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

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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.

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Political and legal institutions service social order and power relations. Religious institutions service psychological security. These approaches allowed for interplay, interaction, and weakened boundaries and functional overlapping. Nevertheless, separatism continues to be characteristic of the disciplines, aggravated by a professionalism that entrenches each in its own domain. It has the merit of developing a variety of techniques and methods of inquiry that are passed on to disciples, but with this comes an intellectual isolation that is mitigated only in part by the inner conflict of "schools."

Three disciplines worked against this separatism. *Anthropology*, because it dealt with small societies in its ethnographic descriptions, was forced to face their more obvious integrations, even though its approach was generally synchronic, rather than diachronic. Anthropology consolidated the notion of whole-culture patterns, though the terms that described these patterns varied considerably. *History*, the guardian of the diachronic, brought throughout the sense of continuity and change, even though it at times digressed into speculations about the "origins" of institutions, subordinated to accounts of their diversification and maturation. *Philosophy* crossed lines freely in two of its branches—the philosophy of history and moral philosophy. The philosophy of history, particularly in its idealist (Hegelian) forms, found integrative *ideas* operative in both the unifying character of a period and in the successive changes among institutions. Materialist philosophies of history (e.g., Marxian) continued the unities, but found determinants in material (economic) conditions and their changes rather than in ideas or spirit. Moral philosophy, from all kinds of theoretical bases, gave itself free rein to criticize and evaluate institutions.

It is in this intellectual milieu that we must look for the strands and the kind of construction that Dorsey has carried out in his concept of Jurisculture. He shares the anthropological approach in that he operates with a unified pattern of the society rather than a particular institution. He shares with the philosophy of history in that his point of departure lies in *ideas*, especially those ideas that further a cultural unity. But he insists that these ideas be taken practically, that is, in terms of their effectiveness or success in ordering institutions.

Now this notion of practicality for ideas has taken various shapes. In Hegelian theory, for example, ideas are effective as they give expression to the special stage of historical unfolding of Spirit or Reason or the plan of history. Dorsey clearly shares no such underlying scheme, and he re-

jects this aspect of idealist philosophy. Perhaps he is closer to the early pragmatist's view that the meaning of ideas is found in their practical consequences; hence, belief involves preparedness to act. If he rejects the socially determinant character of theoretical ideas as such, he still preserves a unifying role for practical ideas, shifting the motor power to material needs and conditions. This is more in line with materialist and naturalist philosophies of history, for the selecting among ideas is provided by the evolutionary need among humans for cooperation as essential to survival.

Thus, we find in Dorsey's construct three separate theses. The *first* is that law is a part of culture, with all the implications about legal institutions and theories of law that an anthropologist would extract from it. The *second* is a theory of the function and power of ideas, with all the complexities that the philosophy of history has discovered in this problem. The *third* is the existence of a process of social validation, set indirectly in the biological evolutionary interpretation of human life and needs, and constituting an ethical process of standard-formation for judging legal and social forms and theories. Our concern here is directed to these three theses, occasionally clarifying and amplifying them, but mainly exhibiting their power.

I. LAW AS A PART OF CULTURE

To regard law as a part of culture invites us to look for relations between the law of a people and its other ways, institutions, and attitudes. At the same time it invites us to compare its ways with the ways of other cultures. It carries thus, as a minimum, the search for both interrelation and comparison; indeed each leads to the other. This can happen on all levels of inquiry: a legal system's general contours, broad content, or isolated items. Let us take a few different examples.

What are we to make—for understanding our legal system—of the statement that some people look upon litigation as a confession of failure, something to be ashamed of rather than proud of? Or that among some Mediterranean peoples (North Africa) the very idea of branding someone in a controversy as right or wrong in a decisive way is traditionally contrary to how people should be treated because it may mean losing face?[1] Emphasis thus falls on reaching a solution that mediates; that finds a

1. *Cf.* HONOR AND SHAME: THE VALUES OF MEDITERRANEAN SOCIETY (J.G. Peristiany ed. 1966).

result on which honorable men can agree. Also, this applies to morality in general.

