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Durkheim School

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The Durkheim School refers to the group of followers and close collaborators of Émile Durkheim (1858–1917), mainly organized around the production of *l'Année sociologique*. This influential periodical, which Durkheim founded, defined the dominant outlook of French sociology in its formative period in the early twentieth century. Law and morals were central concerns for Durkheimian sociology and for two sections of the *Année*.

Among the Durkheimians, Paul Fauconnet (1874–1938), Georges Davy (1883–1976), and Marcel Mauss (1872–1950) produced major books on legal themes. Fauconnet analyzed the evolution of ideas of responsibility and argued that responsibility is always socially determined, despite modern society's view of it as subjective and individualized. Davy explored the social origins of contract. He used ethnographic studies of tribal societies in the American Northwest to explain the stage of social evolution at which promises of future satisfaction of obligations first became possible to guarantee. Mauss's classic study of the character of premodern gift relationships [p. 443 ↓] relied on evidence from ethnography and Roman law to portray these relationships as a stage in developing contractual relations. He argued that gift giving creates an obligation to receive the gift and to reciprocate. Gift exchange is both an economic process and a structure of social relations. For Mauss, early gift exchange emphasizes the interdependence of economic and moral dimensions of life in a way that modern society forgets at its peril.

Two members of the *Année* group, Emmanuel Lévy (1871–1943) and Paul Huvelin (1873–1924), were law professors who were long-term colleagues in the law faculty at Lyon and close friends. Lévy contributed to the *Année* from its beginning in 1896, and Huvelin joined Durkheim's group in 1902. Lévy's difficult, polemical writings emphasize law's dependence on collective beliefs, combining Durkheimian ideas with a Marxian sensitivity to the importance of ideology. He analyzed what he saw as the way in which changes in shared beliefs (especially about the nature of property) transformed modern law, challenging fundamental structures of capitalism. Huvelin, a noted scholar of early Roman law, developed from Durkheim and Mauss an interest in the social significance of magical rituals. He argued that beliefs in the power of magic shaped and supported primitive legal processes and ideas. Magic provided a means of harnessing the religious sanctions of early penal law, adapting them to provide security for private transactions.

Most of the Durkheim School's sociolegal work appeared only in French and is largely unknown among English-speaking scholars. In addition, crude evolutionary assumptions flawed much of the work. Nevertheless, through its adventurousness, creativity, and rich diversity, it contributed significantly to the development of sociolegal inquiry.

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See also

- [Custom and Law](#)
- [Durkheim, Émile](#)
- [Evolution, Social and Legal](#)
- [France](#)
- [Ideology, Law and](#)
- [Marxism](#)
- [Morality and Law](#)
- [Reciprocity](#)

Further Readings

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