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Ralph Lansky

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**LEGAL RESEARCH IN THE FEDERAL REPUBLIC OF
GERMANY: A CONCISE PRESENTATION OF BASIC
PUBLICATIONS***

*Ralph Lansky***

TABLE OF CONTENTS

I.	INTRODUCTION	538
II.	SOURCES	538
	A. Gazettes	538
	B. Looseleaf Services	540
	C. Commentaries	540
	D. Translations	542
III.	COURT DECISIONS	542
IV.	DOCTRINE	543
	A. Legal Periodicals	543
	B. Legal Dictionaries, Encyclopedias, and Abbreviation Guides	543
	C. Treatises	544
V.	BIBLIOGRAPHIES	545
	A. Bibliographic Introductions and Retrospective Bibliographies	545
	B. Bibliographies of Periodicals and Series	548
	C. Periodical Bibliographies	549
	D. Bibliographies of <i>Festschriften</i>	550
	E. Bibliographies on Specific Legal Topics	551
VI.	CONCLUSION	552
VII.	INDEX	553

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** Director of the Library of the Max Planck Institute for Foreign and International Private Law in Hamburg, West Germany. J.D. 1960, Bonn University. Board Member of the German Law Librarians Association (Chairman, 1971-1974).

I. INTRODUCTION

This Article provides information about legal literature and research in the Federal Republic of Germany. Twenty-four basic works are reviewed, including a dozen important law books and legal periodicals and a dozen legal bibliographies that help to locate additional legal information. In addition, a few other publications are briefly discussed. This Article addresses the use of selective legal materials and as a result is very basic. Its objective is to introduce the novice to German legal literature.

Most of the books concern the law of the Federal Republic of Germany. A few that are published in that country cover comparative and international legal topics. These publications may be useful to students and researchers who are not specialists in German law.

II. SOURCES

A. Gazettes

The *Bundesgesetzblatt*¹ (BGBl) is the official gazette of the Federal Republic of Germany. Since 1949, it has been edited by the Federal Ministry of Justice and published weekly in Bonn by the Bundesanzeiger Verlagsgesellschaft. The official texts of German federal law are promulgated in the *Bundesgesetzblatt*. The gazette consists of three parts; only two are currently published. Statutes and administrative regulations comprise Part one; international treaties, treaties with the German Democratic Republic, and customs regulations comprise Part two. Part three, *Sammlung des Bundesrechts*, published between 1958 and 1963, presents a consolidated, systematic collection of German federal law in that period.

An annual index to German law entitled *Fundstellennachweis A and B* is published as a supplement to the *Bundesgesetzblatt*. In general, Index A corresponds to Parts one and three of the *Bundesgesetzblatt*, and Index B covers Part two. From these Indices, the location and current status of statutes and treaties can be determined.

The *Reichsgesetzblatt* (RGBl), the official gazette of the Ger-

1. The three parts of the Bundesgesetzblatt [BGBl] for the years 1949-80 are also available in a 385-card microfiche edition published jointly by the Bundesanzeiger Verlagsgesellschaft of Bonn and Beck of Munich.

man Empire, published in Berlin between 1871 and 1945, preceded *Bundesgesetzblatt*.² Between 1945 and 1948, the *Amtsblatt des Kontrollrats in Deutschland*, the official gazette of the Control Council for Germany,³ was issued in Berlin by the four powers occupying Germany.

Special gazettes are published for the various states (*Länder*) of the Federal Republic of Germany. The titles of the publications associated with the particular states, proceeding from north to south, are as follows: the *Gesetz- und Verordnungsblatt für Schleswig-Holstein*;⁴ the *Gesetzblatt der Freien Hansestadt Bremen*;⁵ the *Hamburgisches Gesetz- und Verordnungsblatt*;⁶ the *Niedersächsisches Gesetz- und Verordnungsblatt* (Lower Saxony);⁷ the *Gesetz- und Verordnungsblatt für Berlin*;⁸ the *Gesetz- und Verordnungsblatt für das Land Nordrhein-Westfalen* (North Rhine-Westphalia);⁹ the *Gesetz- und Verordnungsblatt für das Land Rheinland-Pfalz* (Rhineland-Palatinate);¹⁰ the *Amtsblatt des Saarlandes*;¹¹ the *Gesetz- und Verordnungsblatt für das Land Hessen* (Hesse);¹² the *Gesetzblatt für Baden-Württemberg*;¹³ and the *Bayerisches Gesetz- und Verordnungsblatt*

2. The two parts of the Reichsgesetzblatt [RGBL] for the years 1871-1945 are available in a 225-card microfiche edition published by Beck of Munich.

3. This gazette was published in English, French, and Russian with a German translation. It contained proclamations, statutes, and administrative regulations of the German Control Council for Germany.