Even in these bald statements about other cultures we begin to see that our culture has a special complexion. Our law is decisive. It generally has to give yes or no answers. A legal code may expressly forbid a judge from refusing to decide a matter on the ground that the law does not provide an answer; decide he must, somehow or other. He cannot say "You're both right, go to mediation." It points also to the fact that we are a very rights-conscious culture. The concept of rights—my rights—permeates our moral, social and legal thought. Rights are what you can get enforced against anybody who trespasses on them. They are property-like. It is not surprising that Kelsen's concept of law is geared wholly to penalties. If a certain violation occurs then a specified penalty must be imposed. Kelsen regards social-service functions of the state as secondary and not to be included in the conception of law.

Why are we so rights-conscious? Is it because our societies were more advanced in the development of industry, commerce, and business relations, and these could not be carried on successfully without sharp distinctions between mine-and-thine? Or that for centuries European countries had land-holding upper classes that were jealous of their prerogatives? (Think of the law of poaching in England.) Or because in the conflicts of the past century with the growth of democracy an equalitarianism nothing less than a "rights" concept had the appropriate strength against oppression? Is it the natural cry of the underdog? Or does the "rights" concept, as has recently been suggested, carry with it an aura of male aggressive isolation, with dangers of unconcern for others, as opposed to a female emphasis on relatedness, care, and mutual responsibility?[2] All these are not, of course, exclusive reasons. Some may have been decisive in forging a concept that then lends itself to other uses.

The comparative mode is not limited to broad contours and whole legal characteristics. It may operate effectively with isolated, even fragmentary detail. Take a random illustration: why in the theory of torts has the British tradition preferred assigning whole responsibility to the person who had the last clear chance to stop the harm from happening, while French law more readily allows for the sharing of responsibility?[3]

2. *Cf.* CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982).

3. This is particularly pertinent to Quebec, where French and British sources for the law are close at hand. *Cf.* H. CARL GOLDENBERG, THE LAW OF DELICTS UNDER THE CIVIL CODE OF

If we looked at the British alone, we might see it as just a general insistence on decision, an effort to locate responsibility tightly or narrowly. But the comparison raises a demand for a more specific explanation. A similar difference in property holding comes to mind: Britain with a long insistence on primogeniture, France with dividing the land among the children. (Or is this in France only a post-revolutionary phenomenon after the slogan of equality?) To look for an explanation among cultural phenomena is to acknowledge the possibility of difference and at the same time look for conditions that underlay different criteria for evaluation.

Take now a broad historical controversy: is international law really law, or just a mixture of customs, tentative agreements at the mercy of circumstance, and hope? The crux seems to be the lack of a well defined mode of enforcement, though a country's international treaties may be construed as the law of its land, enforceable in its jurisdiction. This raises the question of the fundamental model of a legal system. Among some primitive societies we find trials carried out with great enthusiasm, though no institutional devices for enforcement exist. Do they have no legal system? Of course we can try to assimilate it to our model by treating as punishment the element of social disapproval plus the fact that it may relieve the culprit's kin from obligation to come to his aid. Thus we save our general idea that a legal system is concerned with supporting some pattern of ordering a society in a more or less effective way. Does this restore the "law " in international law?

Take, again, the question of whether a legal order must always be construed as a system of *rules*; does it have to be code-like? Northrop paid special attention to cultural comparison on this point.[4] He looked for variety of types. There are structures relying on intuitive judgment that are mediational rather than decisional. Within these structures there is no resort to a legal rule. Even the mediator is merely bringing opposing sides together for them to decide in terms of all the circumstances. There is the "natural history type," a common sense code and a judge who is part of the community and knows the people concerned and settles

QUEBEC (1935). Goldenberg states the contrast succinctly: "the problem of the civil law is to determine the relative 'Blame-worthiness' of the parties in order to apportion the damage; the problem of the English law is to determine the 'cause' of the damage", but notes the way in which decisions of the Privy Council had been affecting Quebec courts. *Id.* at 26.

4. F.S.C. NORTHROP, *The Philosophy of Natural Science and Comparative Law* in PROCEEDINGS AND ADDRESSES OF THE AMERICAN PHILOSOPHICAL ASSOCIATION, 1952-53, Volume XXVI (1953).

things according to the "good old ways." Finally, there is abstract contractual law, a code constructed by agreement in the light of human norms. Northrop finds that this last type parallels our ideas of scientific law, and thinks that western law could only have taken the shape it did in a culture that had developed western science.

