



Courts, Codes, and Custom: Legal Tradition and State Policy toward International Human Rights and Environmental Law

Dana Zartner

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Why is it that some countries comply with international laws, while others disregard them?

Courts, Codes, and Custom argues that the degree to which states accept and comply with international legal norms is rooted in a country's domestic legal tradition. Offering a novel cultural-institutional theory to explain this variation, Dana Zartner looks specifically at state policy towards international human rights and environmental law. A state's legal tradition—the cultural and institutional factors that shape attitudes about the law, appropriate standards of behavior, and the legal process—is the key mechanism by which international law becomes recognized, accepted, and internalized in the domestic legal framework. Legal tradition shapes not only perceptions about law, but also provides the lens through which policy-makers view state interests, providing both direct and indirect influence on state policy.

In the book, Zartner disaggregates the concept of legal tradition and examines how the individual cultural and institutional characteristics present within a state's domestic legal tradition facilitate or hinder the internalization of international law and, subsequently, shape state policy. This provides explanation for both the differences in international law recognition across legal traditions, as well as the variance among states within legal traditions. To test this theory, she presents a series of comparative case studies. These studies fall under five of the main legal traditions in the world today: common law (U.S. and Australia), civil law (Germany and Turkey), Islamic law (Egypt and Saudi Arabia), mixed traditions (India and Kenya), and East Asian law (China and Japan). Zartner addresses a number of different themes, including the differences among legal traditions as well as between states within the same tradition; the important role that legal culture and history play in shaping contemporary attitudes about law; and similarities and differences in state policy towards human rights law versus environmental law.



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