4. Published in Kiel since 1947.

5. Published in Bremen since 1849.

6. Published in Hamburg since 1866 (originally entitled *Gesetzsammlung der Freien und Hansestadt Hamburg*).

7. Published in Hanover since 1947.

8. Published in Berlin since 1945 (originally entitled *Verordnungsblatt der Stadt Berlin*).

9. Published in Düsseldorf since 1945 (originally entitled *Mitteilungs- und Verordnungsblatt des Oberpräsidenten der Nord-Rheinprovinz*).

10. Published in Koblenz since 1947 (originally entitled *Verordnungsblatt der Landesregierung Rheinland-Pfalz*).

11. Published in Saarbrücken since 1945 (originally entitled *Amtsblatt des Regierungspräsidiums Saar*).

12. Published in Wiesbaden since 1945 (originally entitled *Gesetz- und Verordnungsblatt für Gross-Hessen*).

13. Published in Stuttgart since 1952 (originally entitled *Gesetzblatt für das südwestdeutsche Bundesland*). Predecessors of this gazette were *Amtsblatt der Landesverwaltung Baden*; *Regierungsblatt der Regierung Württemberg-Baden*; *Regierungsblatt für das Land Württemberg-Hohenzollern*.

(Bavaria).¹⁴

German statutes are cited by their titles. Lengthy titles have been shortened and abbreviated, often by the legislators themselves. A statute dealing with the universities of the States of Hessen, for example, is fully titled *Gesetz über die Universitäten des Landes Hessen* and is shortened to *Universitätsgesetz* (HUG). The legislators provide both short titles and abbreviations in the gazette. When necessary, the first page of the gazette in which the statute is published and the date of its promulgation are added to the citation. The complete citation of the above example is *Universitätsgesetz of June 6, 1978 (GVBl für das Land Hessen I 1978 p. 348)*. The year of the gazette may be omitted if it corresponds to the year of enactment.

B. Looseleaf Services

When researching statutes and codes, German lawyers generally use handy private looseleaf services.¹⁵ The most popular service, *Deutsche Gesetze*, is a compilation of civil, criminal, and procedural law and is named for its founder Heinrich Schönfelder. *Deutsche Gesetze* is published in Munich by Beck, the leading German law publishing house. A similar compilation, begun by and named for Carl Sartorius, entitled *Verfassungs- und Verwaltungsgesetze der Bundesrepublik* (Constitutional and Administrative Laws of the Federal Republic) is also published by Beck. Supplementary pages for both of these looseleaf services are published about every six months. Both contain good indices for locating the statutes and their sections. Many other looseleaf services are available for the statutes of the individual German states and for various branches of German law. These services, however, will not be discussed in this Article.

C. Commentaries

Commentaries on German codes and statutes contain the text of each section of the code and provide detailed annotations which set forth the current status of the law. Some commentaries

14. Published in Munich since 1818 (originally entitled *Gesetzblatt für das Königreich Baiern*).

15. The German looseleaf services are similar to the United States publications of the Commerce Clearing House (CCH), Prentice-Hall (P-H), and Bureau of National Affairs (BNA).

are designed primarily for use by the practitioner, while others are principally intended for scholarly and academic purposes. Examples of commentaries dealing with the German Civil Code, the *Bürgerliches Gesetzbuch* (BGB), are discussed below.

The most frequently used BGB commentary intended for the practitioner is named after its founder Otto Palandt. A new edition is published annually by Beck.¹⁶ Other important Civil Code commentaries are: (1) the two-volume *Handkommentar zum Bürgerlichen Gesetzbuch* (Concise Commentary to the Civil Code) which was started by and named for Walter Erman;¹⁷ (2) the commentary of Hans Theodor Soergel and Wolfgang Siebert, an eight-volume set currently in its eighth edition;¹⁸ and (3) a fourteen-volume commentary¹⁹ edited by members of the *Bundesgerichtshof* (German Federal Supreme Court).

The commentary *Kommentar zum Bürgerlichen Gesetzbuch* (Commentary on the Civil Code),²⁰ intended primarily for academic purposes, was started by Julius von Staudinger. It is a twenty-five volume work now in its twelfth edition. Another academic-oriented commentary, *Münchener Kommentar zum Bürgerlichen Gesetzbuch* (Munich Commentary on the Civil Code), is edited by Kurt Rebmann and Franz-Jürgen Säcker and published by Beck. One of its eight volumes is a looseleaf supplement.

It is difficult to classify *Alternativkommentar zum Bürgerlichen Gesetzbuch* (Commentary on the Civil Code) as oriented either for the practitioner or the academician. It is edited by Rudolf Wassermann in the series *Alternativkommentare* (Alternative Commentaries) and proposes new, alternative methods and approaches to legal research. Since 1979, *Alternativkommentare* has been published in six volumes by Luchterhand in Neuwied.

Because lawyers exist and thrive on conflict and differing opinions, it is not sufficient to use a single commentary. When dealing

16. *E.g.*, O. PALANDT, *BÜRGERLICHES GESETZBUCH* (42d ed. 1983), published in 7 BECK'SCHE KURZ-KOMMENTARE (BECK CONCISE COMMENTARIES).

