THE RADICAL SOCIOLOGY OF DURKHEIM AND MAUSS

Edited by
MIKE GANE

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'The closeness of Durkheim's theory and the practice of the soviets should be emphasised. One might even speak of descent, since Sorel's earliest ideas derive from Durkheim's theories, and Lenin has admitted the influence of Sorel.'

Marcel Mauss (1925)

The essays brought together here are of two kinds: first, essential essays by Durkheim and Mauss which reveal the radical ambitions of Durkheimian social theory, and second, a number of complementary essays which explore the scope and limits of this sociological tradition.

The central essay of the collection, by Marcel Mauss, focuses on the early years of the Bolshevik experiment. Newly translated into English and little known even in France, it provides the key to understanding the political orientation of the Durkheimian tradition in sociology. Although Mauss argues that the Bolsheviks did not understand the importance of the market, he does not advocate the abolition of the soviets. He offers the remarkable interpretation that Durkheim would have supported the development of the soviets and, moreover, that their development owed something to Durkheim himself. The critique which Mauss outlines is a crucial contribution to the sociological analysis of soviet communism.

This striking collection of essays challenges the received interpretations of Durkheimian sociology and reveals new aspects of the Durkheimian project in sociology. The fate of communism in eastern Europe makes Durkheim's analysis of political institutions topical again, and the book will be of interest to a broad range of students, in sociology, politics, law and gender studies.

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Introduction
Emile Durkheim, Marcel Mauss and the sociological project

Mike Gane

It is now becoming increasingly evident that much of recent conventional commentary on Durkheim and Mauss in English seriously misread just how radical the Durkheimian project attempted to be. Often treated as simple-minded, introductions to sociology present a contrast between Marx and the revolutionary tradition and Durkheim in a conservative tradition (Weber representing something of a sophisticated agnosticism). After the historic events in Russia, Eastern Europe and China in the late 1980s, it is now timely to look once again at the writings of Durkheim and the warnings it provided against simplistic revolutionism. In this collection Durkheim's views on the revolutionary origins are discussed, as are his views on the evolution of morality and legal sanction, but the principal discussion is that of Marcel Mauss on the theory and practice of the Bolsheviks. Against this, also included is a contrasting consideration of Durkheim's less than radical response to the women's movement. This essay (Chapter 5) attempts to unravel some of the complexities of Durkheim's opposition to full equality between the sexes. Critically, reflections, by Marcel Mauss, in the late 1930s also indicate second thoughts to the effect that Durkheim's key proposition in respect of occupational guilds may have been seriously misguided.

These writings clearly demonstrate the distinctiveness of the Durkheimian approach to the analysis of social progression, and the theoretical orientation which insists on the determination of political and legal processes by the total structure of the society. This is connected to the principal intellectual problem in Durkheim: the definition and correct theoretical conceptualization of social types, or social species. In this Durkheim occupied a position that was

parallel to and influenced by those of Spencer and of Marx. The Durkheimians adopted with important modifications the formal classification scheme established by Spencer; but it is possible to argue that this can be converted relatively directly into one established by Marx. Essentially lineage, tribal societies are identified as a specific fundamental type (segmental in principle, but varying in degree of elaboration and doubling). Marxists, as has been pointed out by anthropologists like Lévi-Strauss, could identify these societies as pre-class societies, that is, a-historical, primitive communist societies, organized around kinship. Indeed, some Marxist anthropologists have sought to analyse kinship structures as a kind of infrastructure—on which arise (pre-state) superstructures (forms of consciousness in mythopoetic narrative).

The major difficulties arise in relation to Durkheim's contention that there is a second major type, the 'organic' society, of varying degrees of development and deformation. Here Marxists insist on classification through socio-economic formations: feudalism, capitalism, communism. Durkheim has no such subdivisions, and no such vocabulary. Yet in line with Spencer, whose scheme of evolutionary development was cross-cut by principles of industrial and military orientation, Durkheim accepted that structural variations internal to each type centred crucially on the degree to which the central power was absolute. Thus tendencies which corresponded to increasing sophistication and structural complexity could be offset by greater accumulation of central power, an argument clearly forged by Spencer (and which indeed can be found in Marx's notion of exceptional autocratic states, Bonapartism for instance). Essential to Durkheim's approach, these variations in the distribution of power are secondary features of a society; they do not alter its fundamental degree of complexity. In order to stress this, and indeed to theorize about it, he wanted to establish normal formations and their pathological variations. What Marx took as a specific formation, capitalism, was for Durkheim a highly specific and abnormal phase of European society, a phase dominated by structural deformation in occupational organization and integration. Here Durkheim was also critical of Spencer's acceptance of nineteenth-century capitalism as norm. Durkheim stressed the idea that until relatively recently occupational organization, the guilds, had exercised crucial counterweight in social structure, and this form of organization had not been dominated by principles of market utilitarianism and the cash nexus. In this sense Durkheimianism was in line with the guild

socialist movement in the latter half of the nineteenth century. In fact it attempted to be, and this is increasingly the case with Marcel Mauss, the social science appropriate to this movement, just as Marxism was the attempt to provide a scientific theory of proletarian revolution and communism. Spencer, on the other hand, and in parallel with Mill, evolved towards a theory of liberalism. For Durkheim, there was a hidden complicity of anarchic communism and radical liberalism: opposition to the existence of the state as parasitic, adherence to the supreme value of the individual and individual creativity which could only be liberated in the gradual withering away of the state itself. Durkheim thought that fundamental theoretical and political errors were being made here.

Certainly Durkheim and Mauss attempted to establish radically new practices of social science, principally sociology as a decisive autonomous discipline based in the universities. In a sense it can be argued that Durkheim's most revolutionary conceptions are those associated with the idea of the formation of sociologists and the development of sociological analysis. Here Durkheim unashamedly appealed to the writings of Bacon and Descartes as support for the unprecedented intellectual conditions for the revolutionary attack on ideology required in the inauguration of new sciences. These ideas dominate the argument of Durkheim's *The Rules of Sociological Method* which demands that the social scientist sweep away all preconceptions, all 'prenotions' and replace them with a logical set of rational definitions. Durkheim developed an ensemble of tasks and attitudes for the scientist: independence, serenity and, most notable, the sociologist must make of his mind a *tabula rasa*.

These fundamental shifts in relation to things were part of a more general movement in method, and social developments themselves made it possible and necessary for human affairs to become an object in the same way. Not that society was a thing, but it was necessary to treat social processes in the same way, with the same detachment, as the natural sciences approached inanimate phenomena, and therefore to adopt the rule: 'treat social facts as things'. This 'reform', he said, had already been achieved in psychology, and would have to be adopted into sociology where it would have effects that would be revolutionary in terms of overturning previous purely ideological representation of social affairs. Much of the effectiveness of such methodological reorganization was considered as a new restraint on human desire: instead of elaborating unrestricted desires as to what might be the case, a genuine science installed a decisive set of controls

on what would count as truth. Again, this was conceived as a control parallel to the necessity of independence from interests and powers in the wider society which would strive to define institutions in a partial and partisan manner, and against which social science would always have to struggle. Sociology should ally itself to the scientific movement and define its purposes as aligned to those of strictly scientific rigour.

Durkheim's appeal to the efficacy of discipline has always been regarded with suspicion by his left-wing critics, for it can appear as eminently Victorian in inspiration. This is also complicated by Durkheim's relation to religion. Given his commitment to scientific rationalism, it might be thought logical that he would have wanted to campaign against all survivals of the religious spirit. But in line with other French social theorists, particularly Saint-Simon and Comte, he thought that, although the content of previous religions had fallen into disrepute as knowledge, the basic character and function of moral and intellectual discipline had to be continued in new conditions. Here radical individualism and agnosticism could only combine to produce intellectual anomie, one of the necessary costs of social processes in which social power had lost its divine legitimation (which also made it available for the first time as an object for analysis), but which had to be opposed with new solidarities appropriate to a new society.

The structure of social discipline was a central problem of Durkheim's first major study, *The Division of Labour in Society,* which charted the emergence of social solidarities based on contractual ties. The division of labour is certainly not simply a process involving increasing specialization and fragmentation. Following Montesquieu and Comte, Durkheim evolved a conception of the separation of social powers (temporal and religious), in what, in the 1950s, became a theory of organic solidarity—understood, in the jargon of functionalism, as increasing structural and functional differentiation from an original unity. But from the 1970s new theories of social strategies and power developed in the wake of Michel Foucault's influential book, *Discipline and Punish*. Foucault's work, and the methodological debate concerning genealogical method in France, formed a delayed continuation of Durkheimian traditions. It was clear, however, that many of the crucial dilemmas of Durkheim's radicalism also made a return: in the 1970s' relation of social theory to Marxism and anarcho-revolutionary analysis. Though Marx and Freud

found their modern interlocutors in Althusser and Lacan, Durkheim is perhaps still waiting for his.

Certainly Althusser, Foucault and Lacan acknowledged their debt to Durkheim, as did Lévi-Strauss to Durkheim and Mauss. Yet the precise series of differences between neo-Marxism and Durkheimianism was never clarified, largely because Durkheim's influence was no longer a direct and powerful one. In its mainly American domesticated form, Durkheim's theory had been transformed into a functionalist celebration of American society and way of life, as if the theory had again been merged with that of Herbert Spencer; that is, purged of its crucial analyses of modern social pathology (*The Division of Labour in Society* without its Book Three on the Abnormal Forms). In fact, when *The Rules of Sociological Method* was first translated into English in the 1930s, it contained an introduction warning readers of Durkheim's totalitarian tendencies. By the 1950s this had become superfluous since the process of domestication had been so successful that few students of Durkheim knew of the connection between the theory of abnormal forms and of guilds, soviets and socialism.

But if Durkheim and Mauss initially supported the Bolshevik Revolution, and saw in it a vindication of their theories (even, at the limit, the indirect influence of their theories), it became clear that the conception the Durkheimians had formed of the theoretical errors of Marxism were also, in their eyes, confirmed: the Marxists lacked any sophisticated understanding of the necessary structure of the social division of powers in a socialist state. Thus the politics of the Bolsheviks, though up to a point in line with Durkheim's political vision (e.g. in the first Constitution developing a system of representation based on the occupational soviets—later abandoned by Stalin in the 1930s), evolved in violent swings between anarchism and statism. Durkheim had never been keen to develop a sociology of political parties or formal trappings of democracy. His sociology sought to demonstrate that beneath the so-called separations of powers, and formal opposition, was a structure of social institutional power. Theoretically, the complexity of this level of social relations was of an organic nature (i.e. founded on functional differences and systemic and contractual bonds), and in the normal case would function spontaneously without widespread repression or alienation. If, however, there was a structural or functional abnormality, which could arise in a way parallel to Spencer's military society with its tendency to absolutism

and hierarchy, social cohesion would become abnormal, even pathological—in relation to the social type as such.

