

# The European collections of the IALS Library

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This chapter<sup>1</sup> consists firstly of a brief description of the European collections of the Institute of Advanced Legal Studies Library and their development and secondly a guide to a range of basic sources of legal information in English which may be useful starting points for exploring those collections. The focus of this chapter is the legal literature of individual European countries rather than material relating to the European Union.

## The European collections

The Institute Library is one of the major academic legal research libraries in the UK and has extensive current and historical collections from many areas of the world. This chapter concentrates on the collections in the Library covering the countries of Europe other than Ireland and the UK for which there are naturally collections in great depth.

The Library has very strong collections of the law of Austria, Belgium, France, Germany, Italy, the Netherlands, and Switzerland and generally strong collections of the Scandinavian countries. The collections for Portugal and Spain have been extended since the mid-1980s, with the enlargement of the European Communities at the time, and further strengthening of the European collections has taken place during the last few years since about 1993. There are representative collections of the other western European countries and plans to develop all the collections further using *Information Sources in Law* (Winterton and Moys, 1997) which covers European countries in detail as a guide to the selection of materials.

In general the collections concentrate on the major sources of current legislation, with government gazettes of several of the countries collected in addition to commercial legislative series, major series of law reports, extensive collections of legal journals including both scholarly journals and current practitioners' journals and various editions of the codes including the major commentaries, any legal bibliographies and guides to legal research, translations and introductory works and guides in English. The coverage of monographs is at a lower level and very selective. The collections for eastern Europe are in general limited to materials

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<sup>1</sup>The second part of this chapter is a shortened and adapted version of a general introductory chapter which appears in *Information Sources in Law*, 2nd edition by Jules Winterton and Elizabeth Moys (1997), a reference work on European legal literature described below in the section on **The bibliographic work** of the Institute.

translated into western European languages or scholarly works and some legal journals dealing with the region published in English.

### **Collection building: donations**

This chapter provides a welcome opportunity to thank in this volume all those who have contributed to the process of creating, by their donations and by their advice, the collections which so many from all over the world have used over the years.

Among the 11,000 volumes of the Institute's Library on the day of opening were a substantial number bequeathed to the University, jointly with the Middle Temple which gave up its interest, by the late Dr. Charles Huberich, an international lawyer who practised in Germany including many books dealing with European law among other fields of study. This and other gifts and purchases of existing collections and private libraries are mentioned in 'Buried treasure: some lesser-known items in the Institute of Advanced Legal Studies Library' (Norman, 1992) which mentions European materials but deals mainly with Roman law, Roman-Dutch law and English law.

The first annual report of the Institute, covering 1947-48, itemises gifts such as: *Boletim da Faculdade de Direito* of the University of Coimbra volumes 21-22 and supplements 6 and 7 from Dr. Glanville Williams (a title which had become a gift from the publisher by the 3rd annual report) and a substantial set of *Verhandlungen des Schweizerischen Juristenvereins* 1883-1947 from the Librarian of the London School of Economics and various Italian works presented by Professor S.G. Vesey-Fitzgerald. These gifts are picked from among many to illustrate early acquisitions of European material. In the second annual report there are already several legal scholars from Europe listed among the donors. The practice of itemising each donated volume against the donor's name in the annual report ceased after the second report.

Within a few years of the opening of the Institute, further collections relevant to Europe were acquired by donation. These included parts of the library of the late Professor Mendelssohn-Bartholdy dealing with the law of civil procedure of European countries and the greater part of the library of the late Dr. G. Melchior (*Annual Report 1949-50*, p.11) which considerably enhanced the library's collection of German law as well as private international law. Another collection of German law was received on permanent deposit from the Foreign Office in 1951. "More recently a collection of works on comparative law, foreign law and private international law which had formed part of the library of the late Sir Otto Kahn-Freund was generously presented to the Institute by his widow and daughter in 1980. Among *inter vivos* gifts was a collection of Roman law and continental law belonging to Mr. Alexander Bischoff." (Norman, 1992, p.102). The Institute continues to benefit from the generosity of friends and colleagues who have used the library colleagues and who donate their own new works or books which they themselves have collected.

It should be noted here that the generous assistance of the two major law publishing companies, Sweet & Maxwell and Butterworths, has in no small measure contributed to the Library's continued capacity to acquire such a wide range of materials.

## Collection building: the policies

In the *First Prospectus* of the Institute (1948, p.8) priority was given to collecting 'the Common Law of the British Commonwealth', but it was expected that 'a very full library in other fields' including 'Continental' would be developed.

Cooperation among the law libraries of the University and rationalisation of their law holdings is central to the Institute Library and was mentioned among the recommendations of the Report of the Atkin Committee (*Report of the Legal Education Committee*, 1934) which played such an important role leading to the establishment of the Institute (Steiner, 1994, p.12). Policies to work towards these goals were carried out by K. Howard Drake, the first Secretary and Librarian, following guidelines drawn up by the then Chairman of the Library Sub-Committee, Professor H.F.Jolowicz, in 1948. The annual reports mention developments in the collections in relation to European law and many of them relate to discussions with other institutions in the University of London, particularly in the early years. In general, as Steiner notes (1994, p.12), "This co-operation continued to develop, and when the Committee on Library resources (Humphreys Committee) was set up [and reported in 1971], it was found that the lawyers had been anticipating its recommendations by many years".