17. This commentary is published in its seventh edition by Aschendorff in Münster in 1981.

18. *BÜRGERLICHES GESETZBUCH* has been published by Kohlhammer in Stuttgart since 1978.

19. This commentary, currently entitled *DAS BÜRGERLICHES GESETZBUCH*, is in the twelfth edition. De Gruyter in Berlin has published it since 1974. It was formerly entitled *Reichsgerichtsrätekommentar* (RGRK).

20. Since 1978, it has been published by Schweitzer in Berlin.

with an important question of German civil law, a lawyer should use as many of the available commentaries as possible.

D. Translations

Some knowledge of the German language is useful for research in German law, but good translations of the more important German codes are available for those who have no German language ability. *The German Civil Code*, the translation of *Bürgerliches Gesetzbuch* by Ian S. Forrester, Simon L. Goren, and Hans-Michael Ilgen, is recommended.²¹ A 1982 supplement by Goren is available from the Rothman Company of Littleton, Colorado.

III. COURT DECISIONS

In general, German court decisions are not considered sources of law in the sense of binding precedents. Court decisions, especially those of the high courts, are of great importance, however, for German legal life. The Federal Constitutional Court (*Bundesverfassungsgericht*) in Karlsruhe considers general constitutional questions and, more specifically, questions of the compatibility of statutes with the German constitution, *Grundgesetz für die Bundesrepublik Deutschland*.²² The court's decisions regarding the control of legal norms are binding and have the force of law. The *Entscheidungen des Bundesverfassungsgerichts* (BVerfGE) publishes the decisions of the Federal Constitutional Court.²³

The Federal Supreme Court (*Bundesgerichtshof* (BGH)) hears civil and criminal law cases. A periodic compilation of decisions is published for both branches of law. Civil law cases can be found in *Entscheidungen des Bundesgerichtshofes in Zivilsachen* (BGHZ).²⁴ Criminal law decisions are compiled in *Entscheidungen des Bundesgerichtshofes in Strafsachen* (BGHSt).²⁵ Other supreme courts consider labor, social, administrative, and tax law questions and publish their decisions.²⁶

21. This 1975 German Civil Code translation is published by the North-Holland Publishing Company in Amsterdam and Oxford.

22. *Grundgesetz für die Bundesrepublik Deutschland* translates literally as the "Basic Law" of the Federal Republic of Germany.

23. Published by Mohr in Tübingen since 1952.

24. Published by Heymann in Cologne since 1951.

25. Published by Heymann in Cologne since 1951.

26. See *Entscheidungen des Bundesarbeitsgerichts* (BAGE) (decisions of the

IV. DOCTRINE

A. Legal Periodicals

The most widely circulated legal periodical in Germany is *Neue Juristische Wochenschrift* (NJW).²⁷ The title translates as "New Legal Weekly." The word *neue* (new) has been added because the publication *Juristische Wochenschrift*²⁸ (Legal Weekly) was in existence between 1872 and 1939. The *Neue Juristische Wochenschrift*, its successor, contains court decisions, articles, book reviews, and other legal information. Two volumes are published each year; both semi-annual and five-year indices are provided. The *Juristenzeitung* (JZ)²⁹ and *Der Betriebs-Berater* (BB)³⁰ are among the other more important legal periodicals.

B. Legal Dictionaries, Encyclopedias, and Abbreviation Guides

The *Rechtswörterbuch*³¹ edited by Carl Creifelds is a very popular law dictionary. The seventh edition of this dictionary, published by Beck in 1983, defines approximately 9,000 terms used in all fields of German and international law.

Since 1972, the Max Planck Institute for Foreign and International Private Law in Hamburg has edited the *International Encyclopedia of Comparative Law* under the auspices of the International Association of Legal Science. Each article in this encyclopedia is written by a member of an international team of

Federal Labor Court) (published by de Gruyter in Berlin since 1955); Entscheidungen des Bundessozialgerichts (BSGE) (decisions of the Federal Social Court) (published by Heymann in Cologne since 1956); Entscheidungen des Bundesverwaltungsgerichts (BVerwGE) (decisions of the Federal Administrative Court) (published by Heymann in Berlin since 1955); Sammlung der Entscheidungen des Bundesfinanzhofs (BFHE) (compilation of the decisions of the Federal Fiscal Court) (published by Stollfuss in Bonn since 1952).

27. NEUE JURISTISCHE WOCHENSCHRIFT (NJW) has been published by Beck in Munich since 1947.

28. Moeser has published the NJW in Berlin and Leipzig since 1872 and 1920 respectively.

29. Published by Mohr in Tübingen since 1951. The predecessors of this periodical were the DEUTSCHE RECHTS-ZEITSCHRIFT and the SÜDDEUTSCHE JURISTEN-ZEITUNG which were in circulation from 1946 to 1950.