Perhaps more surprising, at least to the conventional functional interpretation, is Durkheim's positive attitude to revolution. Actually Durkheim's attitude, especially to the French Revolution, was mixed. While he saw in it a failed project to cure the problems brought about by severe social strains and imbalances in French society caused by the abolition of the guilds, he also recognized in it the elements of what he called creative cultural effervescence. The analysis developed therefore considered both the materials created in the revolutionary period, and this was set against both the destructiveness of the revolution and the counter-revolution (wiping away much of the created material). According to Durkheim the history of France in the post-revolutionary period was a story of violent oscillation between absolutism and revolutionism. Certainly in his *The Elementary Forms of the Religious Life* there is acute testimony to the creativity of revolutions, just as there is in *The Evolution of Educational Thought in France* to the cultural revolution of the twelfth century which gave birth to the university in Paris, as well as to the cathedrals. In this respect Durkheim is much closer in his interpretation of European history to Comte than to Marx. And, against Marxist rationalism, Durkheim was struck by the tendency in revolution both to the practical critique of previous religious institutions and to the formation of new religious ideals—or ideals which come to have the power of the sacred and which are reproduced in civic ritual. So struck was Durkheim by this fact that he introduced it as a way of understanding primitive ritual, even the formation of society itself and its constituent categories.

If we now return to Durkheim's revolutionary text, *The Rules of Sociological Method,* it is clear that the rules are intended as integral demands, precisely the kind of demands which Durkheim maintains are dangerous to the progressive outcomes of social transformations. This is specifically expressed in his writings on education which stress the fact that a culture cannot be erased, cannot be made a *tabula rasa.* In effect, cultures cannot, like scientific knowledge, just begin *ex nihilo.* This leads to the notorious discrepency in *The Rules:* one must remove all prenotions, says Durkheim in the body of the text; yet in a footnote Durkheim is forced to argue that it is only in relation to the prenotion that a science can make its appearance as a work of critical reflection. Exactly the same problem emerges in Durkheim's attitude to truth and politics, truth and education. On the one hand, Durkheim wants to establish scientific laws, and there is a serious effort made to define

what counts as adequate proof, in an attempt to arrive at forms of knowledge which will attain universal acknowledgement (on this basis, said Durkheim, much political and ideological dispute will be made redundant). On the other hand, he is not assured enough in his specification of the content of education to identify what laws have been established in the social sciences, and in this situation recommends a revival of the practices of rhetoric and debate. In his massive study on the history of education in France, it is clear that one of the great losses of the Renaissance destruction of the medieval culture was the destruction of dialectic and rhetoric in favour of method. This research was accomplished some years after the writing of *The Rules* and there are suggestions to the effect that the search for rigorous absolute method was associated with an abnormal period of growing state absolutism. It is tempting to interpret the scientific revolution, and the doctrines of writers like Descartes and Bacon, as part of an absolutist project. This would see method not as a counterweight of human desire, but as an instrument in the service of human desire to reduce a dialectic with nature to one in which nature is in absolute service to society.

One of the characteristics of Durkheim's writing is that he rarely allows his own critical values to come to the surface. Some have claimed he never refers to problems like poverty. And this is interpreted in a facile manner to imply that Durkheim was more or less indifferent to such problems or the problems of the oppressed, therefore his writing is conservative in its very core. Actually it is possible to glimpse Durkheim's attitude in an obscure lecture (*c.* 1904) on the medieval arts faculty: 'the cancer of poverty with all its attendant evil which today is racking the universities in Russia also racked the universities of the Middle Ages' (1977:109). But Durkheim has a very different attitude to material poverty from all Marxists or utilitarians. For Durkheim there is little relation directly between material standard of living and well-being above a basic subsistence level. In consequence Durkheim gives no great weight to the importance of improvement of material quality of life as a human ideal, and he does not allow this as a particularly revolutionary or radical objective. It is perhaps here that it is crucial to the understanding of Durkheim that when a society enters a period of abnormality or pathology it is not simply the poor or lower groups which suffer. That very rapid processes of enrichment also lead to widespread suffering is a thesis developed in his study, *Suicide*. Thus along with his critique of Marxism as a doctrine which misunderstood the relation of the state to secondary institutions, he

maintained that it also laid false emphasis on technology as a lever to universal happiness. Durkheim proposed as one of the key elements of social science, and tried himself to practise the doctrine, that the aim should be to identify the normal state of well-being and to find ways of reaching it. Poverty is, above all, relative, and in any case can be given many different values, even a sacred value. Poverty does not of itself equal misery, just as wealth does not guarantee happiness. This idea was given great scope in theory, as it led to the thesis that human progress is not motivated by desire for happiness nor does it lead to greater happiness. Quite other issues are at stake.

Durkheim's orientation is thus much more serene and indeed sublime (Sorel) than Marx's. In Marx there is an animus towards the hypocrisy of the bourgeoisie and all systems of exploitation and oppression. In Durkheim there is an attitude of reverence to society as the principal source of intellectual and moral life, and a development of a practice of identifying all forms of affliction, even those of the ruling groups, since social pathology does not arise out of the volition of a class but out of the vicissitudes of the social structure. Marx wanted to help in the process of criticism of all religion, which was interpreted as superstition and opiate. Durkheim evolved a sociology of religion which classified conceptions of God as collective representations of the social being itself and which played essential roles in social morality and discipline. The religion of the new society, appropriate to an age in which the scientific revolution had systematically demolished the pattern of faith, was to be that which defined fundamental realities: a scientific belief system. Just as Spinoza had made the equation between God and Nature, Durkheim adjusted it to God and Society. Religious worship and devotion could only now be authentic in science, and particularly in sociology. But this was a devotion in an unprecedented form: systematic elimination of illusion (idola), and the installation of consistent scepticism until the new scientific truths had been discovered.

Durkheim, however, is often criticized for a simple-minded functionalist approach to social stratification and inequalities, and contrasted with the realism of Marxist class exploitation theory. Again recent commentary and interpretation are beginning to question this view. Evidently Durkheim was a consistent opponent of demands for a form of communism based on social levelling and societal de-differentiation. He was also completely opposed to the notion that the abolition of the state was a progressive, even

radical, demand: for the Durkheimians this was entirely regressive and curiously allied to individualistic assumptions in theory. Yet Durkheim's own view was that the evolution of the advanced societies implied the progression of greater social equality. In his discussion of the principle of meritocracy, his thought tends to the conclusion:

> Essentially, are not these inequalities of merit fortuitous…? …To us it does not seem equitable that a man should be better treated as a social being because he was born of parentage that is rich or of high rank. But is it any more equitable that he should be born of a father of higher intelligence or in a more favorable moral milieu? (1957:220)

His conclusions work towards the view that unprecedented new moral structures emerge in

> trying to soften and tone down the effects of a distributive and commutative justice which are too strictly reckoned…charity in its true meaning…ceases, as it were, to be optional and… becomes instead a strict obligation, that may be the spring of new institutions. (1957:220)

In this perspective Durkheim's theory of increasing social equality is conceived as a gradual shift in the advanced societies from the principles of 'to each according to his work' which Durkheim calls distributive justice, towards the 'domain of charity'. Thus, in contrast to Marx who looked towards a technical solution to the problem of scarcity conceived as resolved in a society based on material abundance (communism), the Durkheimians saw the moral and political question of relative abundance and relative scarcity as a permanent one. Marcel Mauss's famous essay on the gift was written at the same moment as his critique of the practice of the Bolsheviks, included in this collection.

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Part 1

Chapter 1

Durkheim's 'two laws of penal evolution' An introduction

T.Anthony Jones and Andrew T.Scull

I

Durkheim's essay, 'Two laws of penal evolution',[1] was first published in 1900, when he was forty-two. Written at a crucial phase in his intellectual development, it remains of importance to sociologists for several reasons. In the first place, it sheds new light on Durkheim's thought in a number of areas. As an indication of his increased theoretical sophistication, it is instructive to compare the account he here gives of the evolution of punishment with the rather crude and vulnerable one he gives of the same subject in *The Division of Labor*. It provides us with one of Durkheim's few extended discussions of the impact of the political sphere on the rest of society, most notable for his insistence on its importance as an independent variable having a potentially powerful influence on centrally important aspects of society. Additionally, it provides us with an illuminating account of what he saw as the differing nature and role of the *conscience collective* in primitive and advanced societies. And as a pioneering attempt to study crime in a comparative perspective and to relate changes in the treatment of deviants to long run changes in the social structure, the essay remains an important and instructive contribution to social theory.

Central to Durkheim's sociology is the question of the social basis of morality. His fascination with this topic naturally led to a recurrent concern with deviance as the violation of moral rules. His major work in this area was, of course, *Suicide;* but even in books ostensibly devoted to quite different subjects, such as the division of labor and the sources of social solidarity, the methodological foundations of the new science of society, and so forth, considerable space is devoted to deviance.

