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Practicing Reference . . .
Learning a Little about the World:
Foreign and International Research and the Nonspecialist*

Mary Whisner**

In reflecting on the various ways she has developed some expertise in the area of foreign and international research (without being an expert), Ms. Whisner offers suggestions to others who would like to build their own knowledge in this field.

Within law librarianship, there are some people who specialize in foreign and international law—sometimes at academic law libraries with significant collections, and sometimes in firms or government agencies that work in the area. I am not one of these specialists, but I have learned enough to get by—enough to provide good service to the patrons of the University of Washington (UW) whose work requires foreign and international legal materials. My reflections on how I developed some expertise (without being an expert) might be useful to others who would like to build their own knowledge.

Specialization is a matter of perspective. In one sense, law librarians are all specialists, since we routinely deal with questions and use sources that are much less common in other types of libraries. And most of us would struggle if we were suddenly transported into other libraries. I don’t know what the common reference tools are in the Physics-Astronomy Library across campus, but I’m sure there are some and that those librarians know those tools just as well as I know the Revised Code of Washington or American Law Reports. And the same for Art, Natural Sciences, Maps, Health Sciences, and so on.

And yet my day-to-day experience does not always feel specialized. For one thing, law is a big field, so a wide variety of questions can come in. (The same, of course, is true for the other libraries on campus. The Physics-Astronomy Library must have people looking at everything from particles too small for most of us to imagine to—well, the universe, and even that is expanding!) Second, we law librarians are not as specialized as lawyers. Within a law firm, there might be some lawyers who handle only real estate matters, some who deal only with federal tax law, some who do only insurance defense, and so on—but one or two

** Assistant Librarian for Reference Services, Marian Gould Gallagher Law Library, University of Washington School of Law, Seattle, Washington. Kristy Moon and Mary A. Hotchkiss offered helpful comments on a draft of this essay.
Law librarians assist all of them with all of their research needs. Third, I’m aware that my department does not specialize in some ways that are possible—by having an international law specialist, for instance, or by having faculty liaisons who would do all the work for, say, the tax professors or the health law professors.

§4 So I’m a specialist—I work in a law library, not a public library covering everything from genealogy to job hunting, Caldecott winners to classics, auto repair to stamp collecting. But I’m also a generalist—providing reference service for almost any type of question in our library. The “almost” refers to a significant exception: we have specialists for East Asian law, since we have a large collection in Chinese, Japanese, and Korean, as well as professors and students who research in those languages, which are (literally) quite foreign to the rest of us. Carving out the East Asian jurisdictions still leaves a lot of the world for reference—any bilateral or multilateral treaties, the work of international governmental organizations, common law jurisdictions, the European Union, Russia, Latin America, and so on. Foreign and international law questions do not come to me every reference shift or even every week, but they come frequently enough that I (along with everyone in my department) must have some familiarity with the area.

§5 I suspect that many law librarians are in a similar situation these days, as globalization shapes the practices of our law firms and the curricula of our law schools. There might not be enough foreign and international legal research (and collection development) work to justify hiring a specialist. And the librarians who have their hands full dealing with U.S. law can’t drop everything to transform themselves overnight into specialists. So how can they learn a little more here and there to become more competent and confident? On my own meandering path, I have learned in many different ways—reference questions on this and that, some lectures, some reading, some collection development work, and so on.

§6 My baseline knowledge of foreign and international law was very low when I entered law librarianship. In college I had never ventured into the international studies department. In law school, the only jurisdiction outside the United States I heard about in class was England—and that was for the historical development of the common law, not for anything that was happening in the United Kingdom currently. (It’s not that there weren’t classes—as well as an international law journal and an international law society—I just wasn’t there. For that matter, I’d been missing opportunities even longer: unlike my brother I hadn’t participated in Model United Nations in high school.)