30. DER BETRIEBS-BERATER (BB) has been published by Verlagsgesellschaft Recht und Wirtschaft in Heidelberg since 1946.

31. The German word for "dictionary" is *Wörterbuch* (word book) and the word for "law" is *Recht* (right). Thus, "law dictionary" translates into German as *Rechtswörterbuch*.

legal scholars. The encyclopedia is published in installments which later will be replaced by bound volumes.³² When completed, the encyclopedia will comprise seventeen volumes, of which about one third is already published.

Under the directorship of Rudolf Bernhardt, the Max Planck Institute for Foreign Public and International Law in Heidelberg publishes the *Encyclopedia of Public International Law* in installments.³³ Four out of the planned twelve installments have been published to date. A four-volume hardbound library edition and index is planned for future publication.

Information regarding German legal abbreviations can be obtained by consulting the *Abkürzungsverzeichnis der Rechts-sprache*. Hildebert Kirchner, the Head Librarian of the Federal Supreme Court in Karlsruhe authors this guide. In 1983, de Gruyter of Berlin and New York published the third edition.

C. Treatises

Two English language treatises on German law are of special importance to legal researchers. The first is the old and well-known *Manual of German Law*, edited by E.J. Cohn. The second edition of the Cohn treatise was a joint effort of the British Institute of International and Comparative Law and Oceana Publications in the years 1968 to 1971. This two-volume work contains contributions on private law topics including commercial law, conflict of laws, civil procedure, bankruptcy, law of nationality, and East German family law.

The second important treatise is a one-volume work written by Norbert Horn, Hein Kötz, and Hans Leser published in 1982 by Clarendon Press in Oxford.³⁴ Their treatise, *German Private and Commercial Law: An Introduction* has been translated by Tony Weir. Their work is based on the German professors' experiences

32. Currently, the encyclopedia is published jointly by Mohr in Tübingen and by Nijhoff at The Hague. Former publishers of the encyclopedia include: Oceana Publications in New York, Mouton in The Hague, Sijthoff & Noordhoff in Alphen a.d. Rijn.

33. This encyclopedia is currently available from the North Holland Publishing Company in Amsterdam and New York.

34. Each of the authors is a German law professor. Professor Horn is located in Bielefeld. Professor Kötz is associated with the University and the Max Planck Institute in Hamburg. Professor Leser is a past president of the International Association of Law Libraries and is currently associated with the University of Marburg.

teaching courses on modern German law in London. The treatise focuses on private and commercial law, but also includes chapters on law in general, legal history, constitutional law, administration of justice, and economic and labor law. A short bibliography of laws and literature on German law in English concludes the treatise.

V. BIBLIOGRAPHIES

The first part of the Article explored legal texts and periodicals. This section presents an important legal research tool, the legal bibliography.

A. Bibliographic Introductions and Retrospective Bibliographies

The most comprehensive work in this area is the *Bibliography of German Law in English and German*.³⁵ The German title is *Bibliographie des deutschen Rechts in englischer und deutscher Sprache*. Upon the suggestion of the International Association of Legal Science, a group of German legal scholars compiled bibliographic information which the German Association of Comparative Law then edited. The objective of the bibliography is to assist foreign lawyers, especially those lawyers of the United Kingdom and the United States, in their work with German law and to acquaint them with a representative cross section of German legal literature.

Approximately 13,000 titles of books and periodicals are listed in the main volume and three supplements. The listings in the bibliography cover the literature of the Federal Republic of Germany adequately; however, German Democratic Republic literature is represented to a much lesser extent. The bibliography does not indicate the importance of the listed works, making it difficult for foreigners to determine which books provide a good starting point for research. In general, articles and other contributions are not included in this bibliography.

The bibliography is arranged first by subject, then by the form in which the works appear, and finally in alphabetical order by author. The titles are sometimes followed by short English anno-

35. The work, covering 1918-1963, was first published by C.F. Müller in Karlsruhe in 1964. Subsequently, three five-year supplements covering 1964-1968, 1969-1973, and 1974-1978, respectively, have been published.

tations. Indices of authors and subjects in English and German which are cumulative only through the first supplement, are found at the end of the bibliography.

Fritz Baur, a Tübingen professor, has authored a useful introduction to the law of the Federal Republic of Germany. The English translation of his introduction was written by Courtland H. Peterson, a United States professor.