One is, therefore, not surprised to learn that among Durkheim's earliest lecture series at Bordeaux was a two year course in criminal sociology.[2] In 1896, these lectures were absorbed into the much more extensive course on *Physique Generale du Droit et des Moeurs.* This latter course aimed at providing 'a complete picture of all moral phenomena,' and contained a section on the infringement of social norms and the nature of crime 'which included some statistical work, subsequently abandoned, that was, according to Mauss, comparable to that in *Suicide'*.[3] None of this empirical work survives. However, Durkheim also devoted many of these lectures to the reconsideration of a problem he had first raised in *The Division of Labor*, namely, a theory of the genesis and evolution of punishment; and these were later published in the form of the essay with which we are here concerned. Despite the essay's considerable theoretical and historical significance, it has been the subject of a surprising academic neglect. Indeed, it remains virtually unquoted in contemporary sociological writings.[4] Symptomatic of the lack of scholarly acquaintance with it is the way Barnes recently devoted extensive space to criticism of Durkheim's arguments in *The Division of Labor* on the evolution of punishment, while ignoring the far more sophisticated treatment of the same subject in this essay.[5] In part, this neglect seems to arise from the fact that the essay can only be found in an old and rather inaccessible periodical; and in part, unfortunately, from the fact that it has not hitherto been translated into English.[6]

II

Durkheim's 'Two laws of penal evolution' exhibits a large degree of continuity with his work in *The Division of Labor,* although in several respects it is an advance on the analysis found in that earlier work. He still holds to the view that the severity of punishment declines with increasing differentiation, but modifies it by claiming that it varies not only with the degree of development but also to the extent that central power is absolute. Apparent negative instances, where the trend towards milder punishment is moderated or even reversed, Durkheim now attempts to explain by referring to the secondary factor of political power, which acts 'to neutralise the effects of social organisation'.[7]

Such a resort to 'secondary' or 'atypical' factors to explain away negative instances, where the facts appear to contradict his central thesis, is a typical Durkheimian manoeuvre.[8] Usually, however, Durkheim makes little effort to show what these factors might be, and why they should operate to produce the observed effects. Moreover, they usually

retain a curiously *ad hoc* air, being obviously added merely to dispose of inconvenient objections. In all these respects he departs from his normal practice here. First, he devotes considerable space to a discussion of what exactly he means by 'absolutism'.[9] He proposes two alternative ways of recognising absolutism. It exists (a) whenever there are no legal or customary limits on the exercise of governmental power, where those limits are purely prudential ones; and/or (b) whenever the relationships between the ruler and the ruled approximate those between a man and his property. In a similarly careful fashion, he provides a mass of examples to show that, empirically, deviations from the trend towards milder punishments are always associated with hyper-centralisation of political power. And by arguing that offences in authoritarian societies assume the same sort of sacrilegious character as those in primitive societies, he tries to show that this empirical generalisation is consistent with the fundamental thrust of his explanation, rather than just a mere *ad hoc* convenience.

The second law Durkheim claims to have established is that 'deprivation of liberty, and of liberty alone, for periods varying according to the gravity of the crime, tends increasingly to become the normal type of repression'.[10] Having once more surveyed the treatment of the criminal in an extensive series of societies ranging from ancient Egypt to France of the 1890's in order to show that his generalisation holds empirically, Durkheim finally tries to indicate why the regularities he has identified exist.

In itself, Durkheim's reconstruction of the factors lying behind the growth of imprisonment to its position as the primary response to criminal behaviour is remarkable, both for the sophistication of the argument and the clarity with which it is expounded. The first part of the explanation is couched in functional terms. Having demonstrated that imprisonment is unnecessary in a society where responsibility is a group rather than an individual matter, which corresponds to the situation in primitive societies, Durkheim shows how the breakdown of this elementary type of social organisation, and the concomitant development of the notion of individual responsibility, meant that society needed some measure to insure that the culpable could not flee to escape punishment. The prison as a place of pre-trial detention fulfilled this requirement.

Significantly, however, Durkheim is not satisfied with this teleological form of explanation, and asserts that it remains subordinate to the search for efficient causes. As he put it in *The Rules of Sociological Method,* 'The fact that we allow a place for human needs in sociological explanations does not mean that we even partially revert to teleology. These needs

can influence social evolution only on condition that they themselves, and the changes they undergo, can be explained by causes that are deterministic and not at all purposive.'[11] He then shows that precisely the same social conditions which produce a breakdown in the notion of collective responsibility also produce the essential preconditions for the invention of the prison.

The subsequent growth in the importance of the prison until it becomes virtually synonymous with the very notion of punishment is largely the result of the growing mildness of punishment. The increasing unwillingness to resort to death, torture, and mutilation leaves a vacuum which can only be filled by the further development of imprisonment. Thus, the two laws Durkheim has identified can now be seen as interdependent; and there remains only the task of explaining why punishment becomes progressively less severe.

He begins by rejecting the common sense view of this development, which would attribute it to the increasing sympathy and sensitivity towards the suffering of others produced by the growth of civilisation. His argument is of the following form: (a) our increasing horror of violence directed towards other people might well make us recoil from inflicting harsh punishments; but (b) it would also simultaneously make crimes against persons seem more abominable. We would consequently face an insoluble dilemma, whose likely outcome would be an increased severity towards crimes against persons, for our sympathy for the offender must necessarily be less than for his victim. As we shall show below, this is an unnecessarily weak point in Durkheim's thesis, probably deriving from his natural desire to make the distinction between his position and the conventional wisdom sharper than it might otherwise appear to be.

Instead of seeking an explanation in terms of growing sympathy, Durkheim suggests that since punishment is simply a *response,* the expression of the outrage a crime produces, 'it is in the evolution of crime that one must seek the cause determining the evolution of punishment'.[12] In his earlier efforts in *The Division of Labor* to establish the tendency to move from repressive to restitutive sanctions, Durkheim had been content to treat crime as a single undifferentiated entity. The abundant anthropological evidence now available, which shows that many deviations treated as crimes in contemporary society (e.g. murder, theft, rape) merely provoke efforts to gain restitution for the harm done in primitive societies, has led to the discrediting of the notion of such a transformation.[13] Yet other evidence, which Durkheim cites here, indicates that many of the punishments in less-developed societies were indeed a harsh and cruel form of retribution. Durkheim resolves this paradox

and at the same time makes an important step towards explaining why punishment should exhibit much harsher features in some societies than in others, by means of a highly ingenious and theoretically interesting distinction between two types of crime. On the one hand we have crimes directed against collective things and on the other those directed against individuals. Amongst primitive peoples, the penal law is almost entirely restricted to offences of the first type, while as evolution advances, they decline in importance and offences against individuals assume greater and greater significance.

The sentiments offended by the two types of crime are considerably different, and it is from this difference that the variation in the intensity of punishment arises. Crimes of the 'religious' or collective type have the character of sacrilege, being perceived as offences against some transcendent and superhuman force. The strength of conviction as to the sanctity of the rule tends to be matched by the strength of the reaction which its violation calls forth. In his earlier writings, the theory of punishment advanced by Durkheim saw punishment as a 'symbolic expression of the community attitude towards crime, [for] a severe penalty is a mode of reaffirming the sanctity of the norm the criminal has broken'.[14] Thus, even though violations of sacred prohibitions are the least likely of criminal offences, such offences are met with strong sanctions. They are seen as 'exceptionally odious', since the offences are regarded as sacrilegious, and pity for the offender cannot arise to moderate the punishment; for what is 'an individual's suffering when it is a question of appeasing a God'?[15]

Where the offence was rather against the collective sentiments which had the individual for their object, the case was rather different. Here the pity for the criminal and his victim were of the same sort, both deriving from a reluctance to see a fellow human being suffering. 'Thus, here, the very cause which sets in motion the repressive apparatus tends to halt it. The same mental state drives us to punish and to moderate the punishment. Hence an alternating influence cannot fail to make itself felt…there is a real and irremediable contradiction in avenging the human dignity offended in the person of the victim by violating it in the person of the criminal. The only way, not of removing the difficulty, (for it is strictly speaking insoluble), but of alleviating it, is to lessen the punishment as much as possible.'[16]

Now this argument is essentially similar to the one Durkheim used to reject the conventional argument in terms of increasing sympathy. There he argued that such a development would produce a dilemma in which people would be torn between sympathy for the suffering of the

criminal and sympathy for the suffering of his victim. His own argument is that changes in the *conscience collective* occur, involving a move from a repressive collective morality, unconcerned with the individual, towards a flexible morality which deifies the individual. This produces an exactly parallel dilemma, in as much as *attempts to protect the sanctity of the victim via harsh punishment necessarily violate the sacred individuality of the criminal.* In this case, however, Durkheim argues that the dilemma will be circumvented by moderating the severity of the punishment inflicted.

The difficulty is not a serious one. Durkheim could have avoided it by simply accepting the explanation in terms of increasing sympathy as one, rather crude, account of why punishment declines in severity; while at the same time asserting that his own thesis that it was the result of underlying changes in the *conscience collective* provided a more adequate and carefully stated account of what was involved.

When crimes against individuals first entered the realm of the criminal law, the tendency was to punish them extremely harshly; only with time have the punishments moderated. While at first sight this might seem to provide evidence against Durkheim's argument, he attempts to overcome the problem by suggesting that what happens when crimes against individuals first attain that status, is that people's moral outlook is so pervaded by religiosity that initially they fail to make the cognitive distinction between the two types of crime. Only with time, and the further differentiation of society, does morality lose 'its primitively confessional character',[17] to be replaced by the religion of humanity.

Ultimately, therefore, both of the laws of penal evolution Durkheim has identified can be shown to depend on changes in the *conscience collective*. 'The manner in which collective sentiments reacted against crime changed because those sentiments changed',[18] producing milder punishments and a growing reliance on imprisonment as the primary sanction against crime. Durkheim has here demonstrated the truth of his own methodological prescription:

> 'One does not know social reality if one has seen it only from the outside and has ignored its foundations. In order to know how it is constituted, one has to know how it has constituted itself; that is, one must have followed historically the way in which it has developed. In order to be able to say, with even a slight chance of success what will be, or what

> the society of tomorrow will be like, it is indispensible that one study the social forms of the most distant past. In order to understand the present, one must step out of it.'[19]

NOTES

1 *Année Sociologique,* Vol. 4, 1899–1900, pp. 65–95.
2 Alpert, 1939, p. 64.
3 Lukes, 1973, pp. 256, 257.
4 Exceptions to this general neglect include a very brief description of the essay in M.Richter, 1960, pp. 192–3 and the more extensive discussion by S.Lukes, 1973, pp. 258–62. The discussion in Parsons's *Structure of Social Action,* pp. 402–3, was thus ignored for almost thirty years.
5 Barnes, 1965.
6 Extracts from the essay in English translation, however, may be found in the recent collection of Durkheim's work edited by Anthony Giddens. (Giddens, 1973).
7 Translation, p. 289.
8 See especially Book III of *Division of Labor* and also the comments by Lukes, 1973, Evans-Pritchard, 1960, Needham, 1963, and Coser, 1960.
9 This notion of the structural preconditions for its development is almost pure Montesquieu: 'What makes a central authority more or less absolute in character, is the greater or lesser degree to which all counterweights organised with a view to restraining it are missing.' See Translation, p. 287.
10 Translation, p. 294.
11 *Rules of Sociological Method,* p. 93.
12 Translation, p. 300.
13 See Merton, 1935 and Barnes, 1965.
14 Parsons, 1968, p. 403.
15 Translation, p. 302.
16 *Ibid.,* p. 303. Lukes has drawn attention to the similarity between this argument based on 'the logic of a set of beliefs modifying social practices', and that in Weber's *The Protestant Ethic and the Spirit of Capitalism.* See Lukes, 1973, p. 261, note 37.
17 *Ibid.,* p. 304.
18 *Ibid.,* p. 305. Although Durkheim's explanation is based on changes in the nature of beliefs, he provides no empirical evidence in support of the claim that such changes have occured.
19 *Année Sociologique,* Vol. 2, 1897–1898, p.v.

