Tackling the Most Foreign of Foreign Laws
The formation of the FCIL-SIS Customary and Religious Law Interest Group

By Susan Gualtier and Kelly Buchanan

Since 1985, AALL’s Foreign, Comparative, and International Law Special Interest Section (FCIL-SIS) has served as a forum for the exchange of ideas and information on foreign, comparative, and international law and legal research. Nearly 400 members strong, the FCIL-SIS is a considerable presence within AALL. Recognizing the growing relevance of FCIL research and resources in the increasingly globalized legal profession, the FCIL-SIS aims to design conference programming, create research guides, and compile teaching materials to assist its own membership, as well as the AALL membership at large, in providing reference and technical services in the areas of foreign, comparative, and international law.

Within the FCIL-SIS, a number of interest groups allow smaller groups of AALL members to plan programming and work on projects relating to their individual interests and specializations. There are currently 10 interest groups within the FCIL-SIS. These groups focus on a range of topics, including the laws of specific geographical regions, particular types of legal systems, and various aspects of FCIL librarianship (such as teaching FCIL research and selecting foreign legal materials). Until recently, however, there were no interest groups focusing on customary law or religious law systems. This may have been the result of many law librarians’ relative unfamiliarity with the systems. Religious law is based largely on a religion’s scripture or its exegesis, and it often requires reading knowledge of Hebrew, Greek, Latin, or Arabic, while customary law is based primarily on oral tradition and is rarely memorialized in writing. Both systems present obstacles when it comes to legal research, and, while a number of helpful resources are available to assist librarians and researchers with religious law, resources dealing with customary law are still relatively scarce.

CARLIG’s Beginnings
Over the past two years, a group of FCIL-SIS members has been working to establish a Customary and Religious Law Interest Group (now officially known as CARLIG) in order to fill this gap and to introduce customary and religious law topics to the AALL membership. The idea of a new interest group focusing on this subject first arose at the 2013 Annual Meeting in Seattle, where Kelly Buchanan, Hanibal Goitom, and Tariq Ahmad, all from the Law Library of Congress, presented a panel discussion on customary and religious laws in New Zealand, Nigeria, and India. Drawing upon their extensive experience in handling customary and religious law research questions at the Law Library of Congress, Buchanan, Goitom, and Ahmad discussed different approaches to researching customary and religious law questions and shared resources available to librarians and researchers working in these areas of law. The session was very well-attended and triggered discussions among a number of librarians who said they would like to learn more about customary and religious law in order to improve their research skills and be better able to teach these topics in their FCIL research classes.

Meanwhile, Susan Gualtier, foreign, comparative, and international law librarian at the Louisiana Law Center Library, had already identified the need for an interest group on customary and religious law but had not yet been able to assess the interest or the potential success of such a group. However, the level of attendance at the customary law panel and the animated discussions taking place afterward convinced Gualtier that the idea would be worth presenting to the FCIL-SIS board. Immediately after the panel, Gualtier approached Buchanan to discuss the possibility of forming the new interest group.

While both Gualtier and Buchanan were familiar with religious law systems and legal research, their interests were primarily in the area of customary law. As a student at the Georgetown University Law Center, Gualtier had participated in a women’s human rights clinic, where she was introduced to customary law research over the course of a semester-long human rights investigation in Tanzania. When she entered the law library profession, she began to develop a specialty in customary law research, incorporating it into her FCIL research course and encouraging students to choose research topics that would require them to work with customary law. As a law student in New Zealand and then as a policy analyst with both the Ministry for the Environment and the Ministry of Justice, Buchanan had learned about customary norms in Maori and Pacific Island societies. She maintained her interest in customary law after joining the Law Library of Congress in 2009 as the Pacific Law specialist.
Gualtier and Buchanan presented the idea of a new interest group to Don Ford, who was then chair of the FCIL-SIS, initially focusing on the formation of a customary law interest group. Over the course of several discussions, Gualtier, Buchanan, and Ford, along with Lucia Diamond of the Robbins Collection at Berkeley Law, made the decision to combine customary and religious law into a single new interest group. CARLIG was officially approved on June 2, 2014, by the FCIL-SIS Executive Board, with Gualtier serving as CARLIG’s chair. Gualtier and Buchanan announced the formation of the new interest group on a number of AALL email lists, as well as on the FCIL-SIS blog, DipLawMatic Dialogues. The initial response was extremely positive, with approximately 20 librarians asking to be placed on the membership roster prior to the 2014 AALL Annual Meeting in San Antonio.

Projects and Programming
CARLIG held its inaugural meeting in San Antonio, where, after some general introductions, the attendees brainstormed projects and goals for the coming year. They decided to create bibliographies of core customary and religious law resources for use in collection development and to identify the major collections in customary law and in each of the major religious law systems. The group also discussed potential customary and religious law programming for the 2015 Annual Meeting in Philadelphia and considered the possibility of informal programming, such as coffee talks and book discussions, which had already proved to be successful programming formats for some other interest groups. After meeting on Sunday during the conference, the group reported its activities during the FCIL-SIS business meeting on Monday morning, which generated even more interest in the new interest group.

At this stage, there are 31 members in CARLIG’s Member Community, with additional members participating in the discussions through related FCIL email lists. The group’s members come from all types of law libraries and represent both reference and technical services. CARLIG has also drawn the interest of members outside of the FCIL-SIS and welcomes everyone who wants to participate, regardless of whether they work in the area of FCIL or are an FCIL-SIS member and regardless of whether they have previous experience with religious or customary law.

Looking forward to its second year, the group plans to continue its current projects while also working on a research and teaching toolkit and developing new programming proposals for the 2016 Annual Meeting. Group members have also been publishing book reviews and other resources on religious law and customary law topics, and CARLIG plans to continue its efforts to recruit book reviewers and to offer its members other opportunities for raising awareness of customary and religious law systems and legal research.

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CARLIG will meet in Philadelphia on Sunday, July 19. The meeting will be held as part of the FCIL-SIS Jurisdictions Interest Groups Joint Meeting, with separate discussion tables set up for each of the interest groups. Information on all of the interest groups can be found on the FCIL-SIS website at www.aallnet.org/sections/fcil.

Get Involved
Whether you already specialize in religious or customary legal systems, have a work-related or “extracurricular” interest, or simply want to learn more about how these systems work, CARLIG encourages you to get involved by joining the Member Community at www.aallnet.org/sections/fcil/cmtesgroups/Customeary-and-Religious-Law and by attending the meeting in Philadelphia. Judging from the many AALL members who have already expressed their interest and enthusiasm, this newer interest group is sure to gain traction as a forum for discussing and working with these often overlooked areas of law.

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