§7 Through happenstance, my law librarianship career began in Louisiana, a state that often turns people into comparativists. My first job was helping out with Loyola University School of Law Library’s move to a new building. Among other things, I spent hours in the stacks, measuring the collection, and that was my first exposure to standard works of the civil law—I held my measuring string up to the shelves with Las Siete Partidas (a thirteenth-century summary of Spanish civil law), the Code Napoleon, and Dalloz’s little red paperback editions of French codes (civil, commercial, penal). I don’t claim that merely seeing the spines of
books is a bibliographic education but, given my ignorance, it was a start. The first
day I worked with the reference librarians, I took a phone call that asked about
the statute of limitations for contracts—and I got a lesson in civil law vocabu-
lary: the question was really about the prescriptive period for obligations. David
Combe, the director of Tulane’s law library, gave me a small, fifty-page book about
Louisiana’s civil law tradition that he had written with two other Tulane profes-
sors. It was very accessible (it even had pictures!) and played to my interest in
history as well as law.
¶8 That year I went to a talk by a visiting comparative law scholar. What I took
away from that evening was a joke summarizing comparative law:

After careful study of four legal systems in Germany, France, the Soviet Union and
Italy, here are my conclusions:
1. In Germany, under the law, everything is prohibited except that which is permitted. In
   France, under the law, everything is permitted, except that which is prohibited.
2. In the Soviet Union, under the law, everything is prohibited, including that which is
   permitted.
3. And in Italy, under the law, everything is permitted, especially that which is prohibited.

I also got a recommendation for another small book to read about the civil law.³

¶9 Soon I traveled up Interstate 10 to library school at Louisiana State
University. In one of my first conversations with Lance Dickson, the law library
director at LSU, he told me about “mixed jurisdictions”—ones with some com-
mon law and some civil law aspects. These include his home country of South
Africa (Dutch civil law and English common law), Sri Lanka (also Dutch and
English), Quebec (French and English), the Seychelles (also French and English),
and Louisiana (mostly French and American law—i.e., English common law—but
with some Spanish law too). How cool to be living and going to school in a juris-
diction that was so special!

¶10 My education by counting shelves and measuring sets with a string con-
tinued, since I was involved in a project to reorganize and shift the foreign law
collection at LSU. Again I saw the little red French codes, and I was exposed to
a number of other sets, like the German code I thought of as the Big Gray Book
(even though different editions were black or blue). (BGB actually stands for
Bürgerliches Gesetzbuch.) I became familiar with the K schedule—and the fact

1. SHAEIL HERMAN, DAVID COMBE, & THOMAS E. CARBONNEAU, THE LOUISIANA CIVIL CODE: A
2. NEWTON MINOW, quoted in Required Reading: Comparative Law, N.Y. TIMES, Mar. 4, 1985, at A16;
On the Record, TIME, Mar. 18, 1985, at 73. A posting on the Web indicates Minow made this remark
version/index.php/t2517.html (last visited Apr. 19, 2005). I am quite sure Minow was not the guest
speaker I heard. But jokes get passed around, and this one is good. Maybe it had been floating around
comparative law circles for generations.
3. F. H. LAWSON, A COMMON LAWYER LOOKS AT THE CIVIL LAW (1955) (lectures given at the University
of Michigan in 1953).
that it had been developed so recently that most of the library's foreign works were arranged in a home-grown classification scheme.

¶11 This might seem incredibly shallow. How much does it really matter if I know that a bunch of little red paperbacks contain French codes? Not much, of course. But on the other hand, when one starts from nothing, even tiny incremental gains in knowledge are useful. As a reference librarian, sometimes I don't need to know much about what's inside the books, but it's helpful to have other knowledge: Where are the sets shelved? Is French law on this floor or the next? Why do some Australian books have one call number while others have an entirely different call number? Are the codes in the library's collection fairly recent? Does the library seem to have a good selection of material from, say, France or Japan? (LSU has rows and rows of French law books and few Japanese publications; the UW has just the reverse.) One can pick up all this just from touring the stacks.

¶12 In 1987, while I was in library school, I attended a reference institute sponsored by the American Association of Law Libraries (AALL) and heard the amazing Ellen Schaffer give an overview of treaty research. Among other things, I learned that Ellen was very knowledgeable. More than once in the years to come she generously helped me when I got stumped by an international legal research problem. That institute also might have been when I heard Bob Berring tell his story of using the International Law Digest in *Martindale-Hubbell* to look up enough French inheritance law to please a partner when he was a summer associate.

¶13 My first job out of library school—come to think of it, my only job since library school—was at the University of Washington. Early on we hosted a small professional development meeting of local librarians. A UW law professor, Joan M. Fitzpatrick, talked about the substance of international law, and my fellow reference librarian, David Rudman, talked about treaty research.