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Chapter 2

Two laws of penal evolution*

Emile Durkheim

In the present state of the social sciences, one can, in most cases, only render the most general aspects of social life intelligible. Undoubtedly this leads one now and then to what are merely gross approximations, but these are not without their usefulness; for they are a preliminary means of coming to grips with reality and, however schematic they may be, they form the essential precondition of subsequent more precise formulations.

Keeping this proviso in mind, we shall seek to establish and to explain two laws which seem to us to prevail in the evolution of the apparatus of punishment. It is quite clear that we shall direct our attention only to the most general tendencies; but if we succeed in introducing a little order into this confused mass of facts, however imperfect it may be, our labours will not have been in vain.

The variations through which punishment has passed in the course of history are of two sorts, quantitative and qualitative. The laws governing each of these are, of course, different.

I. THE LAW OF QUANTITATIVE CHANGE

This may be formulated as follows:

> The intensity of punishment is the greater the more closely societies approximate to a less developed type—and the more the central power assumes an absolute character.

Let us first explain the meaning of these propositions.

* This chapter was orginally published in French i*n Année Sociologique*, Vol. 4, 1899–1900.

The first of them does not really need much further definition. It is relatively easy to determine whether one social type is more or less advanced than another: one has only to see whether they are more or less complex and, as to the extent of similar composition, whether they are more or less organised. This hierarchy of social types, moreover, does not imply that the succession of societies takes a unilinear form; to the contrary, it is certain that the sequence must rather be thought of as a tree with many branches all diverging in greater or lesser degree. But, on this tree, societies are found at differing heights, and are found at differing distances from the common trunk.[1] It is on condition that one looks at in this way that one can talk in terms of a general evolution of societies.

The second factor which we have distinguished must concern us at more length. We say that governmental power is absolute when it encounters among the other social functions nothing which serves to counterbalance it and to limit it effectively. In reality, the complete absence of all such limitations is nowhere to be found: one might even say that it is inconceivable. Traditions and religious beliefs act as brakes on even the strongest governments. Beyond this, there are always certain lesser social institutions which now and then are capable of making themselves felt and resisting governmental power. The subordinate elements which are subjected to a supreme regulatory function are never deprived of all their individual energy. But this factual limitation may be in no sense legally required of the government which submits to it; although it exercises a certain amount of care in the exercise of its prerogatives, it is not held back by written or by customary law. In such a case, it exercises a power which we may term absolute. Undoubtedly, if it goes too far, the social forces which it is harming may unite to react to this and to contain it; it may even be that the government, foreseeing that such a reaction may arise, and in order to forestall it, may impose restrictions on itself. But this development, whether it is the result of the government's own actions or is imposed on it, is essentially contingent; it does not arise out of the normal functioning of institutions. When it arises out of the government's initiative, it is presented as a gracious concession, as a voluntary relinquishment of legitimate rights; when it is produced by a collective resistance, it has a frankly revolutionary character.

One can characterise an absolute government in yet another way. The legal sphere is entirely centred around two poles: either the relations which are central to it are unilateral, or they are, on the contrary, bilateral

and reciprocal. These are, at least, two ideal types *[types idéaux]* around which they oscillate. The first consists exclusively of rights given to one of the parties to the agreement over the other, without the latter enjoying any rights corresponding to his duties. In those of the second type, on the other hand, the legal bond provides for complete reciprocity in the rights conferred on both parties to the agreement. Material rights and more particularly the law of property, represent the purest form of the first type: the owner has rights over his property, which has none over him. The contract, and above all the just contract, i.e., one where there is an exact equivalence in the social value of the objects or benefits exchanged, exemplifies the case of reciprocal connections. Now, the more the relations of the supreme power with the rest of the society have a unilateral character, in other words the more these relationships resemble those which unite the possessor and the thing possessed, the more absolute is the government. Conversely, the more completely bilateral are its relations with other social groups, the less absolute it is. Thus, the purest example of absolute supremacy is the Roman 'patria potestas', as the old civil code defines it, since the son was likened to an object.

Therefore, what makes the central authority more or less absolute in character, is the degree to which all counterweights organised with a view to restraining it are missing. One can therefore foresee that this kind of power structure comes into being when all the directive functions of society are more or less completely brought together into one and the same hand. In fact, because of their vital significance, they cannot be concentrated in one and the same person, without giving him an extraordinary hold over the rest of society, and this dominance is what is meant by the term absolutism. The person who wields such an authority finds himself possessed of a power which frees him from any collective restraint, and which to some extent means that he only takes into account himself and his own whims and can impose all his wishes. This hypercentralisation releases a social force *sui generis* which is of such intensity that it dominates all the others and holds them in thrall. And this does not simply amount to a de facto dominance, but is seen as being as of right, for the person who has such a privilege is possessed of such an aura of prestige that he seems to be in a sense superhuman; as a consequence we do not even conceive that he could be subject to ordinary restraints, as is the common run of humanity.

However brief and imperfect this analysis may be, it will at least suffice to caution us against committing certain errors which are still common. One sees, for instance, that, contrary to the mistaken

notion perpetrated by Spencer, whether or not a government assumes an absolutist character does not depend on the number and importance of governmental functions. However numerous these may be, if they are not concentrated in the hands of one person, the government is not an absolute one. This is the situation found today in our great European societies, particularly in France. The sphere of state action is very much more extensive than it was under Louis XIV; but with the rights which it exercises over society go reciprocal duties; in no sense does it resemble a property-right. In practice, it is not only that the supreme regulatory functions are split up among distinct and relatively autonomous organs, however interdependent, but also that they do not exercise their powers without a degree of participation by other elements of society. Thus, from the fact that the state makes itself felt in a greater number of directions, it does not follow that it becomes more absolute. True, this may happen, but if this is to be the case there must be circumstances quite other than the greater complexity of functions which devolve upon it. On the other hand, the modest scope of its functions does not prevent a government taking on this character. Actually, if these functions are few in number and not very actively pursued, this is because social life itself on the more general level is impoverished and languishing; for the greater or lesser extent to which the central directive organ is developed only reflects the development of social life in general, just as the extent of the individual's nervous system varies with the importance of the organic exchanges. The society's directive functions accordingly are only rudimentary when the other social functions are of the same type; and thus the relationship between them remains constant. Consequently, the former retain their primacy, and these functions need only be concentrated in the hands of a single person to put him beyond criticism and to raise him infinitely far above the rest of society. Nothing is more simple than the rule of some barbarian chieftains; nothing is more absolute.

This observation leads us to another more closely related to the issue at hand: namely the fact that the degree to which a government possesses an absolutist character is not linked to any particular social type. Indeed, if one may find such a government as often in an extremely complex society as in a very simple one, it is no more tied exclusively to primitive societies than to other types. True, one might surmise that this concentration of governmental power always accompanies the concentration of the social mass, regardless of whether it be caused by this factor, or whether it helps bring it about.

But it is not so. The Roman City, especially following the overthrow of the monarchy, was, until the last phase of the Republic, quite free of absolutism; yet, it was precisely under the Republic that the various segments or sub-groupings *(gentes)* which made up the city attained a very high degree of concentration and unity. Besides, we in fact observe examples of governments which deserve to be called absolute in the most diverse of social types, in seventeenth century France as much as in the latter period of the Roman state or in a multitude of primitive kingdoms. Conversely, the same people, depending on the circumstances, can move from an absolute form of government to a completely different type; yet the same society can no more change its type in the course of its evolution than can an animal change its species during its own lifetime. France in the seventeenth and France in the nineteenth centuries belonged to the same social type and yet its major regulatory institutions were quite different. One cannot maintain that between Napoleon I and Louis-Philippe, French society moved from one kind of society to another, only to undergo a shift in the opposite direction from Louis-Philippe to Napoleon III. Such changes contradict the very notion of species.[2]

This special kind of political organisation is not, therefore, a consequence of the fundamental nature of the society, but rather depends on unique, transitory, and contingent factors. This is why these two causes of the evolution of punishment—the nature of the social type and of the governmental organ—must be carefully distinguished. For being independent, they act independently of one another, on occasion even in opposite directions. For example, it happens that, in passing from a primitive type of society to other more advanced types, we do not see punishment decreasing as we might have expected, because the organisation of government acts at the same time to neutralise the effects of social organisation. Thus, the process is a very complex one.

Having explained the nature of the law, we must now show that it conforms to the facts. Since there can be no question of examining every society, we shall choose the ones we are going to compare from among those where penal institutions have reached a certain degree of development and are known fairly precisely. For the rest, as we have tried to show elsewhere, the essence of a sociological explanation does not lie in piling up facts, but rather in organising series of regular variations 'whose terms are bound together as closely as possible, and which are also sufficiently wide-ranging.'[3]

In a very large number of old societies death pure and simple is not the supreme punishment; it is augmented, in the case of those offences deemed most frightful, by further torments which are aimed at making it still more dreadful. Thus, among the Egyptians, above and beyond hanging and beheading, we find burning at the stake, 'death by ashes', and crucifixion. In the case of punishment by fire, the executioner used to begin by inflicting numerous wounds in the hands of the criminal using sharpened stakes, and only after this was the latter placed on a fire and burned alive. 'Death by ashes' consisted of suffocating the condemned man to death under a pile of ashes. 'It is even probable', says Thonissen, 'that the judges were accustomed to inflicting on the criminals whatever additional suffering they felt was required by the nature of the crime or the exigencies of public opinion.'[4] The Asian peoples would seem to have taken cruelty to even further lengths. 'Among the Assyrians, criminals were thrown to ferocious animals or into a fiery furnace; they were cooked to death in a brass pot placed over a slow fire; they had their eyes put out. Strangulation and beheading were spurned as being too mild! Among the various tribes of Syria, criminals were stoned to death, they were shot full of arrows, they were hanged, they were crucified, their ribs and entrails were burned with torches, they were drawn and quartered, they were hurled from cliffs…or they were crushed beneath the feet of animals, etc.'[5] The code of Manu itself distinguishes between an ordinary death sentence, consisting of beheading, and a severe or aggravated death sentence. The latter was divided into seven categories: impalement on a pointed stake, being burned to death, being crushed to death under elephant's feet, judicial drowning, having boiling oil poured into one's ears and mouth, to be torn apart by dogs in public, to be cut into pieces with razors.