Ralph Lansky has prepared a shorter, selective bibliography on German law entitled *Grundliteratur Recht—Basic Literature on Law*. The first edition was published in 1974 as No. 1 of the *Arbeitshefte der Arbeitsgemeinschaft für juristisches Bibliotheks- und Dokumentationswesen* (Working Papers of the German Law Librarians Association). The second edition, published by Beck in Munich, appeared in 1978. The bibliography and index, compiled in German, English, French, and Spanish, list 771 useful monographs and periodicals and designate the most important works by asterisks. A supplement is published in the *International Journal of Legal Information*.³⁶

Some research in German law may be performed without a mastery of the German language if English versions of the sources and literature are available. A selective bibliography, *Books in English on the Law of the Federal Republic of Germany*, edited by Ralph Lansky, is available to assist lawyers who have a command of English, but not of German. It was published in 1979 as No. 4 of the *Arbeitshefte der Arbeitsgemeinschaft für juristisches Bibliotheks- und Dokumentationswesen* (Working Papers of the German Law Librarians Association). The titles of 137 books and periodicals published between 1960 and 1979 in English are listed. This bibliography is arranged by subject and further divided into subclassifications as follows: (a) Bibliographies; (b) Codes and other laws; (c) Decisions; and (d) Treatises and miscellaneous works. The introduction to this bibliography includes an overview of the bibliographic situation in German legal literature and emphasizes works in English. An English-German index for authors, editors, translators, titles, and keywords is provided at the end of the bibliography. *The International Journal of Legal Information* has published a supplement for the bibliography.³⁷

Another bibliographic work by Ralph Lansky is the *Handbuch*

36. See 10 INT'L J. LEGAL INFORMATION 209 (1982) (formerly INT'L J.L. LIBR.).

37. See *id.*

*der Bibliographien zum Recht der Entwicklungsländer—Handbook of Bibliographies on Law in the Developing Countries.*³⁸ It lists and annotates approximately 1,400 general and legal bibliographies (in either book or article form) on law generally and, specifically, on law in the developing countries. The material is arranged first by region and country and then by legal subject. A summary and an index in both German and English are included in this bibliography. Lansky's work will be expanded into a *Handbuch der juristischen Bibliographien—Handbook of Legal Bibliographies.*³⁹

Presently, *Wie finde ich juristische Literatur* (How to Find Legal Literature) is the only recent book dealing with legal research in the Federal Republic of Germany. It is written in German and authored by Raimund-Ekkehard Walter, Law Librarian at the State Library of the Prussian Cultural Foundation in Berlin and Chairman of the German Law Librarians Association from 1980 to 1982, and Frank Heidtmann, Professor of Library Science at the Free University of Berlin. This book, included as volume seven in the series *Orientierungshilfen* (Orientation Aids),⁴⁰ presents a systematic introduction to the use of legal literature and law libraries in Germany.

Jürgen Christoph Gödan, Deputy Librarian at the Library of the Max Planck Institute in Hamburg, is preparing another book in this area, *Rechtswissenschaft* (Law).⁴¹ This work, part of the series *Wege zur Fachliteratur* (Guide to Professional Literature), will provide short introductions to various fields of law and an annotated bibliography. Gödan is already known among law librarians for his publication *Die internationalen allgemein-juristischen Fachbibliographien*,⁴² which assesses the leading international legal bibliographies. In 1975, it was published as a special issue (*Sonderheft*) of *Zeitschrift für Bibliothekswesen*

38. The handbook is published by Klostermann in Frankfurt. This 1981 publication was preceded by a 1977 draft edition.

39. It is anticipated that an initial volume entitled, R. LANSKY, GENERAL PART AND EUROPE, will be published first. A second volume dealing with the other continents and a third volume supplement and index are also planned for publication.

40. ORIENTIERUNGSHILFEN was published by Berlin Verlag in 1980.

41. This work will be published in the pocket book series Uni-Taschenbücher (UTB) by Saur in Munich and New York.

42. This 1975 book is published by Klostermann in Frankfurt. A revised English edition is planned.

und Bibliographie.

B. Bibliographies of Periodicals and Series

A union list of periodicals available in the then-existing Max Planck Institutes for Legal Studies,⁴³ entitled *Zeitschriftenverzeichnis der juristischen Max-Planck-Institute* (ZVJM), was published in 1969. Hans Peter des Coudres, former Librarian of the Max Planck Institute for Foreign and International Private Law in Hamburg, edited this list, which was published by the Max Planck Association in Munich. Even though ZVJM is no longer kept current, it is still useful for German law librarians. A new, large-scale edition is planned which, with the aid of data processing, will unite into one union list periodicals in the law-related Max Planck Institutes, other law libraries, and the general libraries in the Federal Republic of Germany.

After the ZVJM periodical list was published, the Department of Legal Literature of the State Library of the Prussian Cultural Foundation⁴⁴ in West Berlin was asked to prepare a new union list edition entitled *Verzeichnis rechtswissenschaftlicher Zeitschriften und Serien* (VRZS) (Union List of Legal Serials).⁴⁵ The first edition, published in 1978, is more or less a supplement to the ZVJM. German law librarians, therefore, are forced to use both works to locate legal periodicals. Hopefully, future editions of the VRZS will cover a much wider range of legal periodicals and include the nonlegal periodicals of the law-related Max Planck libraries. With an expanded scope and additions, the VRZS would supersede the ZVJM.