Even in this western form of law, however, we find different cultural expectations and interpretations. In the history of the common law a striking conflict exists between James I and Coke on the kind of reason that enters into the interpretation of the law. Coke insists that such reason is a skilled expertise of lawyers who are steeped in the cases; James does not see why his own reason is not as good as a lawyer's reason. Hobbes with strict realism points out that in a serious disagreement "clubs is trumps." In France, we are told, Napoleon was disturbed when there appeared a commentary on the Napoleonic Code. Apparently he expected the light of reason and the clarity of the Code's rules to operate almost mechanically; he did not want even an appeal to precedent. So clearly two "cultures" exist even within the same European culture area. Explanations here may be partly intellectual, partly political. Certainly Coke versus James was the conflict of Parliament and the divine right of kings. And perhaps Napoleon's reaction reflects Cartesian rationalism plus an aversion to looking back as a legal technique when the past was precisely what he was overthrowing throughout Europe.

Such cursory examples show that once we begin to think of the law as part of culture we are plunged into relations to the characteristics and processes of an on-going society. This is true whether we are dealing with a system as a whole, with its methods, with specific items in it, or with categories and ideas in terms of which it is described and interpreted. We are led to seek explanations for the legal items in terms of a variety of operations of social institutions and ways of culture. We acquire the sense of law as shaping and being shaped. And this permeates our attitude to legal processes and legal ideas.

II. The Function and Power of Ideas

To examine the second thesis, Dorsey's theory of the function and power of ideas, let us start with Northrop's view of the ideational component in law and culture, since it was not without influence on Dorsey's thinking. Northrop presented his view in a presidential address to the

Eastern Division of the American Philosophical Association, in 1952.[5] The turn to the comparative was not surprising. Western provincialism was challenged by the consciousness of a common world after World War II, as political colonialism broke down and "the third world" nations began their rise. Rapid increases in communication and travel heightened an already pervasive sense of differing values and imminent change. Northrop explained that he selected law as the part of culture to be examined because it is concerned with communal norms, deals with ideas or concepts used by the people themselves, and contains explicit content. It thus touches the raw data of people's experience and gives an operational and particularistic bent to normative judgment. He finds that the plurality of philosophical theories is in part at least paralleled by an empirical diversity of cultures that exemplify them.

Northrop's interest is in the role that ideas play in giving shape to law. At bottom he seems to offer a theory of epistemological determinism of the character of legal institutions. He contrasts structures that are intuitive and mediational rather than decisional, with what, as noted above, he calls "natural history types of law." He correlates different schools in China with nominalistic and realistic tendencies made familiar in Christian medieval philosophical disputes. All this leads him to see legal ideas as almost direct applications of epistemological ideas. For example: "In fact, the ethics of the law of contract in society is but the empirically verified epistemology of the law of constructs in natural science applied to the resolution of human disputes and the ordering of human relations."[6] In general, western law could have taken the shape it did only in a culture which had developed western science.

Dorsey's theory shares with Northrop's the interest in the role of ideas, but it differs in two respects. First, it focuses not on epistemology alone but philosophical ideas as a whole. He has fashioned a vast program of research, starting with comparative philosophy directly and going on to comparative law. He tracks down the philosophical ideas specifically in formative periods and in different cultures. Second, when he looks at the coordination of comparative philosophy with comparative law, he has a much more complex conception of determinants and processes of determination. The dynamism is found in the underlying evolutionary function served by the process—namely the ordering as-

5. *Id.* at 5-25.
6. *Id.* at 22.

pects of organizing and maintaining the human cooperation that is necessary for peoples and societies to survive and develop their capacities and powers. Law is generated in this process under the influence of ideas, but the ideas are themselves weakened or strengthened, selected or rejected, by their effectiveness in the underlying process.

Dorsey has tilled this field in this way in both general and specific studies. Doubtless the comprehensive investigations that are now in progress will amplify the structure and the philosophical complexion of the theory. It may be helpful, however, to touch on questions of direction in both these aspects.