When the Institute was established, the major foreign law collection of the University was at the London School of Economics in the form of the Schuster library of comparative legislation. This collection had been formed by the late Ernest Schuster K.C. and had been acquired (probably by bequest) by the Society of Comparative Legislation. The latter had first deposited the collection at LSE and had later given it to LSE. The collection was particularly strong in German law, hence the first agreement noted below. (This paragraph was taken in large part from an introductory section of a paper on the Institute's acquisition policy written by W.A.F.P. Steiner in May 1979 for the Library Sub-Committee.)

In the second annual report of the Institute covering 1948-1949 at page 9 under the heading 'European and Foreign Law Generally' it is noted that "As a result of negotiations with the British Library of Political and Economic Science, the Institute will concentrate in its foreign law purchases on those European and Latin American countries whose legal systems derive from the French *Code Civil*, although it will be necessary to build up fairly extensive collections of works on German and Swiss law. For other countries in Europe, the minimum essential holdings, such as a Code and one or two standard textbooks, will be acquired."

By 1949-50 the Institute had provided facilities for research not only to several visiting scholars from continental Europe but also to PhD students from the universities of Berne, Brno, Gottingen, Paris, Strasbourg and Uppsala. At that time it was purchasing major sets of European periodicals including the *Recueil Dalloz*, *Giurisprudenza Italiana* and *Lex*.

The library was reviewing its holdings of legislation, law reports and basic treatises for the Western European countries in 1952-53. It is noted (*Annual Report 1952-53*, p.15) that these "under a general policy arrangement with the University, are its special responsibility" and substantial purchasing took place in 1953-54 as a result of the review. However, by 1958-59 it was noted that "Any major extension of purchases from Western Europe ... is unhappily precluded, at present, by lack of funds" (*Annual Report 1958-59*, p.13). The following year: "For countries of Western Europe, a number of purchases have been made, but it is clear that the Institute's

coverage of foreign law is still relatively slight" (*Annual Report 1959-60*, p.13).

Probably because of the establishment of the *IFLP*, which began publication in 1960 (see below) the Institute was able to record in 1961 that "The holdings of legal periodicals from Europe have been considerably expanded recently and the Institute now has a good holding for countries of Western Europe." although it notes that "The Institute's holdings of treatises, codes and legislation, however, is on a much smaller scale, and if satisfactory library facilities for research on Western European countries and the European Communities are to be provided considerable expenditure will be required both initially and for subsequent maintenance" (*Annual Report 1960-61*, p.15).

The mention of the European Communities above was the first made in relation to Library collection policy in the annual report. This was followed up in the following year by a revision of the classification scheme to take account of the existence of the 'many new European agencies'. Considerable help was received from the European Communities and other European organisations in developing the collection in this area.

The Eighteenth Report of the Nuffield Foundation, 1962-63, made reference to a grant authorised in 1962 towards the establishment of a library of Western European Law at the Institute, giving its reasons: "There is at present no university library in London dealing with all aspects of Western European Law, although the Institute of Advanced Legal Studies and the London School of Economics each has a number of books dealing with particular countries. It is desirable, for comparative purposes, that any comprehensive library on this subject should be in close juxtaposition to a library covering Commonwealth and American Law, such as is already possessed by the Institute. For this reason, after consultation with the Institute, the London School of Economics, and the British Institute of International and Comparative Law, the Foundation has made a grant of £12,500..."

As a result a 'Nuffield Library of Western European Law' was created in the old premises of the Institute and considerable purchasing of material from France, Italy and the Benelux countries took place and in 1963-64 "The current intake of legislation, law reports, digests, and legal periodicals for West European countries is proceeding at quite a pace" (*Annual Report 1963-64*, p.19). At this time discussions took place with the British Library of Political and Economic Science regarding the long-term location in the University of law from the German-speaking countries of Europe and from Scandinavia. (It should be remembered that an earlier policy guideline has concentrated on the legal systems which derived from the French *Code Civil*.) By 1964, discussions had been concluded and a transfer of certain German and some Scandinavian materials (mainly relating to private law) to the Institute took place in 1965-66. LSE retained responsibility for the law of Eastern European countries as well as for the literature of subjects of particular interest to the School, for example constitutional law and labour law. There was an intention at the Institute, clearly achieved over the years, to provide fuller coverage of Germany, Austria and Switzerland and to some extent Scandinavian countries as well as 'a satisfactory holding for all countries in the European Communities'. The principle of concentrating on the purchase of major treatises in each core subject for European countries, rather than attempting to acquire numerous smaller monographs, was expressed at this time and essentially holds good today.

In 1983 the *Report of the British Library Working Party on Provision for Law* (British Library, 1983) whose Secretary was Muriel Anderson then Librarian of the Institute

and whose Chairman was Professor A.L.Diamond then Director of the Institute, was published containing a brief review of major collections of law of the British Library and some other collections, indications of gaps in provision and proposals for cooperative provision on a national scale.

Considerable work was done in the University of London under the auspices of the Library Resources Co-ordinating Committee to document and in parts formalise and extend collection policy agreements between libraries in the University with important law collection and to identify primary responsibility for research collection. This was mainly done on a jurisdiction by jurisdiction basis, although the importance of overall geographical area, legal system, political grouping, language and legal subject were other necessary criteria taken into consideration in this complex task. The *Report and Recommendations of the Sub-Committee on Co-operative acquisitions policy* (1978) and the *University of London Specialisation Scheme for Law* proved flexible documents building on existing agreements and practice and were straightforward enough to be a very useful blueprint for cooperative development over the years. The primary responsibility for Europe (Western and the Mediterranean) was identified at the Institute Library.