Among these same peoples, the ordinary death sentence was widely used. It is impossible to list all the offences punished in this way. A single fact illustrates how numerous they were: according to Diodore's account, one Egyptian king, by banishing those condemned to death into the desert, managed to establish a new city there, and another, by employing them in a programme of public works, succeeded in building numerous dikes and digging canals.[6]

Punishments symbolic of the crime committed were used as less drastic penalties than the death sentence. Thus in Egypt, forgers, those who altered public documents, used to have their

hands cut off; rape of a free-born woman was punished by castration; spies had their tongues torn out, etc.[7] Likewise, after the laws of Manu, the tongue of a man in the lowest caste who had gravely insulted the twice-born* was to be cut out; a Sudra who had the audacity to sit down next to a Brahmin was to be branded on the buttocks, etc.[8] Over and above these characteristic mutilations, all sorts of corporal punishment were customary in one tribe or another. This type of punishment was usually inflicted at the discretion of the judge.

The Hebrews certainly did not possess a higher type of society than these other peoples; indeed, the concentration of the society only occurred at a relatively late period, under the monarchy. Before this, there was no Israeli nation, but merely a more or less autonomous grouping of tribes or clans, which only united briefly if faced by a common threat.[9] And yet Mosaic law is much less harsh than the law of Manu or the sacred books of Egypt. Capital punishment is no longer accompanied by the same refined cruelties. It even seems that, for a considerable period of time, stoning was the only way it was done; it is only in the rabbinical texts that there is mention of burning, beheading and strangulation.[10] Mutilation, so widely practised by the other Oriental peoples, is only mentioned once in the Pentateuch.[11] True, the principle of retaliation, when the crime involved wounding someone, might involve mutilation; but the guilty party could always escape this by means of a financial settlement; this practice was only forbidden in case of murder.[12] As for other physical punishments, which are reduced to whipping, they were certainly used for a great number of offences;[13] but the maximum penalty was fixed at forty lashes, and in practice this number was really 39.[14] Where does this relative mildness come from? From the fact that among the Hebrews absolutist government was never able to establish itself on a lasting basis. We have seen that for much of the time they lacked any sort of political organisation. Later on, of course, a monarchy was formed; but the king's power remained very limited: 'There always existed a very lively belief in Israel that the king was there for the sake of the people and not the people for the sake of the king; he ought to seek to help Israel, and not to further his own self-interest.'[15] Even though

* [The term used by Durkheim is *Dwidjas,* which refers to any members of the three higher castes, i.e. the twice-born].

certain individuals occasionally succeeded, by dint of their personal prestige in winning an exceptional degree of authority, the temper of the people remained profoundly democratic.

Yet we have been able to see that the penal law still remained a very harsh one there. If we move from the preceding sorts of society to the city-state, which is without doubt a more advanced type of society, we observe a more marked decline in the severity of punishment. Although capital punishment at Athens was, in certain instances, accompanied by other penalties, this was, nevertheless, highly exceptional.[16] Such punishment consisted, in principle, of death by drinking hemlock, by the sword, by strangulation. Symbolic mutilation disappeared. It even seems that the same thing happened with corporal punishment, except for the slaves and, perhaps, the lower classes.[17] Yet Athens, even viewed at its apogee, represents a relatively archaic form of the City. Indeed, organisation based on the clan system (gene, phratres) was never as completely obliterated there as it was at Rome, where, from a very early period, curias and gentes became mere historical survivals, of whose meaning even the Romans themselves were uncertain. Likewise the system of punishments was much harsher at Athens than at Rome. First, Athenian law, as we noted above did not completely avoid adding other punishments to the death sentence. Demosthenes alludes to culprits being nailed to the gallows;[18] Lyseas cites the names of assassins, highway men, and spies beaten to death;[19] Antephon speaks of a poisoner dying on the rack.[20] Sometimes death was preceded by torture.[21] Besides this, the number of offences for which the death penalty was invoked was considerable: 'Treason, harming the Athenian people, assaults on the political institutions, debasing the national law, lying to the tribune of the people's assembly, abuse of diplomatic office…, extortion, impiety, sacrilege, etc., etc., immediately brought forth the intervention of "The Eleven"*.'[22] At Rome, on the other hand, capital crimes were much less numerous and the *Leges Porciae*† limited the employment of capital punishment throughout the Republic.[23] Beyond this, except for totally exceptional circumstances,

* [The Eleven' refers to a committee of eleven people charged with making sure that punishments prescribed by the Athenian courts were carried out. Trs.]

† [Three laws of the second century B.C. which stated that no Roman citizen should be put to death without trial. Trs.]

execution was never accompanied by lesser tortures, or by any further mistreatment. Crucifixion was only permitted for slaves. Moreover, the Romans were apt to boast of the relative leniency of their system of punishment: *'Nulli gentium mitiores placuisse pocuas,'* said Titus Livy,[24] and Cicero commented: '*Vestram libertatem, non acerbitate suppliciorum infestam, sed lenitate legum munitam esse voluerunt.*'[25]

But when, with the advent of the Empire, governmental power tended to become absolute, the penal law became more severe. First, the number of capital crimes grew. Adultery, incest, all sorts of offences against public morals, and above all the constantly growing number of crimes of lese-majesty were punished by death. At the same time, harsher forms of punishment were instituted. Burning at the stake, formerly reserved for political crimes of an exceptional nature, was used against arsonists, the sacrilegious, sorcerers, parricides, and certain other crimes of lese-majesty; the sentence 'ad opus publicum' was established, and mutilations visited upon some classes of criminals (for example, castration in the case of certain offences against public morals, severing the hands of forgers, etc.). Finally, torture made its appearance; it was the Imperial period that the Middle Ages was later to borrow from.

If we move on from the city to the case of Christian societies, we observe punishment evolving according to the same law.

It would be a mistake to estimate the kind of punishment employed in feudal times according to the reputation for atrocity which the Middle Ages have been given. When we examine the facts we cannot but see that punishment was much milder than in earlier types of society, at least if one looks at them at the corresponding phase in their evolution, which is to say in their formative period and, so to speak, their first flush of youth; and it is only in these circumstances that the comparison has any illustrative value. Capital crimes were not very numerous. According to Beaumanoir, the only things which could not by some means be atoned for were manslaughter, treason, homicide, and rape.[26] The laws of Saint Louis added to these abduction and arson.[27] These were the major concerns of the higher courts. However, although robbery was not so termed, it too was a capital crime. The same thing happened with respect to two offences which were considered particularly threatening to the rights of the lord; these were the breaking of contracts and crimes of the highway (robbery of toll-houses with violence).[28] As for religious

crimes, the only ones which were then controlled by means of the death penalty were heresy and atheism. Those who committed sacrilege had only to do penance, as did blasphemers; indeed, Saint Louis having decided, in the first flush of the religious enthusiasm of his youth, that they ought to be branded on the forehead and to have their tongues pierced, found himself censured by Pope Clement IV. It was only somewhat later that the Church displayed an implacable severity against its enemies. As for the punishments themselves, there was nothing outrageous about them. The only additions to the death penalty consisted in being dragged to execution on a hurdle and in being buried alive. Mutilations were uncommon. In other respects we know how humane the Church's system of control was. Its preferred modes of punishment were penances and abstinence. It spurned public humiliations, the pillory and its iron collar [the means of attaching a criminal to the pillory] although such punishments did not seem to it beyond its province. It is true that, when the Church judged a bloody repression to be necessary, it delivered up the guilty to secular justice. Nevertheless, the fact that the most influential moral force of the time bore witness in this manner to its horror of such punishments was of the greatest significance.[29]

This was roughly the situation up until about the fourteenth century. From then on the king's power became more and more firmly established. One sees that punishment increased in proportion to its consolidation. First, crimes of lese-majesty which were non-existent in feudal times, make their appearance, and the list of such crimes is a long one. Religious crimes take on this quality. Consequently sacrilege becomes a capital crime. The same applies to any trafficking with unbelievers, to all attempts 'to persuade others of or argue for any and all beliefs which are, or might be, contrary to the sacred teachings of Our Lord'. Simultaneously, a greater rigour is manifested in the application of punishments. Those convicted of capital crimes may be stretched on the rack (it is at this stage that torture on the rack makes its appearance), buried alive, drawn and quartered, flayed alive, or boiled to death. Sometimes the condemned man's children were punished with him.[30]

The apogee of the absolute monarchy coincides with the period of the greatest repression. In the seventeenth century the forms of capital punishment in use were still those we have just enumerated. Beyond this, a new punishment was introduced, the

galleys, and this form of punishment was so terrible that the wretches condemned to it would sometimes sever their own arm or hand in order to escape it. The practice was even so common that a decree of 1677 made it punishable by death. As for corporal punishments, these were countless: there was the ripping out or the piercing of tongues, cutting off of lips, cutting or tearing off of ears, branding with a hot iron, beating with cudgels, the cat-o'-nine tails, the pillory, etc. Finally, we must not forget that torture was used not only as a means of getting information, but also as a means of punishment. At the same time, the number of capital crimes increased because the crimes of *lese-majesty* were growing ever more numerous.[31]

Such was the state of the criminal law until the middle of the eighteenth century. There then occurred, throughout Europe, the protest to which Beccaria has given his name. Doubtless it would be a distortion to claim that the Italian criminologist was the initial cause of the reaction which was to subsequently proceed without interruption. The movement had begun before him. A whole series of works, now forgotten, had already appeared demanding the reform of the penal system. Yet it is incontestably the case that it was the 'Treatise on Crimes and Punishments' which delivered the mortal blow to the old and hateful routines of the criminal law.

An ordinance of 1788 had already introduced certain reforms which were not unimportant; but it was above all with the Penal Code of 1810 that the new aspirations were at last really satisfied. Accordingly, the appearance of the new code was received with great admiration, not only in France, but in all the major European countries. It represented, indeed, considerable progress in the direction of mitigating earlier severity. However, in point of fact, it still remained much too closely tied to the past.

Thus it was not long before new reforms were being sought. There were complaints that the death penalty was still very widely employed, even if it could not be augmented as it was under the *ancien régime*. The retention of branding, the pillory, and mutilation of the parricide's hands was seen as inhuman. It was in response to these criticisms that the revision of 1832 took place. This introduced a much greater leniency into the penal system, suppressing all mutilations, decreasing the number of capital crimes, and at last giving the judges the power of lessening all penalties if there were extenuating circumstances. It is unnecessary

to show that things have continued in the same direction since then, so that today there are beginning to be complaints that things are being made too comfortable for criminals.

