

Washington University Law Review

Volume 65

Issue 4 *Festschrift: A Celebration of the Scholarship and Teaching of Gray L. Dorsey*

1987

The Meaning and Significance of Jurisculture

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview

Recommended Citation

The Meaning and Significance of Jurisculture, 65 WASH. U. L. Q. (1987).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol65/iss4/2

This Dedication is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

Festschrift

A CELEBRATION OF THE SCHOLARSHIP AND TEACHING OF GRAY L. DORSEY

I. The MEANING AND SIGNIFICANCE OF JURISCULTURE

Professor Dorsey was a founder of the American Section (AMINTAPHIL) of the International Association of Philosophy of Law and Social Philosophy (IVR). Through numerous AMINTAPHIL meetings and IVR World Congresses as well as informal discussions and correspondence, Professors Abraham Edel and Elizabeth Flower of the University of Pennsylvania have become intimately acquainted with Professor Dorsey's ideas. Since AMINTAPHIL's first plenary session in St. Louis (1966), organized by Professor Dorsey, all three professors have actively shaped the organization's evolution. For example, together they were influential in establishing the unique operating procedures of AMINTAPHIL. Unlike similar groups, AMINTAPHIL's topics center on the implications of philosophical ideas upon contemporary issues rather than philosophical ideas in the abstract. Moreover, papers are distributed in advance so that those present may more thoroughly discuss a particular

subject. Many authors have achieved new understandings of their work from a trenchant comment by Professor Flower or a perspective articulated in a closing summary by Professor Edel.

REFLECTIONS ON THE CONCEPT OF JURISCULTURE

ABRAHAM EDEL*
ELIZABETH FLOWER**

Gray Dorsey's concept of Jurisculture is explicitly developed for understanding the law in a particular way—through “ordering ideas” that are pervasive in a given society and effective in furthering basic evolutionary needs. To show that they are accomplishing this is to exhibit their social validation. We shall soon attempt to unravel the several distinct theses that are bound in this formulation, but first we must locate the concept in the milieu of disciplines that it intersects and ties together.

Clearly, Jurisculture belongs to the theory of institutions. But, institutions have been conceived and studied in many ways. Some, particularly in the early twentieth century, were led by residues of older Spencerian theory that treated institutions separately as having a distinct and almost private development. Institutions were, therefore, understandable in their own theoretical terms. Thus, political theory is concerned with the emergence and development of the state, economics with the changing shape of production and exchange, and so on for religion, kinship, even art and philosophy, and of course law.

Even later in the century some attempted to see institutions themselves (not theories) as self-contained establishments jostling one another in power relations, almost in the way bureaucracies vie with one another in a governmental system. Others, however, took a more unifying approach, tying institutions to underlying needs. Thus, familial or kinship institutions obviously service procreation and the survival of the species. Economic institutions service provision of food, clothing and shelter.

* Research Professor of Philosophy, University of Pennsylvania; Distinguished Professor of Philosophy, City University of New York; Ph.D., Columbia University.

** Professor of Philosophy, *emeritus*, University of Pennsylvania; Ph.D. University of Pennsylvania.