

How to do comparative constitutional law

(→ Reitz, Nunn, Spivak)

1. do explicit comparison (versus description of foreign system)
2. discuss potential functional equivalences
3. define distinctive characteristics of and commonalities among legal systems
4. develop broader terms (but be careful of a priori)
5. describe reasons for and significance of differences and commonalities
6. note understanding of (different) legal actors and difference between text and realities
7. know the law
8. be comparative throughout
9. respect the other

Additional guidelines for comparative analysis:

- explicitly define the purposes of your work
- explain your choice of subjects and criteria of comparison
- be systematic and structured in your analysis – and be aware of the significance of your choice
- draw careful and well founded conclusions, do not overestimate your findings, dare to pose better questions
- develop perspectives for practical and for theoretical use – distinguish between settings