II. THE LAW OF QUALITITATIVE CHANGES

The law which we have just established refers exclusively to the severity or the quantity of punishments. The one which will now concern us is concerned with their qualitative aspects. It may be formulated thus: *Deprivations of liberty, and of liberty alone, varying in time according to the seriousness of the crime, tend to become more and more the normal means of social control.*

Primitive societies almost completely lack prisons. Even in the laws of Manu, there is at most one passage which seems to concern itself with prisons. 'Let the king place all the prisons on the public highway, so that the criminals, hideous and humiliated, may be exposed in full view of everyone.'[32] Yet such a prison has a completely different character than ours; it is more nearly analogous to the pillory. The guilty party was held prisoner so that he could be put on display and also because imprisonment was a necessary condition of the punishments being imposed on him; but not because this itself was the punishment. That consisted rather of the harsh existence imposed on all the detainees. The silence of the Mosaic law on this point is even more complete. There is not even a single mention of prison in the Pentateuch. Later on, in the Chronicles, in the book of Jeremiah, one does come across passages which speak of prisons, of fetters, of damp dungeons;[33] but, in all these cases, what is in question is preventive custody, places of detention where people accused of crimes, are held while awaiting trial, and where they had to submit to a régime of greater or lesser severity, depending on their particular circumstances. It is only in the book of Ezra that imprisonment appears, for the first time, as a punishment properly so-called.[34] In the ancient law of the Slavs and the Germans, punishments simply involving deprivation of liberty would seem to have been similarly missing. The same was true of the old Swiss cantons until the nineteenth century.[35]

In the city-states such punishments had begun to make their appearance. Contrary to what Schoemann says, it seems certain that at Athens imprisonment was inflicted as a special punishment in some situations. Demosthenes expressly states that the tribunals were empowered to punish by imprisonment or by any other punishment.[36]

Socrates speaks of life imprisonment as a penalty which could be invoked against him.[37] Plato, outlining in *The Laws* the plans of the ideal city, proposes to repress quite a large number of offences by imprisonment, and we know that his utopia is nearer to historical reality than it was at one time thought to be.[38] However, everyone recognises that at Athens this type of punishment remained little developed. In the orators' speeches, prison is most often put forward as a way of preventing the flight of those accused of a crime or as a convenient way of forcing some debtors to pay their debts, or indeed as a supplementary form of punishment, a *prostimema*. When the judges restricted themselves to imposing a fine they had the right to supplement this with a term of five days in the public prison with one's feet shackled.[39] At Rome, the situation was not very different. 'Prison', states Rein, 'was originally no more than a place for preventive detention. Later it became a means of punishment. However, it was rarely used, except for slaves, soldiers and actors.'[40]

It is only in the Christian societies that it has completely developed. The Church, indeed, from very early on was accustomed to prescribe temporary detention or life in a monastery for some criminals. At first, this was thought of as no more than a means of surveillance, but later on incarceration, or imprisonment properly so-called, came into existence, being regarded as a genuine punishment. The maximum sentence was permanent solitary confinement in a cell which had been bricked up, as a sign of the irrevocability of the sentence.[41]

It is from here that the practice passed over into the secular legal system. However, as imprisonment was simultaneously used as an administrative measure, the sense in which it was a punishment remained for a long time rather ambiguous. It is only in the eighteenth century that criminologists ended up agreeing to recognise imprisonment as a kind of punishment in certain definite situations, when it was for life, when it was substituted by a commutation for the death penalty, etc.; in a word, every time it had been preceded by a legal investigation.[42] With the penal law of 1791, it became the basis of the system of control, which, other than the death penalty and the pillory, consisted of no more than various kinds of imprisonment. Nevertheless, imprisonment by itself was not considered a sufficient punishment; but deprivations of another kind were added to it (belts or chains which the inmates had to wear, and a miserable diet). The Penal Code of 1810 left

aside these additional penalties, except for forced labour. The two alternative punishments involving deprivations of liberty scarcely differed from one another except in respect of the amount of time during which the prisoner was shut up. Since that time, forced labour has lost a great part of its distinctive character and is tending to become simply another kind of imprisonment. At the same time, the death penalty has been utilised less and less frequently; it has even disappeared completely from some legal codes, to such an extent that virtually the whole field of punishment is now found to consist in the suppression of liberty for a limited period of time or for life.

III. EXPLANATION OF THE SECOND LAW

Having shown how punishment has varied through time, we will now seek the causes of the established variations; in other words, we shall try to explain the two laws previously established. We will begin with the second.

As we have just seen, incarceration first appears only as a simple preventive measure; it later takes on a repressive character, and finally becomes equated with the very notion of punishment. To account for this evolution, we must in turn search for what gives birth to imprisonment in its original form—and then see what has determined its subsequent transformations.

It is easy to understand why imprisonment is not present in relatively under-developed societies: it does not serve any need. In these societies responsibility is collective; when a crime is committed, it is not only the guilty party who pays penalty or reparation. The clan also takes part, either together with or in place of the transgressor. At a later time, when the clan has lost its familial character, it is replaced by a still fairly extensive circle of kinsmen. Under these conditions, there is no reason to arrest and hold under guard the presumed author of an act. For if, for one reason or another, he is missing, others remain. Furthermore, the moral and legal independence, which characterises each familial group at this time, serves to restrain the demand that one of its members be handed over in this way on mere suspicion. But to the extent that society is centralised, these elementary groups lose their autonomy and become merged with the total mass, and responsibility becomes individual. Consequently, some measures are necessary to prevent punishment being evaded by the flight of

those who have earned it and, as the least offensive to established morality, imprisonment makes its appearance. We find it in Athens, Rome, and among the Hebrews after the time of the Exile. But it is so contrary to the principles of ancient social organisation that it runs up against obstacles which narrowly restrict its use, at least wherever the power of the state is subject to some limitation. It is for this reason that in Athens preventive detention was authorised only in particularly serious cases.[43] Even the murderer was able to remain at liberty right up until the day of sentence. In Rome, the accused 'was at first only made a prisoner in the case of a flagrant and manifest misdemeanour, or when there was a confession; ordinarily, a bail-bond sufficed'.[44]

One must beware of explaining these apparent restrictions on the right of pre-trial detention by a sentiment of personal dignity and a sort of precocious individualism, which were scarcely part of the morality of the ancient City-State. What limits the legal power of the State is not the just claim of the individual, but that of the clan or the family, or at least what remains of it. This is not an anticipation of our modern morality, but an archaic survival.

However, this explanation is incomplete. To explain an institution, it is not enough to establish that when it appeared it served some useful end; for just because it was desirable it does not follow that it was possible. In addition, one must discover how the necessary conditions for the realisation of that goal came into existence. However strong a need may be, it cannot create *ex nihilo* the means for its own satisfaction; we must therefore search out where these came from. No doubt at first sight it would seem just common sense that from the day that the prison would have served a useful function for societies, men would have had the idea of building it. In reality, however, this development presupposes the realisation of certain conditions without which it could not come about. In practice, it implies the existence of sufficiently spacious public establishments, run on military lines, managed in such a manner as to prevent communications with the outside, etc. Such arrangements are not improvised on the spur of the moment. Indeed, there exist no traces of them in primitive societies. The very meagre, very intermittent public life which then exists requires nothing more for its development than a place for popular assemblies. Houses are constructed with exclusively private ends in mind; in places where there are permanent chiefs, their houses are scarcely distinguished from the others; temples themselves are

of relatively late origin; finally, ramparts do not exist, for they appeared only with the rise of the City State. In these conditions, the concept of a prison cannot arise.

But as the social horizon extends, as collective life, instead of being dispersed in a multitude of small centres where it can only be weak, is concentrated in a more limited number of places, it becomes at the same time more intense and more continuous. Because this sphere assumes greater importance, so the dwelling places of those who direct are transformed. They are enlarged, they are organised in terms of the wider and more permanent functions which are laid upon them. The more the authority of those who live there grows, the more their homes are marked off and distinguished from the rest of the dwellings. They take on a lofty air, they are protected behind higher walls, deeper ditches, in such a way as to visibly mark the line of demarcation which henceforth separates the holders of power from the mass of their subordinates. The conditions for the creation of the prison are now present. What makes one suppose that the prison must have arisen in that way is that in the beginning it often appears in the shadow of a royal palace, in the outbuildings of temples and similar buildings. Thus, in Jerusalem we know of three prisons during the period of the invasion of the Chaldeans: one was 'at the high gate of Benjamin',[45] and we know that the gates were fortified places; another was in the court of the royal palace;[46] and the third was in the house of a royal functionary.[47] In Rome, it is in the royal fortress that the most ancient prisons are found.[48] In the Middle Ages, it is in the manorial castle, in the towers of the ramparts which surround the towns.[49]

Thus, at the very time when the establishment of a place of detention was becoming useful in consequence of the progressive disappearance of collective responsibility, buildings were arising which could be utilized for this purpose. The prison, it is true, was still only a place of pre-trial detention. But once that it had been set up on this basis, it quickly assumed a repressive character, at least partially. In fact, all those who were thus kept prisoner were suspects; they were also most frequently those suspected of serious crimes. Furthermore, they were subjected to a severe regimen which was already virtually a punishment. Everything that we know about these primitive prisons, which, let it be remembered, are still not penitentiaries in the strict sense, paints

them in the blackest of colours. In Dahomey, the prison is a hole, in the form of a pit where the condemned wallow in refuse and vermin.[50] In Judaea, we saw that they used dungeons. In ancient Mexico, it consisted of wooden cages where the prisoners were kept; they were scarcely fed.[51] In Athens, the prisoners were subjected to the dishonourable punishment of shackles.[52] In Switzerland, to make escape more difficult, they put iron collars on the prisoners.[53] In Japan, the prisons are called hells.[54] It is natural that a sojourn in such places should have been very early considered as a form of punishment. Petty crimes, especially those which have been committed by the people of slender means, the *personae humiles,* as the Romans called them, were dealt with in this way. It was a penalty which the judges could impose more or less arbitrarily.

