Comparative Constitutional Law - a Legal Research Guide for the Novice and Experienced Legal Researcher

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© February 2010

Web profile: http://law.wustl.edu/faculty_profiles/indexfaculty.asp?id=866
● Note there are several hyperlinks in this .ppt. All hyperlinks have been underlined.
● This research guide is not intended to be comprehensive; but may prove to be a great source for both novice researchers and experienced researchers. There are a lot of print and electronic sources available on this topic.
● I will assume that you already know how to research American Constitutional law and legal issues. I will also assume that you have acquired sufficient knowledge from an American perspective - before your venture into a foreign jurisdiction of your choice.
How do you research something you know nothing about?

- Any suggestions/thoughts?
- What are your options?
  - Print format and electronic format. Subscription databases versus information on the internet.

Challenge:
- Time constraints. Too many: books, periodicals, web sites and options.
Legal research is easy…. but only after creating a research plan. You research plan will usually consist of both print and electronic options.

1. You need to know available print options.
2. You need to know your electronic research options:
   a. Databases.
   b. The Internet.

- Always ask yourself: How do I locate, access and update this source?
- Keep a log of your findings: Where I looked, what I found and what I did to update.
Zotero

- Keeping your research organized....
- This is a free, easy-to-use **Firefox extension** that helps you **collect, manage, and cite** your research sources. It lives right where you do your work — in the **web browser** itself.

Zotero works on HeinOnline and does a good attempt in bluebooking articles that are located on HeinOnline.
How do you create a research plan – when you have no idea where to start?

- Try consulting a research guide on the web or via a print source. E.g. When doing Japanese legal research: you could consult:
  
  http://www.nyulawglobal.org/globalex/japan.htm or
  

Research guides are excellent starting points because they identify pertinent sources on specific topics.
There are also books in the library that teaches you how to conduct foreign/international or comparative research.


etc........
Check out these databases if you have access to them:

*Foreign law guide: current sources of codes and basic legislation in jurisdictions of the world* / Thomas H. Reynolds, Arturo A. Flores. The Foreign Law Guide is a comprehensive source for essential information on foreign law from nearly 200 jurisdiction

-great for locating primary and secondary sources

*Constitutions of the countries of the world: a series of updated texts, constitutional chronologies and annotated bibliographies* / edited by A.P. Blaustein and G.H. Flanz Edition Permanent ed Published Dobbs Ferry, N.Y. : Oceana Publications, [1971-
Foreign Law Guide
Current Sources of Codes and Basic Legislation in Jurisdictions of the World

Acknowledgements | Introduction | Subject Headings | Materials Indexed
Conventions and Treaties | Frequently Cited Databases

JAPAN

Subject Headings (A-H) (I-Z)

Introduction
The Imperial State of Japan is a constitutional monarchy; the Emperor (tenno) is the symbolic Head of State, but actually, as in any parliamentary democratic governmental power and authority has been vested in the Diet and Council of Ministers since the 1946 constitution. While tradition and custom continue to play major roles in all aspects of Japanese development, the nation has been transformed by the postwar constitution, the 1951 peace treaty and the six-year occupation by United States military forces and the influence of the military government.

Legal History
The history of Japan and of Japanese law reaches back into the mists of time. The nation was unified in the 2nd century A.D. under Himiko, a queen of the Yamato House, the representative of a ruling clan in power since 500 B.C. During the early “eras” of Japanese history (spanning over a dozen centuries until the mid-15th century) imperial power, at first closely associated with religion, came under increasingly political, military and bureaucratic control. The legal systems of those periods after the 7th century reflected developments in Chinese law, particularly the importation of codes and a system of their application by a despotic emperor, with a policy of neglecting the Confucian ideals that had tempered the harshness of the law. During the later part of this period the central imperial government, strengthened by reforms of A.D. 646, saw its power, both to govern and to make laws, give way to that of local military leaders and feudal barons. In the 14th century a bifurcated system had evolved into a form of dual feudalism—unlike any western concepts of this political order. Power was divided—and different levels—between the central (imperial) government (Ryũkoku) and the feudal system. The government exerted authority over its vassals in a typical...
Need some background info on your country? CIA World Fact Book is updated frequently.
GLIN

- GLIN is a searchable online database containing the following categories of legal documents for jurisdictions spanning the globe:
  - Laws
  - Judicial Decisions
  - Legislative Records
  - Legal Literature

http://www.glin.gov/search.action
Also check: http://international.loc.gov/intldl/intldlhome.html
Possible challenges:

- Do you know the language?
- Is the material accessible via a library?
- Can you rely on the info on the web?
Deciphering citations

- **Cardiff Index to Legal Abbreviations** (click here)
  This website allows you to search for the meaning of abbreviations for English language legal publications from the British Isles, the Commonwealth and the United States, including those covering international and comparative law.

- Consult *The Bluebook: A Uniform System of Citation*

- *Guide to foreign and international legal citations.*
  K89 .G85 2009
Scholarly writing

- Carry a great deal of weight (persuasive authority) and are very important for your initial research process.
- Treatises — your options
  - online catalog
  - Mobius
  - WORLDCAT/OCLC First Search catalog: locate the catalog here: http://catalog.wustl.edu/screens/othercat.html
What does our library have to offer?
Has someone done the job for you?

