



Researching Comparative Constitutional Law

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Overview

- Secondary Sources
 - Journal articles
 - Books
- Primary Materials
 - Constitutions
 - Legislation
 - Legislative history
 - Cases
- Foreign Legal Research



Secondary Sources

Why we start with Secondary Sources

- What do we mean by “secondary sources”?
- Broad range of sources aimed at different audiences, and suited to different purposes
- Reinventing wheels is inefficient
- Cite to commentary by legal experts
- Follow the citations to find more on-point secondary sources and primary sources

Lexcalibur for Law Library Books

- Keyword searching
 - Example: comparative constitutional law canada
- Subject searching – “controlled vocabulary”
- Advanced searching – Combine two subject headings:
 - Example: constitutional law australia AND constitutional law canada
- Other advanced search functions: limiting, sorting, material type, date, language

The Law Library's Book Lists

- For major scholarly treatises (under [Reference Resources > Book Lists > Major Books by Subject](#)):
 - [Comparative Law](#)
 - [US Constitutional Law](#)

Background Materials

These books are on reserve for your class at the law library:

- [Comparative Legal Traditions in a Nutshell](#)
- [Comparative Law: an introduction](#)
- [Interpreting Constitutions](#)
- [Oxford Handbook of Comparative Law](#)
- [Core Questions of Comparative Law](#)
- [Comparative Law Casebook](#)
- [Legal Traditions of the World](#)

Online:

- [Georgetown Law Library's Comparative Constitutional Law Research Guide](#) (online)

Selected Titles Available at the Law Library

- [Constitutionalism and Society in Africa](#)
- [Understanding the European Constitution: An introduction to the EU Constitutional Treaty](#)
- [Constitutional Law of the European Union](#)
- [The English Constitution: Myths and Realities](#)

Books in Other UM Libraries

- [Mirlyn](#) (online catalog for other libraries on campus)
 - Does not include Business Library or Law Library sources
 - You may check out books from most other libraries on campus

Searching in Mirlyn

- The same search methods you use in Lexcalibur will also work in Mirlyn
 - keyword searching
 - subject searching
 - advanced searching
 - limiting and sorting
 - date, format, language restrictions

Books Not Owned by UM Libraries

- Identify books of interest that we do not have on campus
 - [WorldCat](#): Includes most books but is not complete, especially for foreign materials
 - Use online catalogs for law libraries in other countries
- [Interlibrary loan](#) (How to request)

Journal Articles

- Search [Lexcalibur](#), limit to *serials*
 - Great for finding foreign language journals
- Consult *comparative*, *international*, and *general* journals
- Search full-text journal databases
 - [Lexis](#), [Westlaw](#) and [Quicklaw](#) ([info sheet](#))
 - [JSTOR](#) (includes non-law journals)
 - [HeinOnline](#) (coverage extends back to older volumes)

Journal Articles – “Search Tools”

- [Search Tools](#) is an online database aggregator on the [UM University Libraries’ website](#)
- Search hundreds of databases with a single search: Includes Mirlyn and a variety of subscription indexes and full-text sources
- Customize your search by choosing from databases individually, or choose a pre-selected group of databases by subject
- Login and save your results

Foreign Journal Articles

- Not always in journals or reviews
 - Monographic series
 - Festschriften/Mélanges
- Find articles from all types of sources using indexes

Online Indexes

- [Index to Legal Periodicals and Books](#)
- [Index to Foreign Legal Periodicals](#)
- [LegalTrac](#)
- [PAIS International](#)
- [Social Sciences Abstracts](#)

More Online Indexes

- [Index to Common Law Festschriften](#)
- [Web of Science – Citation index](#)
- [Social Science Information Gateway: Law](#)
- Find other indexes under the law library's [Electronic Resources List > Journal and Other Indexes](#)

Other Online Sources

- Policy Materials: [Columbia International Affairs Online](#)
- Working Papers: [Berkeley Library Guide to Finding Working Papers, Preprints, and Research in Progress](#)
 - Includes the [Legal Scholarship Network](#) of SSRN