Collections in the law of eastern European countries, when they were socialist legal systems, were identified at several libraries particularly at the British Library of Political and Economic Science and at the Library of University College London. Responsibility for collecting in this area, particularly for Russian and Soviet, law was allocated to University College London. The Institute Library has not generally collected materials in the languages of eastern Europe, languages in which it has had no expertise, and has passed unaccessioned material, particularly journals received for indexing in the *Index to Foreign Legal Periodicals* to those libraries. The Library has, however, collected a selection of materials where available in English to support comparative study. As political developments in central and eastern Europe and the rewriting of the legal systems has taken place, more of these translated materials have become available and more scholarly material has been published elsewhere on the area. Purchasing in this area as a proper part of the established European collection will become increasingly important. Further adjustment of policy may take place at Institute and University level as collection policy is adapted to new political realities and their financial implications for legal research library collections.

In 1986 in Appendix A of the Report of the Policy Review Sub-Committee of the Institute (The Megarry Report), there is a statement of library acquisitions policy, incorporating reference to the University of London Law Specialisation Scheme. This reinforces the policy of 'very full coverage' of civil law jurisdictions of western Europe in membership of the European Community and 'full coverage' for the other civil law jurisdictions of western Europe (Institute of Advanced Legal Studies, 1986, A1-A3)

To end this section on the same subject as it began, the Institute is in close contact with the Bodleian Law Library and the Squire Law Library on acquisitions policies. The Institute has recently appointed the Squire Law Librarian as the first Visiting Fellow in Law Librarianship to promote further understanding of each other's collections and explore further possible areas of cooperation.

## **The bibliographic work**

The bibliographical expertise and careful guidance of the previous Librarians of the Institute played a major part in the successful establishment of its collections: K. Howard Drake (Secretary and Librarian 1947-1967), Willi Steiner (Secretary and Librarian, latterly Librarian, 1968-1982) and Muriel Anderson, Librarian (1982-1991). There was a substantial programme of reference publications from the earliest days detailing legal publications from overseas countries and their location in libraries in the UK and enhancing the Institute's role as a clearing house of such information, see Steiner (1994, p.11). Among many other achievements, the first two librarians were General Editors of the *Index to Foreign Legal Periodicals*.

The history of the *Index to Foreign Legal Periodicals (IFLP)* was bound up with the Institute Library for almost 25 years from 1959 until the end of 1983 and is now edited by Thomas H. Reynolds of the University of California at Berkeley, where production of the *Index* was transferred after the retirement of Mr. Steiner. The *IFLP* itself is described below under **Indexing and abstracting services**. The quarterly index began to be compiled at the Institute in 1959 and was published from 1960 onwards by the Institute for the American Association of Law Libraries. Its main purpose was to index articles in law periodicals in languages other than English. Although it is now much more extensive, even at the outset it covered some 250 periodicals. The *IFLP* is relevant in this chapter because a substantial proportion of the periodicals which it indexed were European. In order to produce the index, these periodicals had to be obtained by the Library. For many years a large number of the most important legal periodicals from continental Europe were received as gifts of the publishers in order that they might be indexed.

In 1966 the Institute published its *Union List of West European Legal Literature: Publications held by libraries in Oxford, Cambridge and London*. This was the fifth union list published in the Institute. This very substantial work was made possible by two grants from the British Academy and also by the Nuffield Foundation, part of whose grant mentioned above was allowed to be used towards the cost of the Union List. The publication contains a considerable amount of bibliographical information on earlier European publications and many of the holdings of that material are likely still to be in the libraries listed. The compilation of the Union List built up expertise and was no doubt useful in formulating collection policy as well as providing a valuable reference tool.

The two senior reference librarians currently at the Institute, Jill Newell and Paul Norman, both contribute to developing the collections and both have a tremendous amount of accumulated experience. Jill Newell has worked at the Institute for many years, is now Collection Development Librarian and has recently been awarded an MBE for her services to legal scholars by building the libraries collections so carefully and consistently as well as for her expert assistance to generations of scholars visiting the Institute.

A series of bibliographic articles on European jurisdictions and the collections at the Institute began in the *Institute Bulletin* in 1989 with '1992 - the implications of the Single European Act' which considered the Institute's Community law collections (Newell, 1989). Since then articles have appeared on the collections of national law for several of the member states: France (Norman, 1990a), Germany (Norman, 1990b), Spain (Newell, 1990), The Netherlands (Norman, 1991), Belgium and Luxembourg (Newell, 1992), Italy (Norman, 1993), Ireland (Newell, 1993), Denmark (Norman, 1994), Austria (Newell, 1995), and Sweden (Norman, 1997). It should be noted that it was Paul Norman who wrote the chapter on the legal

literature of civil law systems (as well as on comparative law) in the standard work, the *Manual of Law Librarianship* (Norman, 1987).

*Information Sources in Law* (Winterton and Moys, 1997) is a volume devoted to surveys and evaluation of legal literature for each of in almost every country of Europe. The present Librarian was one a joint editor of the volume and the authors of the country chapters are drawn from the most of the countries, representing law librarianship, legal bibliographers and information workers, legal scholarship and government service in the legal system. Each chapter provides an introduction to the legal system and a guide to all types of legal literature in paper and electronic form, selecting those of greatest importance. A selection of important organisations with contact details including government offices, courts, associations of lawyers, libraries, law schools and legal publishers also appears. Literature in the original language is supplemented by reference to material available in translation wherever possible. It is hoped that this work will provide guidance for people seeking information about the law in European countries and also for anyone who is building a collection of European legal materials.

