

RESEARCH IN FOREIGN, INTERNATIONAL AND COMPARATIVE LAW AT THE LEGAL INFORMATION CENTER

Foreign law is the law of a jurisdiction other than that of the United States.

International law is the diverse body of rules and procedures which are intended to govern relations between national states ("public international law") or between private parties or entities ("private international law").

Comparative law is the study of the similarities or differences between the laws of two or more countries or between two or more legal systems.

As you read this please keep in mind the difference between the three different types of law. "International law" will be used in the correct, narrow sense.

Foreign, international, and comparative law can be found in a variety of materials ranging from primary sources (case law, statutes, public laws) to looseleaves, treatises, and law reviews.

Foreign Law

The foreign law materials are located on the second floor of the Legal Information Center. The foreign law materials are strongest for countries whose legal systems are derived from the **English** common law (**England, Ireland, Canada, and Australia.**) There are also **Scottish** materials, but technically **Scottish** law is derived from **Roman** law. Primary legal materials for some others such as the **Caribbean** countries and **South Africa** (British Commonwealth countries) are also located there. The Legal Information Center also has legal materials of other countries, particularly **European** and **South American** jurisdictions.

Many countries have legislation and caselaw from recent years posted on their official government/parliament/judiciary web pages. However, most law has not been translated into English. Westlaw and Lexis also have legal materials from foreign countries, especially the Commonwealth nations.

If you are not successful in finding what you need, then you may need to use the inter-library loan service. Particular law libraries have different strengths. The University of Washington's is good for **Asian** law. Florida State's is good for **Caribbean** law. The Universities of Miami and Texas are good for **Latin American** law. On the other hand, the law libraries at Harvard and the Library of Congress serve as "law libraries of last resort" for foreign, law generally..

International law materials are located on the third floor. They include materials of and about international and supra-national institutions as well as the types of materials listed below:

- 1) the United Nations
- 2) the European Economic Community
- 3) World Court opinions
- 4) treaties
- 5) law reviews
- 6) treatises
- 7) loose-leaves

Comparative law materials are mostly treatises and law reviews (i.e. American Journal of Comparative Law). The treatises are located both in the general stacks and in the International Section (there is also the possibility that some will be in the Foreign Section). A LUIS (the computerized card catalog) subject or keyword search using "comparative law" will yield many works on comparative law.

WHERE DOES ONE BEGIN?

Law Reviews

Law reviews are an excellent entry point. (See the indexes in the bibliography below for help in gaining access to law reviews.) Law reviews are current, of good quality, and cover virtually every legal topic. Some law reviews are devoted exclusively to foreign, international, and/or comparative law and an article on some aspect of foreign, international and comparative law can turn up in virtually any legal journal. Furthermore, law review articles cite specific statutes, cases, treaties, treatises etc. which point the researcher to more specific sources of foreign, international and comparative law. **(Please note that international and comparative law reviews are shelved on the south and west walls of the third floor. The most recent journals are held at the Reserve desk.)** Use the binder on the reference desk (or LUIS) to find the call number for a particular law review.

Treatises

Legal treatises (books) are also useful in foreign, international and comparative research of a general nature. Subject or keyword searches in LUIS will help you locate the work you need. Subject searches are aided considerably in precision by using the bold-faced terms found in the *Library of Congress Subject Headings* which are available in three big, red volumes on top of the table near the third LUIS terminal in the reference area. And don't forget that browsing the shelves in the areas in which you are interested is helpful.

Bieber's Dictionary of Legal Abbreviations (KF246 b46 1988-Reference desk) helps decipher abbreviated legal citations to obscure foreign statutes, reporters etc. Then consult LUIS to see if the set is in the collection.

Online Legal Databases

Foreign, international and comparative materials on LEXIS and WESTLAW databases continue to grow. Consult the Contents Lists to LEXIS and WESTLAW to find out if they have what you need. Westlaw has the full text of *International Court of Justice Opinions*. LEXIS has legal materials of the **England, Ireland, France, Scotland, Australia, and New Zealand.** **European Economic Community** materials are also available.