A. The Structure of Dorsey's Theory of Ideas

With respect to structure, it is important to understand the degree of concreteness at which Dorsey aims. Thus, in the use of principles the crux may lie less in the general principle than its specific interpretation. For example, Dorsey interprets Bentham's standard for every rule of law "whether it adds to or detracts from the freedom of the individual to act in furtherance of his own interests, as he sees them."[7] This is a libertarian interpretation; others have taken it to be summing pleasures rather than freedoms. Major different practical consequences may well follow in the degree of social control allowed. Again, with respect to the way the principle is used: it may make a great deal of difference in specific contexts whether ordering ideas are to be seen as cognitive maps, as weapons, or as tools. As maps ordering ideas may be sketching plans of life; as weapons they may be entering into specific battles of groups and classes with different aims; as tools they may be advancing knowledge and the frontier of human powers. If the idea of law as universal prescription is taken as planning, it must be explored as someone's plan (the divine, as in natural law theory; the sovereign power in legal positivist theory). But if the universal is taken as a tool for ensuring greater uniformity of response by people, then it is one among many intellectual devices in the operations of social control, and the many theories that regard universal rules as the "essence" of law miss the point.[8] In the same way, the growth of a unified state makes control by rules easier, but

7. Dorsey, *Jurisprudence and Law Reform*, 13 ST. LOUIS U.L.J. 18 (1968).

8. For a sketch of an instrumental interpretation of law in which it is looked upon as an amalgam of crafts, see Edel, *Legal Positivism: A Pragmatic Reanalysis* in CONTEMPORARY CONCEPTIONS OF LAW (Trappe ed. 1982) at 93-95. *See generally, id.* at 77-98.

it does not follow that law (social control) should be defined in terms of state power.

Again, the survival and development of human capacities and powers as the function of law evokes significantly different interpretations. The most obvious illustration is the difference between human nature as pictured in aristocratic and class conceptions and, on the other hand, in the familiar democratic conceptions of governing. If we put aside such differences as matters of detail, then the general function of preserving order is reduced to the minimal (though far from unimportant) cooperation required to avoid a Hobbesian state of nature (or a contemporary Lebanese situation). Such minimization in no way reduces the importance of the theory as a mode of analyzing order, but it does reduce its scope.

Consider an analogy. Ethics also is often assigned a general function. Sometimes it is broad enough to guide choice or practice. Sometimes it is more specific, as when Freud views the function of morality as curbing aggression. Sometimes ethics is assigned a generic function in organizing human interests or desires in coherent patterns to avoid inner conflict or to achieve maximum expression. Most of these functions focus either on a psychological basis or on a generalized social basis. Very rarely do we find a more detailed historical basis. A striking case is Julian Huxley's, for it presents a historically variable function, attuned to conditions of the period. Huxley suggests that ethics first had the function in human evolution of maintaining group solidarity, which made survival possible; then it carried out the function of servicing class domination. Now it has the function of keeping human development open for richer achievement.[9]

We suggest, therefore, that the degree of specificity in the various types is an amplification essential to the type of theory that Dorsey is fashioning. It will affect both the meaning and content of the ideas and the character of their functioning, in short what makes these ideas capable of ordering and what kind of ordering they engage in.

B. The Philosophical Complexion of Dorsey's Theory of Ideas

Dorsey gives us ample indication of the philosophical complexion of the theory. The concentration on ideas as the subject of inquiry does not make the theory's philosophical complexion either isolated intellectual

9. J. Huxley, *Evolutionary Ethics*, in T.H. HUXLEY AND JULIAN HUXLEY, TOUCHSTONE FOR ETHICS 127, 131 (1947).

history nor a philosophical idealism. It is saved from the former by the explicit demand for effective ideas, and it is saved from the latter by the functional postulate so that the ideas are being tested by the extent to which they achieve ordering status. Nor does the approach conform to traditional materialist philosophies of history. Although legal developments clearly take place within a matrix of economic and social needs and forces, the importance of ideas in the total process is evident. Yet the validation of social institutions is not an intellectual process, we are told, but a social one. Not any kind of social process, for presumably a moral victory for a social form is a victory for men's aspirations, not for power or salesmanship. Thus, the total picture has room for a mature synthesis of the salient lessons of the different philosophical approaches that have struggled in traditional philosophies of history.