## General sources for law in Europe

The sources mentioned below are mainly encyclopedic or multi-jurisdictional compilations of national materials rather than comparative studies. General legal reference sources in English have been selected which may give direct answers but also form starting points for further research. It is not possible in the space available to mention more than a very small proportion of the large number of such sources which might be relevant.

Detailed descriptions of the legal literature in each country appear in Winterton and Moys (1997). The material below was originally designed to be lead into those detailed chapters rather than be self-sufficient.

## Legal systems

The legal systems or legal families to which the countries of Europe belong and the other systems by which they have been influenced are described in the comparative studies *Major legal systems of the world today* (David and Brierley, 1985) and 'The legal systems of the world, their comparison and unification: structure and the divisions of law' (*International Encyclopedia of Comparative Law*, 1971-, volume 2, chapter 2). Although each country in Europe displays unique characteristics, the large majority belong in general terms to the 'the civil law system' family, while Ireland and the jurisdictions of the United Kingdom belong to the 'common law system' family, the majority of whose members are outside Europe. The civil law system is described in Szladits ([1974]) and the common law system in Weir ([1974]), and David and Brierley (1985) describe both with extensive bibliographical information.

*Constitutions of the countries of the world* (1971-), a monumental work at present in 21 looseleaf volumes, contains constitutions, and sometimes related legislation, in both English and the original language. It also contains helpful chronologies of

relevant events and select bibliographies with emphasis on the political as well as legal aspects of the constitution and its making. Although the latest amendments may not be included, the work is regularly updated and assiduous in giving the date of applicability of the text and the work often has translations not easily obtained elsewhere. Until recently this work was edited by Blaustein and Flanz, and is still known informally as 'Blaustein', although the looseleaf title pages now show Gisbert Flanz only, following the death of Albert Blaustein.

The International Constitutional Law server (ICL) at the University of Würzburg, <http://www.uni-wuerzburg.de/law/home.html> also contains a wide selection of translations of constitutions with brief related information.

Information about the legal professions in Europe is vital to an understanding of the legal systems. *The legal professions in the new Europe* (Tyrrell and Yaqub, 1996) describes in detail the various professions, including their names and functions, training and qualification, rights and codes of conduct in the member states of the European Union, Iceland, Norway, and Switzerland, and in the Channel Islands and the Isle of Man. The book also gathers together the provisions of Community law which are directly relevant to the practice of law and the provision of legal services.

## Introductory works

Individual introductory works to law exist in each jurisdiction although for some countries there is no recent book in English and recommendations are given in Winterton and Moys (1997).

The *International encyclopedia of comparative law* began publication in 1971 and is not yet completed. The national reports which comprise volume one, which is almost complete, represent excellent examples of concise and helpful introductions, often with extensive selected bibliographies, by leading local scholars. Many of the national reports, mostly written in the 1970s, are now very dated but remain of value if used with care.

The *Modern legal systems cyclopedia* (1984-) also contains descriptions of the legal systems of each country with some additional essays on particular topics of relevance to the jurisdiction. There are volumes for 'Western Europe EEC': 3 and 3A, for 'Western Europe non-EEC': 4 and 4A, and for 'Eastern Europe': 8 and 8A. Recent developments in membership of the EU and elsewhere in Europe have yet to be fully taken into account and the arrangement of the work can be confusing. Although more up to date than the *International encyclopedia of comparative law* and containing some valuable commentaries, this looseleaf work is varied in content and quality and it is often difficult to ascertain the date of composition of the chapters or the extent of revision.

The annual *Martindale-Hubbell international law digest* (1993-), companion to the multi-volume *Martindale-Hubbell law directory* (1868-) from the United States, provides brief introductions and summaries of the laws of foreign legal systems which are quite highly regarded and relatively up to date.

*Foreign law: current sources of codes and legislation in jurisdictions of the world* (Reynolds and Flores, 1989-) should be highlighted as an invaluable reference work. Volumes 2 and 2A of this major looseleaf work cover Europe as a whole, a-z by country. The main part of the text for each country is an index to legislation described below under **legislation**. It also provides scholarly introductions to the

legal system of each country with references to introductory works. There is extensive bibliographic detail of major primary legal publications such as official gazettes, other publications of laws, and law reports.

*Germain's transnational law research* (Germain, 1991-) is a guide to legal research in a single looseleaf volume which focuses on Europe and contains advice and commentary as well as extremely useful annotated bibliographies on matters of transnational concern, for example commercial law, environmental law, taxation, or trade. It also has brief country sections for most west European countries. There is extensive treatment of general and comparative works and all the international bodies, outside the scope of this chapter are covered by Germain. The sub-title is 'a guide for attorneys' and the work pays particular attention to practical and procedural issues such as transnational litigation, discovery, recognition and enforcement of judgments, etc.

The article by Kiszely (1994), 'Central and Eastern Europe and the republics of the former Soviet Union: guide to current sources of laws and other documents in English' in the *International Journal of Legal Information*, may be particularly useful for central and eastern Europe but covers a wide range of sources which may also be of use throughout Europe.