Kurt Schwerin, with his wife's assistance, has published *A Bibliography of German Language Legal Monograph Series* (*Bibliographie rechtswissenschaftlicher Schriftenreihen*).⁴⁶ This bib-

43. The law-related Max Planck Institutes of the Max Planck Association are: (1) in Heidelberg, for foreign and international law; (2) in Hamburg, for foreign and international private law; (3) in Frankfurt, for European legal history; (4) in Freiburg, for foreign and international criminal law; and (5) in Munich, for foreign and international patent, copyright, and unfair competition law. In 1976, a sixth institute was founded in Munich to deal with foreign and international social law.

44. In German, the Department is titled *Fachreferat Rechtswissenschaft der Staatsbibliothek Preussischer Kultur besitz*.

45. The union list is published by Saur of Munich and New York.

46. Verlag Dokumentation (Saur) in Munich and New York published Schwerin's compilation in 1978. Schwerin is Professor Emeritus and former Law

liography covers the literature available in 1971 and lists approximately 250 German language monograph series which have been published in East and West Germany, Austria, and Switzerland. An author index, subject indices in German and English, and indices for series titles and publishers are found at the end of the book.

C. Periodical Bibliographies

The most important legal periodical bibliography published in the Federal Republic of Germany is the *Karlsruher Juristische Bibliographie* (KJB).⁴⁷ The chief court librarians, Hildebert Kirchner⁴⁸ of the Federal Supreme Court Library and Josef Mackert and Franz Schneider of the Library of the Federal Constitutional Court, edit the KJB.

The KJB, published in both German and English, is an international bibliography with a bias toward German law. The continuous acquisitions of the Federal Supreme Court and the Federal Constitutional Court libraries form the basis of this bibliography. Most German legal publications and a selection of foreign publications are included in this bibliography which lists books⁴⁹ and articles of approximately 20,000 titles per year. The material, arranged according to legal subject, currently examines about 750 periodicals and serials. The monthly indices of authors and titles are cumulatively published, along with a subject index, at the end of each year. In addition, five-year indices of authors, titles, and subjects are prepared.⁵⁰

Since 1950, *Fundhefte* have been published by Beck in Munich in conjunction with the *Neue Juristische Wochenschrift* (NJW).⁵¹ *Fundhefte* are annual bibliographical commentaries on

Librarian of Northwestern University. He is a German expatriate and, as a result of his background, has had many years of experience in German law.

47. The KJB is a monthly publication of Beck Publishers. Its title reflects the importance of the city of Karlsruhe to German law. Karlsruhe, a city in southwest Germany, is called the "Residence of the Law" because both the Federal Supreme Court and the Federal Constitutional Court are located there.

48. Kirchner has been its managing editor since 1970.

49. Some of the book titles listed in the KJB are also published in a different order in the NEUE JURISTISCHE WOCHENSCHRIFT (NJW).

50. The five-year indices have been edited from 1965 to 1970 by Falko L. Ritter, and from 1971 to 1975 by Renate Bellmann, Chairperson of the German Law Librarians Association from 1976 to 1980.

51. FUNDHEFTE originally was titled NJW-FUNDHEFTE. In later editions, the

the following six legal topics: (1) Criminal law; (2) Private law; (3) Public law; (4) Law of restitution; (5) Labor and social law; and (6) Tax law. Both parts one (criminal law) and four (law of restitution) are now discontinued. These commentaries include court decisions and their synopses, articles, and monographs, arranged according to statutes and their sections.

Modern Law and Society has been published twice a year since 1968 by the Institute for Scientific Co-operation in Tübingen as Section two of *German Studies*. *Modern Law and Society* aims to inform the English-speaking world of important German language publications on law, political science, and sociology. Each number contains book reviews and a selected bibliography of recent books and articles.

Although not a bibliography, the periodical, *Law and State*, has a goal similar to that of *Modern Law and Society*. This journal, published biannually by the same institute that publishes *Modern Law and Society*, contains an English translation of selected German articles on law, political science, and sociology.

D. Bibliographies of *Festschriften*

Honoring scholars and institutions with *Festschriften* is a special German tradition. *Festschriften* are also published in other countries, but not as frequently. Helmut Dau⁵² edits a very useful *Bibliographie juristischer Festschriften und Festschriftenbeiträge (Bibliography of Legal Festschriften: Titles and Contents)*. This work lists German, Austrian, and Swiss *Festschriften*. Four volumes of the bibliography have been published for *Festschriften* since 1945,⁵³ and a 1867-1944 volume is currently in preparation.

Beginning with the third volume, covering 1967 through 1974, the bibliography is prepared in two languages. Generally, the volumes consist of four parts: Part A is the bibliography of *Festschriften* arranged according to the individuals or institutions honored; Part B lists the articles according to German subject

NJW prefix was omitted.

52. Dau is Director of the Library and Documentation Center of the Federal Administrative Court in Berlin and has served as 1974-76 Chairman of the German Law Librarians Association.

