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Considering Legal Cultures
Complementing and Improving Capacity Building Activities

Presentation

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Defining Culture

A set of institutions that determine individual and/or group behaviour and attitudes in the sphere of market competition. These are influenced by wider social institutions and public policy choices and include customs impacting the degree of business competition and cooperation within a jurisdiction.

ICN Advocacy Working Group Competition Culture Project Report



Defining Culture...differently – Zooming out

‘legal culture is the network of values and attitudes relating to the law, which determines when and where people turn to the law, or government, or turn away’

Legal culture is the bind between the structure of the legal system and its substance

We need to ask ourselves:

- *Why was the law introduced?*
- *What does it try to achieve?*
- *How is it applied?*
- *How is it perceived?*



Defining Culture...differently – Zooming out

External legal culture

The values and attitudes in society that determine which rules work, which do not work and why

Opinions, interests, ideas and pressures brought to bear on the law by wider social groups



Internal legal culture

The values and attitudes of members of society who perform specialised legal tasks



Why considering legal culture matters

- Legal transplants are common
- Legal irritants should be avoided

THE COMPETITION LAW REVIEW

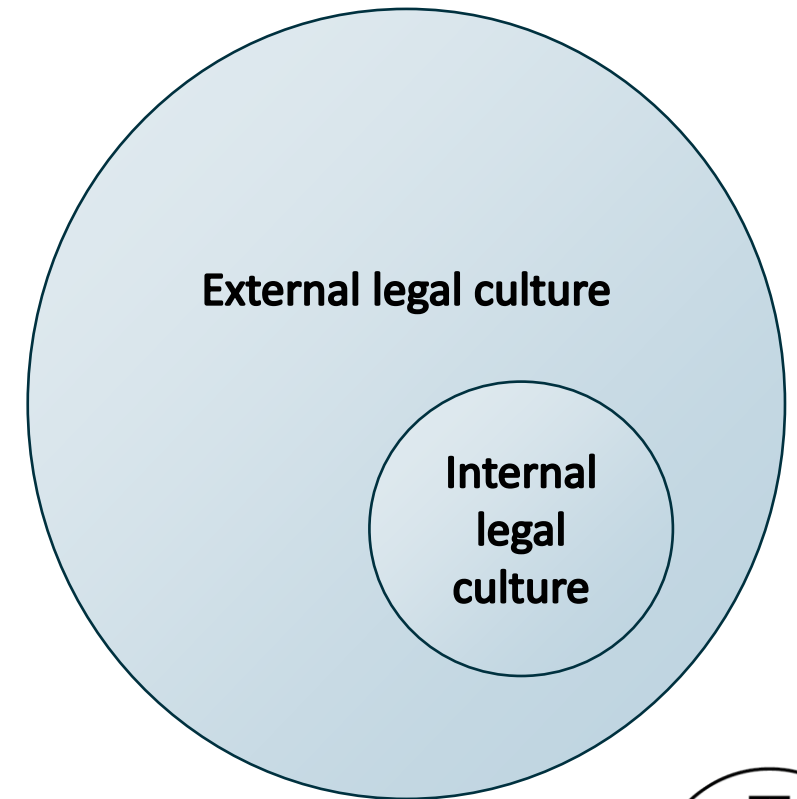
Volume 5 Issue 1 pp 123-145

December 2008

Survey of Public Attitudes to Price-Fixing and Cartel Enforcement in Britain

*Andreas Stephan**

Country A



Adding nuance – shared legal cultures

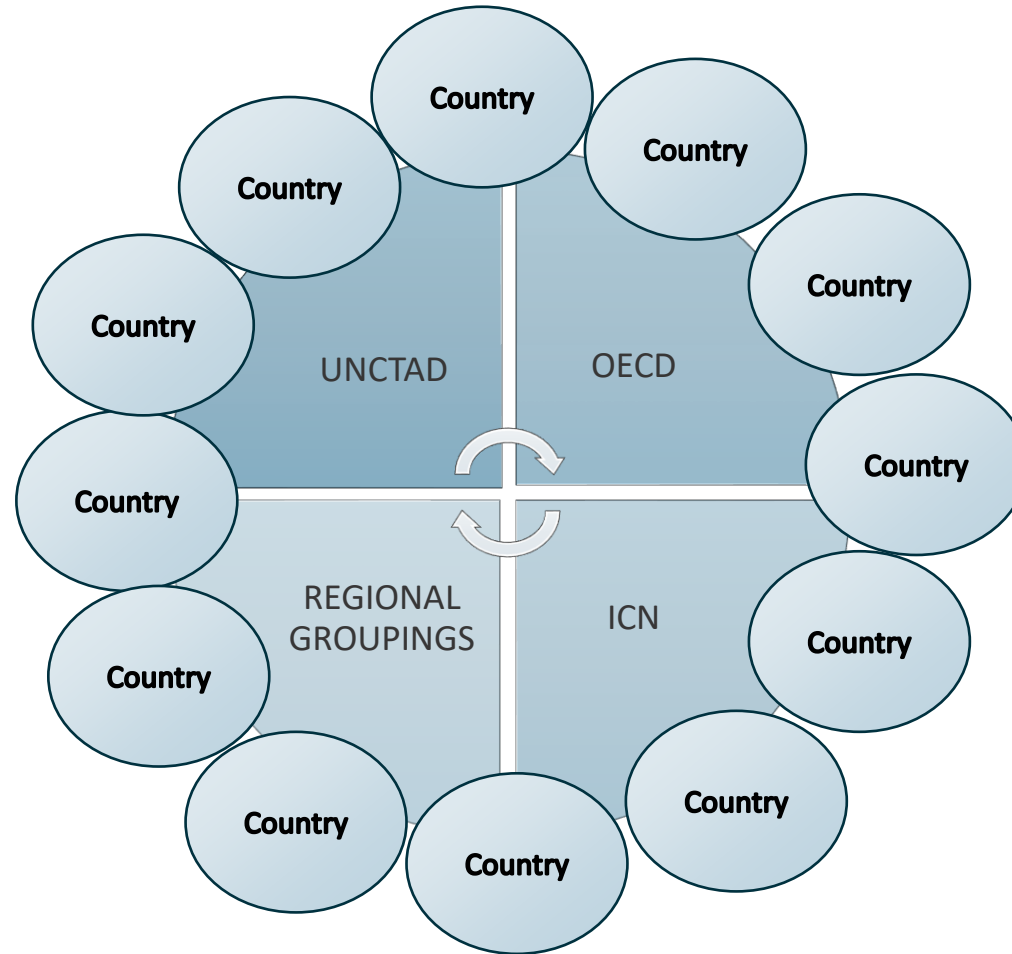
David Nelken's work questions the clear boundaries of Friedman's idea of legal culture

Legal culture is more personal and less bound
Family lawyer vs copyright lawyer

Members of an institution can create a shared legal culture distinct from national values and attitudes



Shared legal cultures of epistemic communities



Considering legal cultures can assist the competition law community with...



- Technical assistance
- Capacity building activities
- Understanding advocacy/enforcement activities
- International cooperation

“Acknowledging diversity (of legal cultures) is a concession to reality.”



Thank you