

COMPARATIVE CONSTITUTIONAL REASONING

To what extent is the language of judicial opinions responsive to the political and social context in which constitutional courts operate? Courts are reason-giving institutions with argumentation playing a central role in constitutional adjudication. However, a cursory look at just a handful of constitutional systems suggests important differences in the practices of constitutional judges whether in matters of form, style or language.

Focusing on independently verified leading cases globally, a combination of qualitative and quantitative analysis offers the most comprehensive and systematic account of constitutional reasoning to date. This analysis is supported by the examination of eighteen legal systems around the world, including the European Court of Human Rights and the European Court of Justice. Universally common aspects of constitutional reasoning are identified in this book, and contributors also examine whether common law countries differ from civil law countries in this respect.

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PREFACE

This volume is the result of a research project which lasted almost five years. Since September 2011, the CONREASON project has generously been funded by the VolkswagenStiftung in the form of a Schumpeter Fellowship at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. The Max Planck Institute provided us with the perfect research environment, for which we have to thank its director, Armin von Bogdandy. The VolkswagenStiftung was very flexible on several occasions in order to fit our newly emerging costs into the original budget; we thank Hagen Hof, Silke Bertram and Nataliya Moor for this. We are also grateful to the Hungarian Academy of Sciences, which financially supported both the statistical analysis and one of our workshops. In the publication of the preparatory (theoretical) results of our research, the *German Law Journal* was open for fruitful co-operation, the result of which was a special issue in August 2013. We thank Russell Miller, *German Law Journal* editor-in-chief, for his openness to our original proposal.

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NOTE ON ONLINE MATERIALS

The full dataset which underlies the analysis in this book is available for download at www.cambridge/9781107085589. It is our hope that other scholars may make use of the data we have collected in their own research.

Accompanying the dataset is, for every court surveyed, a sample judgment in English from the high and a case note which explaining its significance. We hope that students and legal scholars may find these informative.

Finally, the data recording the responses of the experts who verified our authors' choice of cases examined is also available for download.