

INTERNATIONAL LAW – VECTOR TO UNIFORMIZATION OF LEGAL CULTURES

Claudiu D. BUTCULESCU*

Abstract:

This article tackles the issue regarding the influence of international law over various legal cultures, as well as the subtle influences of these legal cultures on international law. The legal cultures are briefly analyzed from national level to European and international level. Some concepts firstly enounced by the Romanian scientist Andrei Rădulescu are also presented, as they have today an important significance for the comparative sociology of law.

The law represents a liaison between culture and civilization, because through law, the social functions of culture are put into effect. Seeing that the legal provisions at international level tend to uniformize, it is of interest to know how this will affect various legal cultures. Will most of these legal cultures blend, to give birth to a completely new, international legal culture, which will have some similarities with the initial legal cultures? Or, perhaps a more prominent fragmentation of legal cultures will occur? How various legal cultures will cope with the influence of international law?

The concept of legal culture, seen as a way of joining research on sociology of law and comparative law exerts a powerful attraction on the comparative sociology of law. Legal culture is regarded by some as the sum of public opinions regarding legal institutions, as well as the totality of legal ideologies and values.

One of the problems that comparative law encountered was its incapacity to demonstrate the theoretical value of doctrine comparison, without considering the entire political, economical and social frame of existing doctrine and legal proceedings.

It remains to be seen whether the ethnocentrism of the national legal cultures will prevail or we shall see a powerful influence of euro-centrism based principles or even a possible globalization of legal culture.

Keywords: International law, vector to uniformization of legal cultures.

* asist. Univ. Claudiu D. Butculescu, Faculrtatea de Drept , Universitatea „Spiru Haret” din București ; e_mail : butculescu@yahoo.com