III. The Process of Social Validation

The most difficult analytic problems arise in connection with the third thesis, the account of a process of social validation that both makes ordering ideas out of intellectual ideas and validates the institution that seeks to employ them. Difficulties stem here not so much from the thesis itself as from the established habits in analytic philosophy that sidetrack its treatment. Primarily this is the oversharp dichotomy of fact and value, of the descriptive and the normative. Dorsey's view of validation as a social process may be thus hastily branded as attempting to derive the normative from a descriptive process. We want to suggest, however, that it can be seen as doing something much more complex: in part it is showing how the presence of some values combined with some facts yields other values; and in part it is showing what factors in human life sharpen and generate standards for evaluating ideas and social forms. We want first to safeguard the type of thesis that Dorsey offers against philosophical misunderstanding. Thereafter, we look at the thesis itself, for it is again a complex matter, and raise what is an important, though perhaps secondary difficulty in the thesis that calls for some modification. As noted above, the thesis affirms a process of social validation set *indirectly* in the biological-evolutionary interpretation of human life and needs. This feature of indirectness is clearly seen in Dorsey's original definitive account of how the validation of an idea depends upon its satisfying two interacting variables:

1. It enables the people to better accomplish what they most want to accomplish through social organization and action;

2. It is capable of being generally believed to be correct and good.[10]

This formulation does not point the idea being validated toward the ultimate criterion of providing order conducive of survival and development, but to *beliefs* about it. Accordingly, a gap exists in the validation process that, in Dorsey's account, is filled by hints about their relation, partly by reference to aspirations and partly by assumptions about the character of beliefs. In between these comes a thesis about tolerance that raises a serious dilemma very much like that which beset anthropological doctrines of cultural relativism in the 1930s. The ground between Dorsey's formal definition and his ultimate justifying basis for ideas must therefore be carefully inspected to see whether room exists in the thesis for global experimentation within validation rather than simply separate-cultural validation.

In an earlier paper (dealing with Benthamism and law reform in England) Dorsey speaks of the *acceptance* of social ideas as a social process and how in Bentham's case this process involved "an interaction between ideas and social conditions."[11] He does not yet describe this process as *validation*, and so it seems to be a purely sociological account. But he has it issue in an objective standard: "an objective standard of right and wrong *comes from general acceptance in a society of a principle as the basis of limiting and reconciling conflicting interests and demands.*" (emphasis in original).[12] Now this clearly does not assert that the mere acceptance of a proposed principle makes it right. A proposed principle's rightness comes from its being accepted or perceived as overcoming conflicts. In so doing it performs the kind of cooperative job that, according to Dorsey's second thesis, assumes a moral status in the evolutionary picture. The tie-in with the moral, not the mere victory in the social process, is what makes social *validation* out of this kind of social *acceptance*. The very opening of the paper on "Law and the Formative Process of Social Order" (1968) spells this out explicitly:

> By "validation" I mean, in this context, a social process, not an intellectual one. When the implications of the idea of a new form of social organization have permeated the sense of justice, shaped the criteria of respect and status, channeled personal aspirations, and established acceptable modes of acquisition then "validation" of the new order has occurred.[13]

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10. Dorsey, *Law and the Formative Process of Social Order* in VALIDATION OF NEW FORMS OF SOCIAL ORGANIZATION, 1 (G. Dorsey and S. Shuman ed. 1968).

11. Dorsey, *supra* note 7, at 28.

12. *Id.*

13. Dorsey, *Law and the Formative Process* in VALIDATION, *supra* note 10, at 1. For analysis of

The complexity and indirectness of this argument becomes manifest in the later paper on "Towards World Perspectives of Philosophy of Law and Social Philosophy" (1979). Dorsey appeals to the picture revealed by recent evolutionary theory: "human beings must equip and organize themselves by cultural means to survive and flourish in different environments."[14] Jurisculture thus looks at social forms from the perspective of organizing and maintaining human cooperation. He adds: "From this world perspective each culture is only one aspect of the rich and complex meaning of existence."