## **Legislation, codes and commentaries**

Various forms of legislation are produced in the legal systems of each of the countries of Europe. In the countries with a civil law system a frequent official gazette is often the first published source for pieces of legislation. In those countries the main statement of law is commonly in the form of codes supplemented by specific legislation on other topics. This is not the case in the common law countries of Ireland and the UK. In the UK codification has commanded enthusiastic support in some quarters, and has the official attention of the Law Commissions, but little progress has been made.

Codes are comprehensive and systematic statements of major areas of law such as the civil law, civil procedure, criminal law, criminal procedure, and commercial law and some countries have several more specialized codes. The codes are normally available in commercially published editions with annotations indicating related legislation, points clarified in judicial decisions and important scholarly contributions to interpretation. Some editions may be convenient single volumes or even pocket editions, whereas major multi-volume editions with annotations and extensive commentary are major scholarly works which appear in many editions over a very long period of time.

*Foreign law: current sources of codes and legislation in jurisdictions of the world*, (Reynolds and Flores, 1989-), as its name suggests, is primarily an index to legislation. For each country, it identifies the major codes and contains a standard alphabetical list of subjects citing the specific provisions not only in the country's own legislation and codes but also, importantly, any translation available in secondary sources. Translations include both stand-alone translations and those in any one of a long list of multi-jurisdictional and encyclopedic works, both general and subject specific.

*European Current Law* (1992-) appears in monthly parts and an annual cumulation containing digests of important legislation and cases in Community law

and in the national law of over thirty legal systems of the EU member states, Central and Eastern Europe and the CIS. The digests often extend to a long paragraph but the full text is not included; they all have a citation to the original source publication and are arranged by subject heading with a detailed index. There is a list of legislation by country and a list of legislation recently passed so it is possible to research the law of particular countries and to monitor recent developments. The work is necessarily very selective but can be extremely useful both as an alerting service and as an index from which to approach the original sources.

*Commercial Laws of Europe* (1978-) publishes a selection of important national legislation, mainly from EU member states, relating to commercial law. There are two sections to each monthly issue, one reproducing laws in the original language and the other giving translations of laws which have normally appeared in the original language in an earlier issue.

There is a great variety of other compilations of translated laws or digests of laws or commentaries on laws, some covering Europe, some with a broader international coverage. *Martindale-Hubbell international law digest* (1993-), mentioned above, is both general and international in coverage. *Central and East European legal materials* (Pechota, 1990-) is regional in coverage and a companion to *Russia and the Republics legal materials* (Hazard and Pechota, 1993-). There are works in the broad field of commercial law such as the *Digest of commercial laws of the world* (1981-) and many others in other subject areas. The list of works indexed in the process of maintaining the references to translated laws in *Foreign law* (Reynolds and Flores, 1989-), under the 'materials indexed' tab in volume 2 covering Europe, is itself a useful checklist of multi-jurisdictional subject compilations and Germain is also useful in identifying works in these categories.

*International Legal Materials* (1962-) published by the American Society of International Law reproduces many important documents from individual countries in the area of international law and relations, and the selection now extends on occasion to legislation relating to foreign economic activity. Various journals, often from international organizations, also regularly reproduce legislation in their field of interest, for example *Copyright* (1965-) and *Industrial Property* (1962-) both from the World Intellectual Property Organization, the *Nuclear Law Bulletin* (1968-) from the OECD and *Labour Law Documents* (1990-95) from the International Labour Office.

Electronic sources of primary materials are dealt with below under **Computer-based systems**.

## Treaties

Provision is made in each individual country for the publication of treaties which they have concluded, although it should be noted that the publications of the other signatory, or one of the other signatories, to a treaty might offer easier access.

The major series of multilateral and bilateral treaties are obvious sources: *League of Nations Treaty Series* (1920-46), *United Nations Treaty Series* (1947-) and the collection of earlier treaties under the editorship of Clive Parry, the *Consolidated Treaty Series, 1648-1918* (1969-86). *Multilateral treaties deposited with the Secretary-General; status at [year]* (1949-) gives status information including accessions, ratifications, etc. However the sources of information on public international law require a whole book to themselves and treaty research itself requires considerable

expertise in the relevant materials, see Beyerley (1991) at pp.46-56 for treaties and generally for a wide-ranging guide to public international law sources with helpful annotations. A 'Bibliographic checklist on international law research: eastern European countries' appears in *International Journal of Legal Information* (Popa, 1994) and pays particular attention to treaty research with an annotated list of relevant computer files, looseleaf services and journals as well as original sources; many of the sources are equally relevant to all European countries.

There is a range of international organizations which publish conventions, not least the Council of Europe whose *European Treaty Series* (1949-) should not be confused with publications of the European Union or thought to be a general compilation of treaties in Europe. Many international organizations are described and their publications listed in Germain (1991-) and Beyerley (1991).

The Library of Congress 'Guide to Law Online: Collections of Multinational Conventions' at <http://lcweb2.loc.gov/glin/x-treaty.html> gives access to full-text collections of multinational treaties in English on the Internet including intellectual property, environment, and trade. The US House of Representatives 'Internet Law Library' also has a section for treaties at <http://law.house.gov/89.htm> which contains the text of a large number of treaties and related secondary materials; it also has links to sites such as the collection on the gopher service at Cornell Law School, the treaty section on the extraordinarily miscellaneous gopher service at [gopher://wiretap.spies.com/11/Gov/Treaties](http://gopher://wiretap.spies.com/11/Gov/Treaties) and the web server maintained by the Ministry of Foreign Affairs in Turkey which contains a range of treaty texts in English at <http://www.mfa.gov.tr/GRUPI/i2i.htm>.