¶14 Sitting in an audience is one step in learning, but I really learned about treaty research by working at the reference desk and helping people use the indexes and other tools. And that's also how I gained exposure to the other aspects of international and foreign legal research. Different things came up—a fair number of treaties, some trade disputes, some policies or reports from the United Nations, and so on. I showed patrons the excellent research works we

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5. Or it might have been at a meeting of the New Orleans Association of Law Libraries. He also mentioned these summaries (without the specific law firm anecdote) in Robert C. Berring, *How to Be a Great Reference Librarian*, LEGAL REFERENCE SERVICES Q., Spring 1984, at 17, 31.

6. This was in 1988 or 1989—before we formed a chapter, Law Librarians of Puget Sound, in 1990. I think this group called itself "I-5 law librarians," after the highway that connects Seattle, Tacoma, and Olympia.
keep in the reference office—the ones we refer to familiarly by their authors' surnames, Germain and Reynolds and Flores—and I browsed in them myself.

§15 Since the early 1990s, my department has been giving guest lectures on research to upper-level law school courses, notably international law courses. Professor Fitzpatrick started this in 1992 by asking for a presentation to her seminar on international human rights. She was a capable and vigorous researcher herself and expected her students to research their papers thoroughly. She never asked for much reference help—she was a do-it-yourselfer, online and in the stacks—but she respected librarians and set up a panel to speak to her students. I learned about different print and online sources by having to put together my talk. I also learned from my colleagues. The first year, the panel included Bill McCloy, from the East Asian Law Department; Dave Maack, the international documents librarian in the main library; and Glenda Pearson, the university’s newspapers-microforms librarian, who had a strong interest in human rights. For many years after that, we had a two-person team: Peggy Jarrett, documents and reference librarian, and me. Joan always came to the class and contributed her own research tips. Other professors began asking librarians to come, and we learned more as we prepared guides and talks for international environmental law, international commercial law, international law of the sea, and other classes, revising and updating our guides and presentations each time we were invited. Our learning continued during the presentations, because we discovered the topics students were working on and we heard the professors' comments on sources and strategies.

§16 In 1993, I subscribed to Int-Law (INT-LAW@listhost.ciesin.org), an e-mail list for the discussion of foreign, comparative, and international legal research resources and related issues. I learned a lot about research by reading answers to research questions (and occasionally trying to answer one myself) and other posts sharing information. Eventually I had to leave the list to manage my e-mail, but it was very helpful to me during the years I subscribed (and one of my colleagues still occasionally forwards messages to me). That year I also watched the international law research tape in Bob Berring’s “Commando Legal Research” series.

§17 AALL's professional development program helped me further. I went to a one-day workshop on public international law in 1992 and an institute on international commercial law in 1995. At the Joint Study Institute in 1998, I learned

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about the legal professions in the United Kingdom and Ireland as well as some special topics (like Scots contract law). AALL Annual Meetings offer more good opportunities to learn each year. In 2004, for instance, I enjoyed a panel on treaty making that included a senior attorney from the State Department who told some great anecdotes;\(^{13}\) an introduction to research in Chinese, Japanese, and Korean law;\(^ {14}\) and a program on Islamic law.\(^ {15}\)

§18 My knowledge of foreign and international law has also grown through service on our library’s collection development committee. The extensive collection development policy drafted by Mary Hotchkiss and Ingrid Holmlund in the early 1990s covered United States law quite well. However, the committee still needed to assess our collection and make some decisions for foreign and international law topics. Particularly during a blitz in 1993 and 1994, we had different committee members draft and present profiles that the whole committee discussed (often line by line)—Rob Britt drafted one for Japan, Penny Hazelton drafted Australia’s, and so on. Each profile described the jurisdiction or the subject area, identified relevant courses and faculty interests, discussed types of material available and what our library had, listed goals for collecting intensity, and so on. I learned a lot from the others—and of course I also learned when I had to draft a few profiles myself (I think I was assigned international environmental law and the United Kingdom, for instance). We still need to review and update profiles—and draft new ones—from time to time. Not only do resources change (publishers merge, databases are born, the Web expands), but our law school’s needs and scholarship interests change (the LL.M. program in law and marine affairs is disbanded, faculty members with interests in Islamic law and Southeast Asia are hired, other faculty members leave).