As to the juridical development of this new punishment from the time of its formation onward, it can be accounted for by combining the preceding considerations with the law relating to the progressive weakening of punishment. In practice, this weakening takes place from top to bottom of the penal code. In general, it is the most serious punishments which are the first to be affected by this regression, that is to say, which are the first to grow milder, then to disappear. The process begins with the diminution of the aggravated forms of capital punishment, which continues until the day is reached when they are completely done away with. The crimes to which capital punishment is applied are gradually curtailed; mutilations are subject to the same law. It follows from this that lesser punishments must be developed to fill the gaps which this regression produces. In proportion as the penal law abandons the archaic forms of repression, new forms of punishment invade the free spaces which they then find before them. Now the various modes of imprisonment are the last punishments to develop. At first, they are lowest in the scale of penalties, since they begin by not being punishments at all, properly so called, but only the condition of true repression; and for a long time, they retain a mixed and indecisive character. For this very reason, the future was reserved for them. They were the necessary and natural substitutes for the other punishments which were fading away. But from another perspective, they were themselves influenced by the trend towards moderation. This is why, whereas originally they were mingled with other hardships to which they were occasionally only ancillary, they are gradually

disentangled from them. They are reduced to their simplest forms, which is to say, to deprivation of liberty alone, varying only with respect to the length of that deprivation.

Thus, the qualitative changes in punishment are in part dependent on the simultaneous quantitative changes it undergoes. In other words, of the two laws which we have established, the first contributes to an explanation of the second. Thus, the time has now arrived to explain it in its turn.

IV. EXPLANATION OF THE FIRST LAW

In order to facilitate this explanation, we will consider the two factors which we have distinguished separately; as the second is the one which plays the least important role we will leave it on one side for the moment. Let us look, therefore, at how it is that punishments become less severe as one moves from the most primitive to the most advanced societies, without bothering ourselves temporarily with those perturbations which may be due to the more or less absolute character of governmental power.

One might be tempted to explain this decline in severity in terms of a corresponding softening of mores. We have more and more horror of violence; violent, that is to say cruel, punishments must therefore inspire in us a growing repugnance. Unfortunately, this explanation may be reversed. For while, on the one hand, our greater humanity makes us recoil from inflicting painful punishments, it must simultaneously make the inhuman acts which these punishments repress seem more odious to us. If our more developed altruism finds the idea of making others suffer repugnant, for the very same reason the crimes which offend these sentiments must seem to us more abominable; and consequently we will inevitably tend to repress them more severely. Not only is this so, but this tendency can be only partially and weakly neutralised by the opposing tendency, which leads us to make the guilty suffer as little as possible, even though they both have the same origin. For it is undeniable that our sympathy must be less for the offender than for his victim. Consequently, greater moral sensitivity would rather have led to a harsher punishment, at least for all the crimes which inflict harm on other human beings. In fact, when it begins to appear to a marked degree in the course of history, this is just the way it manifests itself. In primitive societies, murder and simple theft are only feebly repressed, since the mores there are coarse. In

Rome, for a long time, violence was not regarded as invalidating contracts, let alone as something penal. But from the time that man's sympathetic feelings for man were affirmed and developed these crimes have been punished more severely. The movement must necessarily have continued if some other cause had not intervened.

Since punishment results from crime and expresses the manner in which it affects the public conscience, it is in the evolution of crime that one must seek the cause determining the evolution of punishment.

Without it being necessary to go in detail into the proofs which justify the distinction, we think it will be readily conceded that all acts deemed criminal in every known society may be divided into two basic categories: those which are directed against collective things (whether ideal or material, it matters not) of which the principal kinds are offences against public authority and its representatives, the mores, traditions and religion; and those which only injure the individual (murders, thefts, violence and fraud of all types). These two forms of criminality are sufficiently distinct that there is every reason to designate them by different words. The first may be called religious criminality because outrages against religion are the most essential part of it, and because crimes against tradition or chiefs of state have always had a more or less religious character; the second, one might term human criminality. Granting this distinction, we know that the penal law of primitive societies consists almost exclusively of crimes of the first type; but, as evolution advances, so they decline, while outrages against the person take up more and more space. For primitive peoples, crime consists almost uniquely in not performing cult practices, in violating ritual prohibitions, in straying from ancestral morality, in disobeying authority where it is quite firmly established. By contrast for the European of today, crime consists essentially in the injury of some human interest.

Now, these two kinds of criminality differ profoundly because the collective sentiments which they offend are not of the same type. As a result, repression cannot be the same for one as for the other.

The collective sentiments which are contradicted and offended by the criminality characteristic of primitive societies are collective, as it were, in a double sense. Not only have they the collectivity as their subject, so that they are found in the majority of individual consciences, but more than that *they have collective things as their object*. By definition,

these things are outside the circle of our private interests. The ends to which we are thus attached infinitely surpass the narrow horizon we each have as individuals. It is not us personally with which they are concerned, but with the collective existence. Consequently, the acts which we must perform in order to satisfy them do not correspond to our own individual inclinations; but rather they do violence to them since they consist in all kinds of sacrifices and privations which a man has to impose upon himself whether it be for the purpose of humouring his god, to conform to custom, or to obey authority. We do not have an inclination to fast, to mortify ourselves, to forbid ourselves one or another kind of meat, to sacrifice our favourite animals on the altar, to inconvenience ourselves out of respect for custom, etc. Consequently, just as with the sensations which come to us from the external world, such sentiments are in us but not of us; even exist, in a sense, in spite of us; and they appear to us in this way in consequence of the constraint which they exercise over us. We are thus obliged to alienate them, to assign as their cause some external force, just as we do for our sensations. Moreover, we are obliged to conceive of this force as a power which is not only extraneous, but even superior to us, since it gives the orders and we obey them. This voice which speaks within us in such an imperious tone, which enjoins us to do violence to our nature, can come only from a being other than ourselves, and one, moreover, which dominates us. In whatever special form men have portrayed it (god, ancestors, august personages of all kinds), it always has in its relation to them something transcendent, superhuman about it. That is why this part of morality is wholly imbued with religiosity. The duties which it prescribes for us bind us to a personality which infinitely surpasses our own; the collective personality, which we may think of as a pure abstraction, or with the help of what are properly religious symbols, the guise in which it most frequently appears. In the case of crimes which violate these sentiments and which consist of the neglect of special obligations, these cannot fail to appear to us as directed against these transcendent beings, since they do indeed strike at them. It is because of this that they appear exceptionally odious; for an offence is the more revolting when the person offended is higher in nature and dignity than the offender. The more one is held in respect, the more abominable is lack of respect. An act which is simply reprehensible when directed at an equal becomes sacrilegious when it concerns someone who is superior to us; the horror which it produces can therefore only be calmed by a violent repression. Normally, when simply trying to please his gods, the faithful man must submit to a thousand privations if he is to maintain regular relations

with them. To what privations must he not be subjected when he has outraged them. Even were the pity which the guilty party inspires quite strong, it could not serve to effectively counterbalance the indignation aroused by the act of sacrilege, nor, consequently, to modify appreciably the punishment; for the two sentiments are too unequal. The sympathy which men experience for one of their kind, especially one disgraced by an offence, cannot restrain the effects of the reverential fear which they feel for the divinity. In the face of a power which is so much greater than him, the individual appears so insignificant that his sufferings lose their relative importance and become a negligible quantity. For what is an individual's suffering when it is a question of appeasing a God?

It is otherwise with collective sentiments which have the individual for their object; for each of us is an individual. What concerns humankind concerns us all; for we are all men. Consequently we take sentiments protecting human dignity personally to heart. Of course, I do not mean to say that we respect the life and property of our fellows out of a utilitarian calculation and to obtain from them a just reciprocity. If we reprove acts which lack humanity, it is because they offend the sentiments of sympathy which we have for man in general, and these sentiments are disinterested precisely because they have a general object. This is the great difference which separates the moral individualism of Kant from that of the utilitarians. Both, in a sense, make the development of the individual the object of moral conduct. But for the latter the individual in question is the tangible, empirical individual, as realised in each particular conscience; for Kant, on the other hand, it is the human personality, it is humanity in general, in abstraction from the concrete and diverse forms under which it presents itself to the observer. If it is universal, such a conception is but narrowly related to that towards which our egoistic tendencies incline us.

Between man in general and the man whom we are there is not the same difference as that between a man and a god. The nature of this ideal being differs only in degree from our own; it is only the model of which we are various examples. The sentiments which attach us to it are thus, in part, the extension of those which attach us to ourselves. It is this which is expressed in the popular saying: 'Do not do unto others that which you would not wish done to you.'

Consequently, for us to explain these sentiments and the acts towards which they impel us, it is not necessary, to the same degree, to seek some transcendent origin of them. To account for the respect we feel for humanity, there is no need to suppose that it is imposed on us by some

power exterior to and superior to humanity; it already appears intelligible to us just because we feel we are men ourselves. We are aware that it conforms more to the natural inclination of our sensibility. Unlike the previous type, the crimes which offend this will not, therefore, seem to us to be directed against some super-human being. We shall not see in them acts of 'lese-divinity', but simply of 'lese-humanity'. Unquestionably, this ideal is far from being deprived of all transcendence; it is in the nature of every ideal to surpass reality and to dominate it. But this transcendence is much less marked. If this abstract man is not to be confused with any one of us, each of us realises him in part. Since it is essentially human, no matter how elevated this end may be, it is also immanent in us to some degree.

Consequently, the conditions of repression are no longer the same as in the first case. There is no longer the same distance between the offender and the offended; they are more nearly on the same level. This is the more so as, in each particular case, the victim of the crime offers himself in the guise of a particular individuality, in all respects identical to that of the transgressor.

The moral scandal which the criminal act constitutes is, therefore, less severe, and consequently does not call for such violent repression. The offence of man against man cannot arouse the same indignation as an offence of man against God. At the same time, the sentiments of pity which he who suffers punishment evokes in us can no longer be so easily nor so completely extinguished by the sentiments he has offended and which react against him; for both are of the same nature. The first sentiments are only a variety of the second. What tempers the collective anger, which is the essence of punishment, is the sympathy which we feel for every man who suffers, the horror which all destructive violence causes us; it is the same sympathy and the same horror which inflames this anger. And so the same cause which sets in motion the repressive apparatus tends also to halt it. The same mental state drives us to punish and to moderate the punishment. Hence an extenuating influence cannot fail to make itself felt. It might appear quite natural to freely sacrifice the human dignity of the transgressor to the outraged divine majesty. But there is a real and irremediable contradiction in avenging the offended human dignity of the victim by violating that of the criminal. The only way, not of eliminating the difficulty (for strictly speaking it is insoluble), but of alleviating it, is to lessen the punishment as much as possible.

Seeing as, in the course of time, crime is reduced more and more to offences against persons alone, while religious forms of criminality decline, it is inevitable that punishment on the average should become weaker. This weakening does not come from the fact that morals become less harsh, but from the fact that religiosity, which was earlier imprinted in both the penal law and the collective sentiments which underlay it, steadily declines. Doubtless, the sentiments of human sympathy simultaneously become livelier; but this greater liveliness is not sufficient to explain this progressive moderation in punishments; since, by itself, it would tend to make us more severe towards all those crimes of which man is the victim, and to increase the repression of such crimes. The true reason is that the compassion of which the condemned man is the object is no longer overwhelmed by the contrary sentiments which would not let it make itself felt.