Microfiche, Film etc.

There is considerable material on foreign, international and comparative law in the Legal Information Center's Microfiche collection. Consult the binder on the Reference Desk which lists and gives location information for microfiche, film etc. A section

of the binder lists "Foreign and International" materials. The section in the binder on "Periodicals" also has a few foreign, international and comparative periodicals.

How to Use

Consult the Preface, Introduction or other explanatory material in **any volume**. Even books that seem simple to use may have features of which the researcher should be aware.

One should also consult the various treatises which help explain legal research. Most contain sections on foreign, international and comparative law. Some are listed in the bibliography below.

MATERIALS BEYOND THE LEGAL INFORMATION CENTER

It is often necessary to search beyond the Legal Information Center for foreign, international and comparative materials. Keep in mind that the Main Library is a source for quasi-legal and non-legal international and foreign materials. The Documents Department in the Main Library has a good collection of **United Nations** and **EEC** materials. And the Latin America Library is one of the finest in the United States.

If you are not successful in finding what you need, then you may need to look elsewhere by using the inter-library loan service. Particular law libraries have different strengths. The University of Washington's is good for **Asian** law. Florida State's is good for **Caribbean** law. The Universities of Miami and Texas are good for **Latin American** law. On the other hand, the law libraries at Harvard and the Library of Congress serve as "law libraries of last resort" for foreign, international and comparative law generally. Sometimes it is necessary to go directly to the source of a particular law, document etc. The United States State Department can verify information about a treaty or to receive additional treaty documentation. They can be reached at (202)647-1345. **Also, see separate guide for treaty research.**

However, sometimes there are insurmountable obstacles. The major barrier is language. Most law has not been translated into English. Most of the case law of an important country such as Japan is not available in English.

BIBLIOGRAPHY

The following is a short bibliography to help you get started.

A. Indexes

Index to Legal Periodicals (Reference) P I385
Subject and author index; note "see alsos". Most journals are from United States.

Index to Legal Periodicals CD-ROM (Reference)
Has the advantage that one can search ten years at once.
Current Law Index (Reference) P C9758
Subject, author/title indexing. Most journals are American.

Index to Canadian Legal Periodical Literature (Ref.) P I37
Indexes **Canadian** legal periodicals, both in **English** and **French**.
Legal Trac CD-ROM (Reference)
This is the *Current Law Index* on CD-ROM.

Index to Foreign Legal Periodicals (Reference) P I38
Indexes many foreign legal periodicals which the other two **United States** indexes do not. Many of these are not in **English**. The University of Florida will not have many of these journals but most are available through inter-library loan. Note the pamphlet which lists the subject headings by which the *Index* is organized.

Legal Journals Index (Reference) P L4965
British and Irish legal journals.

B. Video

Commando Legal Research #7 (Media Services)
Excellent introduction to research in foreign, international and comparative law. Runs about 65 minutes.

C. Research Aids

Guide to International Legal Research (Reference) JX1291 W55
1986

How to Find the Law 9th ed. (Reference) KF240 C538 1989
Excellent work which includes sections on foreign, international and comparative research.

Effective Legal Research (Reference & Reserve) KF240 P7
1979
Good British section.

Legal Research Handbook 2nd ed. (Reference) KE250 M32 1986
Researching **Canadian** law, but includes sections on the law of other **English**-speaking countries.

D. Bibliographies

A Bibliography of Foreign and Comparative Law (Reference)
K38 B53
A comprehensive bibliography whose latest edition covers 1984-1986.

Foreign Law; Current Sources of Codes and Legislation in Jurisdictions of the World Volume I, (Reference) K38 R49
1989
This is a summary of legal sources by country and subject. Only volume I, which covers the western hemisphere, is complete.

E. Looseleafs

Modern Legal Systems Encyclopedia (Int) K530 M62 1984
This gives an excellent overview of the legal systems of the world.