights improves respect for those rights in practice

Negative Comparative Law Pierre Legrand, 2022-06-09 A critical manifesto making the case for a radically alternative approach to the theory and practice of comparative law

The Equilibrium of Parliamentary Law-making Viktor Kazai, 2024-08-01 This book is a response to the dangers posed to constitutional democracy by the continuous growth of executive power and the simultaneous decline of parliaments role in policy formation These phenomena are often manifested in the manipulation and even the violation of the rules of parliamentary law making called irregularities If left without consequences these irregularities can ultimately lead to the elimination of the procedural constraints imposed on the ruling political forces to prevent their arbitrary exercise of power This work investigates the constitutional significance of the irregularities of parliamentary law making and explores the role that courts play in the remedy of these flaws The analysis is premised on the concept of equilibrium This explanatory concept denotes an ideal state in which parliamentary law making complies with the requirements of constitutionalism and judicial review is conceptualized as a mechanism suitable to achieve this aim The volume places the judicial review of the regulation and the practice of parliamentary law making at its center and discusses all the relevant legal concepts institutions and doctrines It combines theoretical analysis with case law centered comparative research covering a large number of decisions delivered by apex courts operating in various jurisdictions Due to this methodological choice the book aims to simultaneously contribute to the scholarly discourse and provide useful information to practicing lawyers and policymakers working in the areas of constitutional law and politics and comparative law

Constitutional Change in the Contemporary Socialist World Ngoc Son Bui, 2020 Comparative constitutional law has a long and distinguished history in intellectual thought and in the construction of public law As political actors and the people who create or modify their constitutional orders they often wish to learn from the experience and learning of others This cross fertilization and mutual interaction has only accelerated with the onset of globalization which has transformed the world into an interconnected web that facilitates dialogue and linkages across international and regional structures Oxford Comparative Constitutionalism seeks to publish scholarship of the highest quality in constitutional law that deepens our knowledge of local national regional

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