Joining the theory of social process and the underlying theory of the evolutionary basis clearly results in a naturalistic-pragmatic theory of sociomoral principles—and so of law. If we compare what Dorsey has done with the general character of this type of philosophy, it is evident that he has made use of the naturalistic side, and he has similarly made use of the core of the pragmatic side, which treats the meaning of ideas in terms of how they work out in practice. But one aspect of pragmatic method remains that he has not entered explicitly into his account. This aspect is the emphasis on experiment, on the corrigibility of beliefs; not merely emphasis on the fact that beliefs change over time (and, of course, situations change too) but that experience has its own learning process. Instead, having recognized the plurality of cultural views of existence, Dorsey moves to the problem of individual belief: "human beings live in the world as they believe it to be."[15] Authenticity of belief is therefore tied to validity of ideas: "if the philosophy of society and law organizes human cooperation in accordance with the implications of the view of reality, way of knowing, and perceived opportunities of a culture, that philosophy of society and law is valid for the persons for whom the culture is valid." And so "every culture is valid for those who believe it and not valid for those who do not."[16]

This relativism resembles in many respects the kind that Ruth Benedict propounded when she worked out the unity of cultures in her influential *Patterns of Culture* (1934), wherein she pleaded for tolerance of variety of patterns. This work was directed against the hard ethnocen-

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Dorsey's position set in a more ample view of induction, see Flower, *Induction and Social Validation* in VALIDATION, *supra* note 10, at 111.

14. Dorsey, *Towards World Perspectives of Philosophy of Law and Social Philosophy* in CONTEMPORARY CONCEPTIONS OF LAW, 19 (Trappe ed. 1982).

15. *Id.* at 20.

16. *Id.*

trism of western culture in facing the rest of the world, and against a rising Nazi racism. Readers raised in turn the question whether a Nazi pattern, if it established itself, deserved respect as an equally valid cultural pattern. Do not valid world-wide bases exist for its moral criticism? Or, to take a more solid historical case, can there not be a world-wide critique of the caste system in India as a valid mode of social organization, especially at a time when the untouchables are moving toward freer opportunity?

Benedict, in looking back on this question, stressed the limited scope of the relativism—its assertion of the bases within a culture for the forms that are fashioned. She did not intend to deny transcultural judgments of better or worse, and even explored criteria for them. So too, in Dorsey's accounts instances arise where he goes beyond the relativity of cultural beliefs to the suggestion of all-human aspirations. For example, in spite of the unanimity of Indian philosophies that non-attachment to things of this world achieves a release from suffering, he asks, "Can it be supposed an Indian father will not find in any part of his cultural heritage an idea that can provide authenticity for social organization and action that will save his children from disease and starvation?"[17] This suggests that there are criteria for judging better and worse in the operation of sociomoral principles which appeal to fundamental needs and capacities. Such principles are open to correction and may be regarded as hypotheses to be tested in further social experiences. Cooperation is a central need, but the needs and development of capacities that constitute human flourishing are not to be ignored in the reckoning. From this point of view turning away from the goods of this world may not prove as valuable in the Indian attitude towards suffering as discovering the scope of inner resources in the human spirit.

Another aspect that makes validity in sociomoral judgments less than ultimate is their historical limitations; validation occurs under specific conditions at specific times. Dorsey points this out in talking of the disappearance of validation. At the Peace of Westphalia (1644-45), which ended the Thirty Years' War, an inversion of principles was accepted: "For more than a hundred years men had fought for the principle that only a prince of the true religion should rule; now it is accepted that the religion of the prince who rules shall be the religion of the country."[18]

17. Dorsey, *Law and the Formative Process* in VALIDATION, *supra* note 10, at 14.
18. *Id.* at 8.

The recognition of historical change in sociomoral principles previously validated (in Dorsey's sense) deserves a greater place in the concept of social validation itself. This recognition cannot be wholly reduced to the fact of changed belief on the assumption that belief alone determines authenticity. It is rather an enlarged view of belief itself being subject to learning and correction.

Dorsey's treatment of cultural variety bends the bow toward anthropology. Perhaps it should be bent back a bit toward history as well. This would affect the relationship between theoretical ideas and practical validation: the recognition that theoretical exploration of sociomoral principles, even though not validated socially at the time, plays the important social function of critique and of preparing for change. This recognition is especially important in a world in which change is accelerating, where as greater global unities emerge, the very content of separate cultures must reckon with global interconnections. In the picture of social validation such a recognition will result in a more pronounced teamwork of the theoretical and the practical, and a greater emphasis on experimental outlook.