- The library catalog is truly your friend [http://catalog.wustl.edu/](http://catalog.wustl.edu/). Search by title, keyword, author, call number and subject. E.g. **Subject**: Japanese constitutional law

  Bingo! The constitution of Japan / by N. Matsunami.  
  **KNX2064.51889 .M38 2003**

- Could not find anything of interest?  
  - Try searching Mobuis or WorldCat
- Option 1. Interlibrary loan the book.
- Option 2. Note the call number/subject headings and search your local catalog for near by call numbers or books that are shelved under the same call number.
- I personally love option 2.
We have this book in our library.
Searching by call number and subject and limit by date or language?

- Have you ever tried searching by call number? KNX2090. This option will lead you to other interesting books on your topic. E.g. You can also search by author or title or keyword.
- I love these features: limit by date and language.

Examples of LC subject headings you may be interested in:
Subject – constitutional law Japan
Constitutional history -- Japan.
Constitutional law -- Asia.

- There are many possible subject headings to use when searching for books on comparative constitutional law.
Have you ever tried the electronic shelf browse feature in the online catalog?

- Terms and connector searches do not always lead you to your source. The shelf browsing technique is an old fashion way of locating similar books on your topic. The WU catalog gives you an option to do the same thing electronically.
- El. Shelf browse?
- Great option: it will give you an idea of nearby books that may be of interest.
No time for books?

Sometimes the libraries subscribe to specific journals on your topic/from your foreign jurisdiction. Try the following subject search in the online catalog:
- comparative law-periodicals
- Law reviews - Japan

Bingo! **Comparative law** Published Tokyo: Comparative Law Institute, Nihon University, c1983-

If this is not the country you are searching then all you need to do is change search include the country or your choice. No luck?

Try searching for articles on your topic by author/title/keyword search. Your options:
- Index to Legal Periodicals (1980-current)
- Index to Legal Periodicals Retro database (goes back to 1908)
- Legal Track (1982-current)
- Index to foreign legal periodicals

Click here to access them:
You can also search for articles in LexisNexis and Westlaw. Remember: Use Shepard’s and KeyCite to expand to other secondary sources.

Working papers: Science Research Network for publications:
Subscription databases continued.

Hein Online:
American Journal of International Law,
American Journal of Comparative Law
etc.,
Staying current via news papers and alerts.

- Online news papers and blogs.
- RSS Feed Option on news services and blogs.
- Add alerts to your article search if this feature is available in your database.
RSS Feed Option on news services and blogs.

- Check if online newspapers provide this option.
When Searching Google:

- Too many hits or too few? Remember to use the advanced features on Google when searching.
- Need something in .pdf? Add .pdf that to your search query.
- Why go to Google when you can find the exact info in a subscription database? Remember anyone and post anything on the web. As a legal researcher you are searching for authoritative and authentic sources.
- Google books search:

  http://books.google.com/books?id=MbiedpEFzbYC&pg=PA171&lpg=PA171&dq=Leila+sadat+%22war+crimes%22&source=web&ots=9hOykfTydF&sig=QsxPz9ZIgsro5Nh-BP_Rxt3C40k&hl=en&sa=X&oi=book_result&resnum=1&ct=result#PPR5,M1  Bingo!

Are you aware that you can limit by year on Google?
There is also:

- Google scholar
- Google uncle sam
Internet Caveats

- Anybody can post anything to the Web, it is therefore important to evaluate information with a critical eye.
- Not everything is available on the Web.
- If you don't know the source of the information, take it with two grains of salt!

(© Washington University in St. Louis School of Law Library)
Are you ready to embark on your research?

- What is law?

- One definition: Rules and regulations by a sovereign authority that can be enforced by courts.
Before you start researching international legal questions it is therefore important to know the difference between international law (both public and private), foreign law, and comparative law.
● How many legal traditions/systems are there? Any suggestions?
● How many countries?
WORLD LEGAL SYSTEMS

[CIVIL LAW] [COMMON LAW] [CUSTOMARY LAW] [MUSLIM LAW] [MIXED SYSTEMS]

What I hope you learnt:

- How to locate foreign law on your topic.
- How to use the online catalog to locate items that may be of interest to your research.
- How to expand your research using the electronic browse feature in the online catalog.
- That searching by call number in your own catalog can be useful when you have identified a book that is held elsewhere.
- How to become an efficient researcher when embarking on comparative legal research or any legal research issue of your choice.
Help Desk Movie

- [http://www.youtube.com/watch?v=pQHX-SjgQvQ](http://www.youtube.com/watch?v=pQHX-SjgQvQ) link to a Norwegian movie on YouTube. – Just for fun.
Sources

- Web research guides mentioned in this .ppt
- How to find the law / by Cohen, Berring and Olson (1989)

  
  http://www.aallnet.org/sis/fcilis/syllabi/Klovning/Foreignlaw2008tk.ppt#432,1,%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20Reses%20the%20Law%20of%20a%20Foreign%20Country%20-%20Online%20Resources

Tove Klovning, *International Legal Process*  
War Crimes Tribunals Research Techniques .ppt @ 2009 at:  
www.law.wustl.edu/.../InternationalLegalProcess/seminarwarcrimesklovning.ppt