Primary Sources

Constitutions

- Official text
- Translations (official or unofficial)

Constitutions in Print

- [Constitutions of the Countries of the World](#)
- [Constitutions of the World](#)
- [Constitutions of Dependencies and Territories](#)
- [Central and Eastern European Legal Materials](#)

Constitutions Online

- [Constitution Finder](#)
- [International Constitutional Law](#)
- [National Constitutions](#)
- [Constitutions of the Americas](#)
- [Native American Constitutions and Law Digitization Project](#)
- [Constitutional Law](#) (WashLaw)
- [GPO Access Resources on the U.S. Constitution](#)

Constitutions—Other Sources

- Consult Foreign Law: current sources of codes and basic legislation in jurisdictions of the world (Foreign Law Guide) to find citations to other sources for the constitution
- Check the website of the government of the subject country

Historical Sources for Constitutions

- [Rise of Modern Constitutionalism, 1776-1849](#) (online), and its print equivalent, [Constitutions of the world from the late 18th century to the middle of the 19th century : sources on the rise of modern constitutionalism](#) (print)
- [Constitutions, Courts and History: Historical Narratives in Constitutional Adjudication](#) (print)
- [Constitutions and Constitutional Trends Since World War II](#) (print)
- [Constitutions that Made History](#) (print)

Foreign Law Research

- Foreign Law: current sources of codes and basic legislation in jurisdictions of the world (The Foreign Law Guide, also referred to as “Reynolds and Flores”)
 - Identify the major resources for your jurisdiction, including online and print
 - Learn the basic structure of the legal system
- Introduction to Foreign Legal Research (CALI Lesson)
- Lexis (Sources > Global Legal)
- Westlaw (Directory > International/Worldwide Materials)
- Quicklaw

Cases

- Status of cases in your jurisdiction
 - Value as precedent, or just persuasive?
 - Reported in journals, newspapers, or regular reporters?
- Use the [Foreign Law Guide](#) to learn what value cases have in your jurisdiction, and where they are reported
- Find these sources in print by searching in [Lexcalibur](#) (or [WorldCat](#))
 - Try title searching
 - Try keywords
 - Language issues and title changes make searching difficult

Cases Online

- [Globalcourts](#) (High Court decisions from around the world)
- [WorldLII \(World Legal Information Institute\): Courts and Case-Law](#)
- Other “LII” sites – these are all listed on [WorldLII](#)’s main page
- [Lexis](#), [Westlaw](#) and [Quicklaw](#)

Federal Legislation

- Use the [Foreign Law Guide](#) to identify sources of legislation, official gazettes, codifications, annotated codes and their equivalent
 - Find print versions of these in [Lexcalibur](#)
- [WorldLII](#) and other regional “LII” sites
- [Lexis](#), [Westlaw](#) and [Quicklaw](#)

U.S. Legislative History

- See our Research Guide: [United States Legislative Materials and Legislative Histories](#) (under Reference Resources > Research Guides)
- [LexisNexis Congressional](#) (under Electronic Resources on the law library's page)
- [GPO Access: Legislative Resources](#)

Foreign Legislative History

- Foreign legislative history includes basically the same types of materials as in U.S. legislative history
- Range and type of materials depends on structure of the legal system of the subject country
- Find research guides tailored to your jurisdiction
- Use the [Foreign Law Guide](#) to learn about the structure of the legal system and its major resources



Conclusion

Summary

- Start with secondary sources
- Follow citations to find more sources
- Foreign Law Guide as a starting point for all foreign law research
- Primary source checklist
 - Constitution
 - High Court Cases
 - Legislation
 - Legislative History

General Research Tips

- Keep a research log
- Cite your sources accurately the first time
- Ask for help

For further assistance...

- “Ask a Law Librarian” service
- Reference desk
- Research consultation
- Email me directly (achase@umich.edu)
- Call me (734-764-6151)
- Come to my office (S-171, near reference desk)



Questions?

Conclusion > Questions