§19 Although I was becoming more familiar with research and bibliography in this area, I still felt my ignorance of international law and I wanted to know more. I asked Joan Fitzpatrick to recommend an introductory book—and then I read it.\(^ {16}\) During the mid-1990s, I read several more books on international law.\(^ {17}\) I also read

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one on Japanese law—Rob Britt handles reference service for Japanese law (as well as collection development and cataloging), so this book wasn’t directly related to my reference work, but I was curious because it was by one of our professors. When colloquia or public lectures are presented at my school, I often go. I remember in particular a lecture by one of our professors about the importance of comparative law to legal education generally. I also audited a summer school course on international trade law taught by another professor, Linda Hume. I did all the reading and kept up with class—but I did not take the exam or write a paper. (My drive to develop my knowledge wasn’t that strong.)

Along the way, it seemed I had picked up enough to share what I had learned with other librarians. Jonathan Franklin, who was then working as a foreign law specialist at the University of Michigan, developed an AALL program aimed at nonspecialists—librarians who might not have large collections but sometimes need to research a foreign or international law question. Before the program, Jonathan gave the librarians on his panel a list of very realistic research questions, and we discussed how we would approach them. I thought it was fun. Preparing for the panel gave me some confidence in my skills, because I was able to find at least some good leads for each question.

19. Reading works by the professors in your school—or judges in your courthouse or lawyers in your firm—helps you understand their specialties. It also doesn’t hurt your relationships. I hardly ever ran into Joan Fitzpatrick at lunchtime, but on one of those rare occasions when we were in the same restaurant, she said hi and observed, “That looks like my book.” I was indeed reading her book over lunch. I don’t recommend carrying around books just to be an apple-polisher—but it was a happy coincidence that she caught me in the act of trying to learn something about her field.
22. A patron requests information about:
   • whether there are any bilateral treaties between Bulgaria and Lithuania.
   • if there is a European Court of Justice (ECJ) opinion about copyright in music.
   • Japanese tax regulations in English.
   • a comparison of due process rights in Southeast Asian countries.
   • where to look for background information and recent actions taken by MERCOSUR.
   • whether WTO decisions have precedential weight.
   • who are members of ASEAN.
   • the environmental laws and regulations of Israel and Egypt and any comparative works.
   • French decrees altering pensions for military who served in the French Algerian war.
   • the age of majority in Pakistan.
23. The next year, when the Special Libraries Association met in Seattle, I was asked to be on a panel about international legal research. Using Electronic Media in International Legal Research, program presented at the Annual Meeting of the Special Libraries Association, Seattle (June 9, 1997).
I do not pretend to remember most of what I have read or heard about foreign and international law. I am comfortable exposing myself to information without expecting to master and retain it all. When I’m in a lecture or reading a book, I pay attention and follow what’s going on—but before long I am left with just some generalities or odd bits. For instance, I have read more than once of the difference between the United Nation’s Human Rights Committee and its Human Rights Commission. Off the top of my head, I now can say that one is a body created to oversee implementation of one of the major treaties (but I’m not sure which one) and receives complaints and evidence from individuals; the other one is a body created by the General Assembly or maybe ECOSOC (and I don’t remember what ECOSOC stands for) to study human rights issues. I think that the committee is the enforcement body and the commission is the other one but, as I type this, I am not altogether sure and would need to check it.24 When I was younger and less tolerant of my own frailties,25 I might have kicked myself over my failure to absorb this basic information. But now I accept that I just don’t remember everything I hear or read.26 It takes many exposures to know something well.

I accept (albeit reluctantly sometimes) that I can listen to a lecture or read a book, follow it for a while, and then not “get it.” I figure that the next book or the next lecture will make it more familiar and I will understand a little more and retain a little more. And of course I know that if I need to be accurate, I should go look it up. The advantage of having tried to learn in the first place is that it makes the next try a little easier. Sometimes having read something


25. OK, there are still a lot of days when I am not mature enough to accept my own frailties. See generally Mary Whisner, On Having a Bad Day, 94 LAW LIBR. J. 335, 2002 LAW LIBR. J. 22 (things going wrong).