The bimonthly *International Legal Materials* (1962-) is an excellent current source which contains a range of treaties and agreements including major multilateral treaties and bilateral agreements. Other international law journals carry documents sections, such as *Journal du Droit International* (1874-), known informally as 'Clunet'.

There are subject compilations which contain relevant international agreements; these are often the same compilations which contain legislation on the subject, see above. One example is *European Taxation* (1961-) from the International Bureau of Fiscal Documentation which is a slim monthly journal but whose 'supplementary service' is a large multi-volume looseleaf reference work which contains among other materials both multilateral and bilateral tax treaties.

## **Law reports, judgments**

The relative lack of prominence of law reports in many descriptions of legal literature of European countries points up the different status of court decisions as a source of law in civil law jurisdictions in comparison with common law jurisdictions.

The doctrine of binding precedent in the common law countries of Ireland and the UK does not exist in other countries of Europe where judicial decisions are generally considered to occupy a less central place. However this should not suggest that earlier decisions in similar legal situations are not significant and the practical importance of reported decisions of the courts to practising lawyers throughout Europe should not be underestimated.

Citation of reported decisions in many countries of Europe apart from Ireland and the UK places very little emphasis on the names of the parties and there is often no party index; citation often consists of the court and the date and a reference

number. Where specific reference to a publication is given, most countries adopt very abbreviated forms of the title and sources to assist in the interpretation of legal abbreviations are published in many of the countries (cited in Winterton and Moys, 1997) or reference may be made to Kavass and Prince (1991-).

There are few Europe-wide series of law reports. *European Current Law* (1992-), mentioned above in relation to legislation, contains digests of selected important cases arranged by subject from the national courts of EU member states, Central and Eastern Europe countries and the CIS. The digests often run to 20 lines or so.

*European Commercial Cases* (1978-) contains selected judgments of national courts of European countries, translated into English, on commercial and business matters. *Common Market Law Reports* (1962-), although primarily publishing judgments of the courts of the European Union, also includes some judgments from national courts of member states in matters relating to European law. The scope of the 'European Court Reports' is explained by their full title *Reports of cases before the European Court of Justice and the Court of First Instance of the European Communities*; they are the official reports of those courts and do not include decisions of national courts.

*International Law Reports* (1950-) include a considerable number of decisions of municipal courts applying rules of international law, as well as decisions of international tribunals. Although the decisions of international tribunals are outside the scope of this chapter, a valuable guide to research on the subject is in Popa (1994), 'Bibliographic checklist on international law research: eastern European countries', whose value is by no means limited to Eastern Europe.

It should be remembered that journals covering Europe as a whole in a particular area of law often carry case notes and sometimes quite extensive court reports, for example *European Transport Law* (1966-) contains reasonably lengthy reports in the original languages of the decision and *International Litigation Procedure* (1990-) carries many reports from European courts.

## **Computer-based systems**

This section concentrates on primary materials. Most of the electronic legal information systems in Europe for legislation and court decisions are jurisdiction-specific. Regional resources for Central and Eastern Europe as a whole are given particular attention in Kiszely (1994). Germain (1991-) at the head of each of her country sections gives advice on the coverage of LEXIS and WESTLAW which are both based in the USA and are major multinational systems.

LEXIS has extensive materials from the European Union itself, including the CELEX database, from jurisdictions of the United Kingdom and from France. Both LEXIS and WESTLAW have international agreements not confined to those concluded by the USA, see the databases' own guides for up to date details of coverage and Popa (1994) for an annotated list of files. They both also have selected translated laws, mainly in the broad commercial and business-related field, from Central and Eastern Europe. These two massive databases cover a very wide range of secondary materials.

## **Internet**

Useful materials for legal research on the Internet are now proliferating rapidly. Readers will be aware that there are outstanding problems regarding authentication and citation for materials obtained from the Internet. Whatever is written here about specific materials will be overtaken as sites rapidly develop and more are established. Addresses tend to change as sites expand and are reorganized or projects move. Some projects represent models of distributed cooperative electronic publishing radically different from the massive commercial databases.

Certain major sites are making a consistent effort to document and provide gateways to resources on the Internet and some are relevant here. Many sites are jurisdiction-specific in Europe and cannot be itemised here; many of these which have been available in the past only in the language of the jurisdiction are adding English pages.

The Internet Law Library at the U.S. House of Representatives offers an a-z list of countries in its 'Laws of other countries' section at <http://law.house.gov/52.htm> with a range of documents including constitutions, some laws in English and various reports from, for example, the Department of State and the World Trade Organization and many links to other servers; it is a well-maintained and useful first stop. Likewise the Library of Congress Guide to law online has a 'Nations of the world' section at <http://lcweb2.loc.gov/glin/x-nation.html> with numerous links arranged a-z by country. The Legal Information Institute at Cornell Law School, <http://www.law.cornell.edu>, also maintains a large gopher and web site. The IALS web site at <http://www.sas.ac.uk/ials.default> is developing a useful list of links to sites which will incorporate the general sites mentioned above and also all the European sites mentioned in Winterton and Moys (1997).

There is an extensive listing of links to judicial institutions with the function of constitutional review in Europe and elsewhere on CourtNet maintained at <http://www.sigov.si/us/eus-ds.html> on the server of the Slovenian Constitutional Court. There is also a project, CoCoNet, organized by the University of Chicago Law School's Center for the Study of Constitutionalism in Eastern Europe to establish Internet servers at the constitutional courts of countries of Central and Eastern Europe. The description of the project is at <http://www.sanet.sk/court/project.html> on the server of the Constitutional Court of the Slovak Republic with links to a small but growing number of other courts. Each Court will provide information regarding their activities but particularly their decisions and opinions in at least the original and English languages.