53. The first volume was published by C.F. Müller in Karlsruhe in 1962, and the latest volume was published by Berlin Verlag of Berlin. The four-volume set is available from Berlin Verlag.

headings; Part C gives indices for authors, other names, regions, and subjects; and Part D is a supplement.

The four volumes of the bibliography cover approximately 700 *Festschriften* which contain an estimated 10,000 articles. Even though these *Festschriften* are published in Germany, Austria, and Switzerland, the articles are not limited to legal issues of those countries. Lilly M. Roberts of the Michigan Law Library has also compiled an international *Bibliography of Legal Festschriften*, published by Nijhoff of The Hague in 1972.

E. Bibliographies on Specific Legal Topics

The final bibliographies discussed focus on special branches of law. They originate from the law-related Max Planck Institutes and are of international importance.

Since 1973, the Max Planck Institute for European Legal History in Frankfurt, with the assistance of Beck in Munich, has published *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte* (Handbook on the Sources and Literature Relating to the Modern History of Private Law in Continental Europe). Most of the contributors to the handbook are members of the Institute and Helmut Coing, the Director Emeritus of the Institute, serves as its editor. The work will be published in a total of six volumes, five of which have already appeared. The first volume begins at 1100 A.D. and the last volume will end at 1914. This publication is of fundamental importance for both European and non-European civil law jurisdictions.

Quellen und Schrifttum des Strafrechts, a two-volume handbook on the sources and literature of criminal law, was edited by the Max Planck Institute for Foreign and International Criminal Law in Freiburg im Breisgau.⁵⁴ Hans-Heinrich Jescheck, now Director Emeritus of the Institute, and Klaus H.A. Löffler, now Library Director at the University Library of Saarbrücken, directed the bibliographic compilation.

Volume one lists books on general criminal law and on the specific topic of criminal law of the European countries. Volume two compiles criminal law materials of the other countries of the world. Within each volume, the listings are first broken down by

54. This handbook was published by Beck in Munich between 1972 and 1980.

countries and then divided into the following six groups: (1) Criminal law statutes; (2) Criminal procedure statutes; (3) Penology statutes; (4) Court decisions; (5) Periodicals; and (6) Literature. The information provided in this work often goes beyond the subject of criminal law.

Since 1975, the Max Planck Institute for Foreign Public and International Law in Heidelberg has prepared *Public International Law: A Current Bibliography of Articles*.⁵⁵ The bibliography appears twice a year and regularly evaluates approximately 1,000 periodicals of the Institute's library. Although the headings are in English, the classification system is also printed in German, French, and Spanish. The material is arranged in twenty-seven groups according to topics of public international law. Every issue has an author and subject index and a cumulative index is prepared in the second issue of each year. A compilation of the entire bibliography from volume two (1976) through volume six (1980) was published in 1982.⁵⁶

Additionally, the Max Planck Institute for Foreign and International Private Law in Hamburg has published a bilingual periodical bibliography of articles in its main fields. The work is entitled *Aufsatzdokumentation zur Privatrechtsvergleichung, Privatrechtsvereinheitlichung und zum Internationalen Privatrecht* (Bibliography of Articles on Comparative Law, Unification of Private Law, and on Private International Law). Initially, a volume for the years 1968-72 was published by Mohr in Tübingen in 1975. This first volume was followed by annual volumes published by the Institute itself. Personnel and financial problems caused a discontinuation of this bibliography, with the final volume appearing for 1979.

VI. CONCLUSION

Some basic publications for legal research in the Federal Republic of Germany have been discussed in this Article. Further literature on German law can be found in the bibliographies mentioned and in other current bibliographies. Books, however, are not the only way to fathom German law. Lectures at the universities and studies abroad are also recommended. Studying another legal system will result in better understanding and cooperation

55. Springer of Berlin and New York publishes this bibliography.

56. Data processing problems prevented the incorporation of volume one.

in the international area and a wider field of vision for possible solutions in one's own jurisdiction.

VII. INDEX

Alternativkommentare	541
Amtsblatt der Landesverwaltung Baden	539
Amtsblatt des Kontrollrats in Deutschland	539
Amtsblatt des Regierungspräsidiums Saar	539
Amtsblatt des Saarlandes	539
Arbeitshefte der Arbeitsgemeinschaft für juristisches Bibliotheks- und Dokumentationswesen	546
Aufsatzdokumentation zur Privatrechtsvergleichung, Privatrechtsvereinheitlichung und zum Internationalen Privatrecht. . . .	552
Basic Law	542
Baur, F.	546
Bayerisches Gesetz- und Verordnungsblatt	539
Bellman, R.	549
Bernhardt, R.	544
Der Betriebs-Berater	543
Bibliographie des deutschen Rechts in englischer und deutscher Sprache .	545
Bibliography of Articles on Comparative Law, Unification of Private Law, and on Private International Law	552
Bibliography of German Law in English and German	545
British Institute of International and Comparative Law (London)	544
Bundesgerichtshof	541
Bundesgesetzblatt	538
Bundesverfassungsgericht	542
Bürgerliches Gesetzbuch	541
Cohn, E.J.	544
Coing, H.	551
Creifelds, C.	543
Dau, H.	550
Des Coudres, H.P.	548
Deutsche Rechts-Zeitschrift	543
Encyclopedia of Public International Law	544
Entscheidungen des Bundesarbeitsgerichts	543
Entscheidungen des Bundesgerichtshofes	542
Entscheidungen des Bundessozialgerichts	543
Entscheidungen des Bundeserfassungsgerichts	542
Entscheidungen des Bundesverwaltungsgerichts	543
Erman, W.	541
Federal Constitutional Court (Karlsruhe)	542
Federal Supreme Court (Karlsruhe)	542
Forrester, I.S.	542
Fundhefte	550
Fundstellennachweis	538
German Association of Comparative Law	545
German Civil Code	542