26. This isn’t just with “hard” reading, like texts on international law. Have you ever gotten halfway into a mystery before realizing that you’ve read it before? I have. And yet, during the few days that I’m carrying around a mystery, I “know” a lot—the protagonist’s name, her troubled romantic life, the car she drives, her relationship with her landlord, the name of the landlord’s girlfriend, the course of the investigation, the victim, the suspects, the weather, and so on. How can I know all that for two or three days and remember so little of it even a month or two later? How can I not even recognize the plot when I pick up the book three or four years later? Well, that’s the way our minds work.
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gives me at least a quick idea for a good source when I need to look it up after having forgotten it.27

\(\S\) 23 We talk about different learning styles when we think about how to teach research. Some people do well taking in information from a traditional lecture, but we are now aware that many people do better with other methods—active learning, small group work, seeing some material graphically, and so on. As we think about our own learning, let’s remember that we, too, have different styles and preferences. I like reading books to give me a framework, but I’ve talked to very well-informed librarians who would never take a Nutshell to lunch. Some prefer to read about a new topic only when they need the information. Some of the ways I’ve built up my knowledge won’t work well with your learning style—but maybe some will.

\(\S\) 24 So what are some themes from my meandering course of learning about foreign and international law and legal research?

1. **Be open to learning.** If you have a chance to listen to a guest speaker or sit in on a class—and you have the time—go. An advantage to going to guest speakers or taking classes at your own institution is that you are exposed to the areas that are most likely to come up in reference and collection development.

2. **Learn from projects that are needed by the institution.** If the human rights professor asks for a class presentation on research, then learn about human rights research—other topics are for another day. If your school has courses in European law and mine has courses in law of the sea and human rights, we’ll learn different things.

3. **Learn from colleagues.** If they’re in the reference office, teaching a class, or serving on a committee with you, ask questions and listen! Maybe you haven’t had much opportunity to explore, say, *Doing Business in Japan*,28 *Modern Legal Systems Cyclopaedia*,29 or *United States Treaty Index*30—but you might pick up some helpful tips from someone else (and have the source in the back of your mind when you get a question and the colleague isn’t around).31

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27. Since I had once read a Nutshell on human rights, I knew that it would discuss the Human Rights Committee and Human Rights Commission. Of course, that’s not rocket science—or even very fancy library science. Any law librarian could go through the reasoning process: “Hmm, a very basic book that would describe important bodies in human rights law—wonder if there’s a Nutshell?”
31. In the last few weeks, I have learned indirectly from a faculty member, as Mary Hotchkiss’s students work through their exercises in her class on foreign and international legal research. The students get stumped and come to the reference office for help. I don’t always know the perfect path to the answer, but I can help them move forward—and I get exposed to the sources that Mary was directing her students to use.
4. **Learn from your colleagues around the country too.** Some very good people speak on programs,\(^{32}\) teach workshops, write research guides,\(^{33}\) and write articles\(^ {34}\) in this area. Learn from them!

5. **Read.** Discussion lists, magazine articles, law review articles, scholarly books—read the material that’s suited to your learning style and time constraints. I find it helpful to read introductory books to survey a field. You might find the focus and depth of law review articles on particular international topics more to your taste.

6. **Accept that you won’t become an expert overnight.** Learning a bit here and there is okay. Give yourself credit for learning even tiny increments. You can look up what you don’t remember when you need it later.

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32. Even if you are not able to attend AALL Annual Meetings—or if you have just missed some good programs—remember that recordings are available. You can find relevant programs from past years in *Frank G. Houdek & Susan D. Goldner, AALL Annual Meetings: An Annotated Index of the Recordings* (1989).

33. In addition to print guides, such as *Germain, supra* note 7, and *Reynolds & Flores, supra* note 8, many excellent guides are available on the Web. A standout is the *ASIL Guide to Electronic Resources for International Law* (Marci Hoffman & Jill McC. Watson eds.), available at http://www.asil.org/resource/home.htm (last visited May 3, 2005). (A print version of the guide is available, but the Web version is more up to date.) Chapters include substantive subjects, such as international intellectual property, as well as research topics common to many areas of international law, such as treaties and the United Nations. The Georgetown Law Library Web site (www.ll.georgetown.edu/research/tools_index.cfm) has more than two dozen Web-based guides on different foreign and international legal research topics.