National government and associated servers on the Internet are making increasing amounts of primary legal materials available, particularly constitutional materials and legislation. National servers are mentioned in the following chapters and many can be accessed via the European Union Server at <http://europa.eu.int/en/gonline.html> and other governmental institutions with a web presence are listed at <http://home.pages.de/~anzinger/govt/europa.html>, see **Directories** below for more detail.

## Encyclopedias

The *International encyclopedia of comparative law* (1971-) covers a range of subjects, in addition to the national reports in volume 1 mentioned above: the legal systems of the world, private international law, persons and family, succession, property and

trust, contracts in general, specific contracts, commercial transactions and institutions, quasi-contracts, torts, and law of transport.

There are many multi-jurisdictional works and encyclopedias which go further than general introductions to the legal system and describe the law in detail, often with translated texts. Germain (1991-) lists and provides commentary on many of the major works in this category in chapters devoted to different branches of transnational law. The list of works indexed in the process of maintaining the entries for translated laws in *Foreign law* (Reynolds and Flores, 1989-) is itself a useful checklist of multi-jurisdictional subject encyclopedias. See also **Bibliographies** below.

Some encyclopedias in specific areas of law are massive publishing initiatives. One well-known example in a subject area is the *International encyclopaedia for labour law and industrial relations* (1977-) which contains extensive chapters for each of a large range of countries and translated laws and case reports in appendix volumes.

The same publisher now issues an *International encyclopaedia of laws* (1991-) reproducing the successful format for various other areas of law and several series of looseleaf volumes have appeared. It should be noted that these series contain 'monographs' for each jurisdiction so far covered which may also be published separately.

Two particular works among many in the area of practice and procedure may be valuable. *European civil practice* (O'Malley and Layton, 1989) deals with practice at the European Court of Justice but also includes introductions to the practice and procedure in the civil courts of the member states of the European Union; membership is as at the time of publication since this is not a looseleaf publication. The *Encyclopedia of international commercial litigation* (1991-) is a looseleaf arranged by country and gives similar information on practice and procedure, the courts and the practising profession.

## Directories

Individual law firms in the various countries or major law firms with offices in various cities across Europe are obviously themselves major sources of information and increasingly international firms publish valuable material on the law of countries and specialist branches of law in which they operate. Each chapter gives references to local directories of lawyers where available. There are also several international law directories which may be consulted. The *Martindale-Hubbell international law directory* (1992-) is the most extensive listing of practising lawyers outside the USA arranged by country in 3 volumes. *Kime's international law directory* reached its 103rd year of publication in 1996; it lists both local and foreign firms and has a very brief introduction to legal practice and enforcement of foreign judgments, it also cites the occasional introductory publication but many are very dated.

The *Guide to legal studies in Europe* (1996) compiled by the European Law Students' Association aims to be the most extensive source of information available on legal studies and opportunities to study law in Europe. It gives considerable detail on law schools and the curriculum of each, together with background information and contact names and addresses in particular for students from other countries. ELSA International's site is at <http://www.jus.uio.no/elsa/homepage.html> which has links to sites in various

member countries.

The Europa server of the European Union gives access to national government servers on the Internet at <http://europa.eu.int/en/gonline.html> including not only EU member states but also a growing number of other European governments, for example Croatia, Malta and Turkey. There is naturally a range of presence on the Internet from national governments, and their nature derives from the arm of government initially responsible, but their scope is expanding quickly as is provision of English language materials. An extensive list of most governmental institutions at national, regional and municipal level in Europe which provide information on the Internet is at <http://home.pages.de/~anzinger/govt/europa.html>. The list includes parliaments, executive institutions (such as ministries), law courts, embassies, and also public broadcasting companies, although it does not include educational and cultural institutions (such as libraries). 'European information on the Internet' in *EIA Review* concentrates mainly on EU information but also lists a range of sources for national jurisdictions (Shipsey, 1996).

## Bibliographies

There are classic works of legal bibliography for many jurisdictions treated in some detail in Winterton and Moys (1997). It is beyond the scope of this chapter to cover all the major legal bibliographies which might be consulted in research on European law, however *International legal bibliographies: a worldwide guide and critique* (Goedan, 1992) covers the major works in considerable depth and Germain (1991-) makes extensive reference to international bibliographies and research guides both general and subject-specific.

The outstanding bibliography for English speaking researchers of European law is Szladits' *bibliography on foreign and comparative law: books and articles in English*, originally compiled by Charles Szladits in 1955 covering the period from 1790 to 1953 and continued by him in a further five editions covering 1953 to 1983. Three further editions have appeared so far under the editorship of Vratislav Pechota taking coverage up to and including 1990. The comprehensive work arranges under subject both books, with some annotation, and articles from a huge range of periodicals worldwide which deal in English with foreign law and with subjects bearing on the comparative study of law. Foreign law was originally limited to non-common law countries and so would always have covered most European countries but from the 1978-83 edition also covers common law countries outside the USA. There is, not surprisingly, a considerable delay between publication of an item and the publication of the edition which indexes it.