German Studies	550
Gesetz- und Verordnungsblatt für Berlin	539
Gesetz- und Verordnungsblatt für das Land Hessen	539
Gesetz- und Verordnungsblatt für das Land Nordrhein-Westfalen	539
Gesetz- und Verordnungsblatt für das Land Rheinland-Pfalz	539
Gesetz- und Verordnungsblatt für Gross-Hessen	539
Gesetz- und Verordnungsblatt für Schleswig-Holstein	539
Gesetzblatt der Freien Hansestadt Bremen	539
Gesetzblatt für Baden-Württemberg	539
Gesetzblatt für das Königreich Baiern	540
Gesetzblatt für das südwestdeutsche Bundesland	539
Gesetzsammlung der Freien und Hansestadt Hamburg	539
Gödan, J.C.	547
Goren, S.L.	542
Grundgesetz für die Bundesrepublik Deutschland	542
Hamburgisches Gesetz- und Verordnungsblatt	539
Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte	551
Handkommentar zum Bürgerlichen Gesetzbuch	541
Heidtmann, F.	547
Horn, N.	544
Ilgen, H.	542
Institute for Scientific Co-operation (Tübingen)	550
International Association of Law Libraries	544
International Association of Legal Science	545
International Encyclopedia of Comparative Law	543
International Journal of Law Libraries	546
International Journal of Legal Information	546
Jescheck, H.	551
Juristenzeitung	543
Juristische Wochenschrift	543
Karlsruher Juristische Bibliographie	549
Kirchner, H.	544
Kommentar zum Bürgerlichen Gesetzbuch	541
Kötz, H.	544
Lansky, R.	546
Law and State	550
Leser, H.G.	544
Löffler, K.H.A.	551
Mackert, J.	549
Manual of German Law	544
Max Planck Institute for European Legal History (Frankfurt)	551
Max Planck Institute for Foreign and International Criminal Law (Freiburg)	551
Max Planck Institute for Foreign and International Patent, Copyright, and Unfair Competition Law (Munich)	548
Max Planck Institute for Foreign and International Private Law (Hamburg)	543
Max Planck Institute for Foreign and International Social Law (Munich)	548

Max Planck Institute for Foreign Public and International Law (Heidelberg)	544
Mitteilungs- und Verordnungsblatt des Oberpräsidenten der Nord- Rheinprovinz	539
Modern Law and Society	550
Münchener Kommentar zum Bürgerlichen Gesetzbuch	541
Neue Juristische Wochenschrift	543
Niedersächsisches Gesetz- und Verordnungsblatt	539
NJW-Fundhefte	550
Official Gazette of the Control Council for Germany	539
Orientierungshilfen	547
Palandt, O.	541
Peterson, C.H.	546
Public International Law	552
Quellen und Schrifttum des Strafrechts	551
Rebmann, K.	541
Rechtswörterbuch	543
Regierungsblatt der Regierung Württemberg-Baden	539
Regierungsblatt für das Land Württemberg-Hohenzollern	539
Reichsgerichtsrätekommentar	541
Reichsgesetzblatt	538
Ritter, F.L.	549
Roberts, L.M.	551
Säcker, F.	541
Sammlung der Entscheidungen des Bundesfinanzhofs	543
Sammlung des Bundesrechts	538
Sartorius, C.	540
Schneider, F.	549
Schönfelder, H.	540
Schwerin, K.	549
Siebert, W.	541
Soergel, H.T.	541
State Library of the Prussian Cultural Foundation (West Berlin)	547
Staudinger, J. von	541
Süddeutsche Juristen-Zeitung	543
Union List of Legal Serials	547
Uni-Taschenbücher	547
Verordnungsblatt der Landesregierung Rheinland-Pfalz	539
Verordnungsblatt der Stadt Berlin	539
Verzeichnis rechtswissenschaftlicher Zeitschriften und Serien	548
Walter, R.	547
Wassermann, R.	541
Wege zur Fachliteratur	547

Weir, T.....	545
Zeitschrift für Bibliothekswesen und Bibliographie	548
Zeitschriftenverzeichnis der juristischen Max-Planck-Institute	548