*Foreign law* (Reynolds and Flores, 1989-) can be used as a bibliography for introductory works and for a large range of primary legal publications. Guides in the 'Information sources in...' series, to which this book belongs, may well be of use, particularly *Information sources in official publications* (Nurcombe, 1997) which has direct relevance to some of the ground covered by this volume and covers more recent materials than Johansson (1988) for Western Europe and Walker (1982) for Eastern Europe.

It should not be forgotten that library catalogues, particularly those of the great research libraries, contain a vast bibliographical treasure house. Many national and university libraries have automated systems which offer sophisticated searching

over the Internet. Major legal libraries are mentioned in Winterton and Moys (1997) with contact details. The catalogue of IALS Library, shared by the other major research institutes of the School of Advanced Study of the University of London, is available by a link from its web site at <http://www.sas.ac.uk> or by telnet to [library.sas.ac.uk](http://library.sas.ac.uk) or by direct dial up at 0171 436 3292. However, it must be emphasised that, in common with many large research libraries, much early material is only recorded in the card catalogue at the Institute and will not appear in the electronic catalogue until funding can be found to convert the records.

There are gateway sites which try to simplify the process of connecting to large numbers of libraries worldwide. Many universities have built up gateway services to the Internet and one well-known example specific to library catalogues is Hytelnet at <http://www.cam.ac.uk/Hytelnet/> and another is [gopher://libgopher.yale.edu:70/1](http://libgopher.yale.edu:70/1). The Gabriel site has been established as a 'Gateway to Europe's National Libraries' at <http://portico.bl.uk/gabriel/en/welcome.html> with a mirror in the Hague and in Helsinki and is available in English, French and German at present. The wealth of material to which this organized list provides access should not be underestimated. It covers national libraries of countries alphabetically from Austria, Belgium, Bulgaria, and many others through to Turkey, United Kingdom and Vatican City, with more being added. It has more than just links by to the automated catalogues of these libraries, it also includes links to a variety of national bibliographies, national union catalogues, indexes to the contents of periodicals and to the national libraries' web and gopher servers.

## Indexing and abstracting services

Commonly in many countries of Europe there are publications which perform the functions of both bibliographies of books and indexes of articles in periodicals. *Szladits' bibliography on foreign and comparative law* itself covers both books and articles in periodicals.

Goedan (1992) discusses in detail the major indexes to legal periodicals in his work on international legal bibliographies. They are also the focus for Reynolds (1992) in 'Secondary sources for research in European law'.

The major source to discover articles in periodicals from non-English speaking jurisdictions is the *Index to Foreign Legal Periodicals* (1960-) which indexes a large selection of periodicals from around the world, the majority from Europe. Periodicals are selected which deal with the municipal law of countries other than those whose legal systems have a common law basis. It also indexes private and public international law and comparative law periodicals and the number of English language periodicals in the area of comparative and international law has increased in recent years. It would not normally be a tool for legal researchers within their own jurisdiction who use the local tools described in Winterton and Moys (1997).

The *Index to Legal Periodicals* (1908-), *Current Law Index* / LEGALTRAC / LEGAL RESOURCE INDEX (1980-), and *Legal Journals Index* (1986-) are useful for English-speaking researchers to find articles in their own language on the legal systems of Europe, and each is available in electronic formats (further detail can be found in the bibliography at the end of this chapter). They are by design much more up to date than *Szladits* and pick up articles in journals not normally associated with civil law

jurisdictions. The *Legal Journals Index* is the pre-eminent index for the UK itself and is complemented by the *European Legal Journals Index* (1993-) which indexes articles in legal periodicals published in English in Europe relating to the law of the European Union or its member states.

## Dictionaries

There are a few established multilingual legal dictionaries: *Dictionnaire de termes juridiques en quatre langues* covering French, Spanish, English and German (Le Docte, 1987) and the earlier work covering French, Dutch, English, German (Le Docte, 1982); *Law and commercial dictionary in five languages: definitions of the legal and commercial terms and phrases in American, English and civil law jurisdictions: English to German, Spanish, French, Italian* (1985) and *Elsevier's dictionary of commercial terms and phrases in five languages: English, German, Spanish, French and Swedish* (Appleby, 1984).

## Journals

Articles on foreign law or particular foreign laws can appear in almost any journal and the indexing services mentioned above give access to the major journals and include listings of the journals indexed and their publishers. There are some journals dedicated to foreign law and comparative law and these were listed and described in David and Brierley (1985, pp.578-580). The major titles in English are the *American Journal of Comparative Law* (1952-) and *International and Comparative Law Quarterly* (1952-) and important titles in other languages include *Revue internationale de droit comparé* (1949-) and *Rabels Zeitschrift für ausländisches und internationales Privatrecht* (1927-). The *International Journal of Legal Information* (1982-) contains descriptions of the legal literature, bibliographies and reviews and research guides for countries around the world and for international law.

There is now a range of journals in English from the major European legal publishers whose intention is to cover some or all of the national jurisdictions of Europe for a particular branch of law, and this area is a particular growth area for publishing, for example *European Public Law* (1995-). The *European Legal Journals Index* (1993-) adds such titles to their list of periodicals indexed as they appear.

The *Bulletin of Legal Developments* (1966-) is a fortnightly newsletter with worldwide coverage which acts as a valuable alerting service; it is drawn from other published sources. There are many specialist newsletters and a range of other legal publications which carry news as well as articles, either general such as the *European Legal Developments Bulletin* (1989-) from Baker & McKenzie, or devoted to specialist areas such as the monthly *European Business Law Review* (1990-) now edited at the Institute itself.

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