But, you may say, if this is the case, how is it that punishments attached to crimes against persons participate in the general decline? For, if they have declined less than the others, it is still certain that they too are, in general, less harsh than they were two or three centuries ago. If, however, it is in the nature of this type of crime to call forth less severe punishments the effect should have shown itself from the first, as soon as the criminal character of these acts was formally recognised; punishments directed against them ought to have immediately and at a single stroke attained the degree of mildness which they allow of, rather than becoming progressively milder. But what determines this progressive softening, is that at the time when these crimes, having remained for a long time on the threshold of the criminal law, were brought within it and finally classed as part of it, religious criminality held almost complete sway in this area. As a result of this preponderant situation, it began by pulling into its orbit those new offences which had just been created and marked them with its imprint. So much so, that just as crime is essentially conceived as an offence directed against the divinity, so crimes committed by man against man are also conceived on this same model. We believe that they also repel us because they are defended by the gods and, by the same token, outrage them. The habits of mind are such that it does not even seem possible that a moral precept can have a sufficiently well-founded authority if it does not derive from what is at the time considered as the unique source of all morality. Such is the origin of these theories, still so widespread today, according to which morality lacks all basis if it does not rest upon religion, or, at the very least, on a rational

theology; that is to say, if the categorical imperative does not emanate from some transcendent being. But to the extent that human criminality develops and religious criminality recedes, the former shows more and more clearly its own physiognomy and distinctive traits, such as we have described. It frees itself from the influences to which it used to be subjected and which prevented it from being itself. If, even today, there are a good many people for whom the penal law, and more generally all morality, are inseparable from the idea of God, yet their number is diminishing; and even those who lag behind in this archaic conception are no longer as narrowly tied to these ideas as a Christian of earlier times used to be. Human morality progressively sheds its primitively confessional character. It is in the course of this development that that regressive evolution of punishments which removes the most grave lapses from the prescriptions of this morality occurs.

But a reciprocal influence must be noted, for as human criminality gains ground, it reacts in its turn on religious criminality and, so to speak, assimilates it. If it is offences against persons which constitute the principal crimes today, offences against collective things (crimes against the family, against morals, against the State) nevertheless still exist. However, these collective things themselves tend to lose more and more that religiosity which formerly marked them. From the divinities which they were, they are becoming human realities. We no longer hypostasize the family or society in the form of transcendent and mystical entities; we see scarcely more than human groups who co-ordinate their efforts with a view to achieving human goals. As a result, crimes directed against these collectivities partake of the characteristics of those which directly injure individuals; and punishments which are aimed at the former themselves become milder.

Such is the cause which has determined the progressive weakening of punishments. One can see that this result is produced mechanically. The manner in which collective sentiments reacted against crime changed because these sentiments changed. New forces came into play; the result could not remain the same. This great transformation has not taken place with a view to a preconceived end nor under the direction of utilitarian considerations. But, once accomplished, it finds itself quite naturally adjusted to useful ends. For the very reason that it had necessarily resulted from the new conditions in which societies found

themselves placed, it could not be other than in relationship and harmony with those conditions. In fact, the intensity of punishments serves only to make individual consciences aware of the force of collective constraint; so it is useful only if it varies with the same intensity as this constraint. It is fitting that it becomes milder as collective coercion becomes lighter, more flexible, becomes less inaccessible to free examination. Now this is the great change produced in the course of moral evolution. Although social discipline, of which morality properly so-called is only the highest expression, progressively extends its field of action, it loses more and more of its authoritarian rigour. Because it becomes more human, it leaves more room for the spontaneity of individuals; it even solicits it. It has therefore less need to be violently imposed. And for this to occur, the sanctions which assure it respect must also become less constricting on all initiative and thought.

We may now return to the second factor of penal evolution, which we have up until now left out of account; namely the nature of the means of government. The preceding considerations will readily allow us to explain the manner in which they act.

In truth, the constitution of an absolute power necessarily has the effect of raising the one who wields it above the rest of humanity, making of him something superhuman; the more so as the power with which he is armed is more unlimited. In fact, wherever the government takes this form, the one who controls it appears to people as a divinity. When they do not make an actual God of him, they at the very least see in the power which is invested in him an emanation of divine power. From that moment, this religiosity cannot fail to have its usual effects on punishment. On the one hand, offences directed against a being so palpably superior to all its offenders will not be considered as ordinary crimes, but as sacrilegious acts and, by virtue of this, will be violently repressed. From this stems the exceptional position that the penal law assigns to crimes of *lese-majesty* among all peoples subjected to an absolutist government. From another point of view, as in these same societies almost all the laws are supposed to emanate from the sovereign and express his will, so the principal violations of the law appear to be directed against him. The reprobation which these acts arouse is thus much stronger than if the authority to which they cause injury was more dispersed, and consequently more moderate. The fact that it is concentrated at this point, rendering it more intense, also makes it more sensitive to all who offend it, and more violent in its reactions. Thus the gravity of most crimes is heightened by

degrees; consequently, the average intensity of punishment is extraordinarily increased.

V. CONCLUSIONS

Understood in this way, the law which we have just described takes on a quite different significance.

In fact, if one goes to the root of things, one can now see that it explains not merely, as it might seem at first sight, the quantitative variations through which punishment has passed, but also qualitative variations. If the punishment is milder today than formerly it is not because former penal institutions, while remaining intact, have little by little lost their rigour; but rather that they have been replaced by different institutions. The motive forces which have determined each of these are not of the same type. It is no longer that lively emotion, that sudden explosion, that indignant bewilderment aroused by an outrage directed against a being whose value immeasurably surpasses that of the aggressor; it is more that calmer and more reflective emotion provoked by offences which take place between equals. Blame is no longer the same and does not exclude pity; by itself, it calls for moderation. Hence, the necessity for new punishments which are in accord with this new mentality.

This allows us to avoid an error to which the immediate observation of the facts might have led. Seeing with what regularity repression seems weaker the further one goes in evolution, one might believe that the movement is destined to continue without end; in other words, that punishment is tending toward zero. Now, such a consequence would be in contradiction with the true sense of our law.

In fact, the cause which has determined this regression would not produce its attenuating effects indefinitely. For it does not result from a kind of sluggishness of the moral conscience which, gradually losing its strength and its original sensitivity, would become more and more incapable of all energetic penal reaction. We are not more complacent today than formerly toward all crimes indiscriminately, but only toward some of them; there are some, on the contrary, towards which we are more severe. However, those to which we show increasing indulgence, turn out to be also those which provoke the most violent repression; inversely, those for which we reserve our severity call forth only moderate punishments. Consequently, as the former, ceasing to be treated as crimes, are removed from the penal law and give place to others, it must

necessarily produce a weakening of the average punishment. But this weakening can last only as long as this substitution goes on. The moment must come—and it has almost arrived—when this will be accomplished, when offences against the person will fill the whole of criminal law, or even when what remains of the other offences will be considered no more than an appendage of the previous sort. Then the movement of retreat will cease. For there is no reason to believe that human criminality must in its turn regress as have the penalities which punish it. Rather, everything points to its gradual development; that the list of acts which are defined as crimes of this type will grow, and that their criminal character will be accentuated. Frauds and injustices, which yesterday left the public conscience almost indifferent, arouse it today, and this sensitivity will only become more acute with time. There is not in reality, therefore, a general weakening of the whole apparatus of repression; rather, one particular system weakens, but it is replaced by another which, while being less violent and less harsh, does not cease to have its own severities, and is certainly not destined to an uninterrupted decline.

This explains the state of crisis in which the penal law of all the civilised peoples is found. We have arrived at the time when penal institutions of the past have either disappeared or are surviving by not more than force of habit, but without others being born which correspond better to the new aspirations of the moral conscience.

Translated by T.Anthony Jones
and *Andrew T.Scull*

NOTES

1 See our *Règles de la Methode Sociologique,* Ch. 4.

2 This is why it does not seem to us to be very scientific to classify societies according to their degree of civilisation, as both Spencer and Steinmetz have done. For one is then obliged to classify one and the same society into several social species, according to the political structure it has successively assumed or according to the degree of civilisation which it has progressively passed through. What would one say of a zoologist who classified the same animal into different species in this fashion? And yet a society has, even more than does an organism a definite character, unique to itself, in certain respects, from the beginning to the end of its existence; consequently, a system of classification which fails to recognise this fundamental unity seriously distorts reality. One can, of course, distinguish in this fashion between social states, not societies; and social states separated thus from the permanent substructure which binds them one to another, rest on a

foundation of air. It is therefore the analysis of this infrastructure, and not the changing ways of living which it sustains, which alone can provide the basis for a rational classification.

3 *Règles, op. cit.,* p. 163
4 *Etudes sur l'Histoire du droit criminel des peuples anciens,* I, p. 142.
5 *Ibid,* p. 69.
6 Chapter I, 60 and 65.
7 Thonissen, I, p. 160.
8 VIII, 281.
9 Benzinger, *Hebraeische Archeologie,* pp. 292–303, p. 71, and §41.
10 See Benzinger, *op. cit.,* p. 333; Thonissen, *op. cit.,* II, p. 28.
11 *Deuteronomy,* xxv, 11–12.
12 *Numbers,* xxxv, 31.
13 This is illustrated in a passage in *Deuteronomy,* xxv, 1–2.
14 Josephus, *Ant.,* IV, pp. 238, 248.
15 Benzinger, *op. cit.,* p. 312.
16 See Hermann, *Griech. Antiq.,* II (I) Abtheil., pp. 124–5.
17 Hermann, *op. cit.,* pp. 126–7.
18 *C.Midias,* 105, Cf. Plato, *Republic* II, p. 362.
19 *C.Agoratos,* 56, 67, 68, and Demosthenes, *Discours sur L'Ambassade,* §137.
20 *Accusation d'empoisonnement,* p. 20.
21 *C.Agoratos,* 54, and Plutarch, *Phocion,* XXXIV.
22 Thonissen, *op. cit.,* p. 100.
23 Walter, *Histoire de la procédure civile et du droit criminel chez les Romains,* French translation, §821, and Rein, *Criminalrecht der Roemer,* p. 55.
24 Livy, I, p. 28.
25 *Pro Rabirio perduellionis reo.* p. 3.
26 *Coutume du Beauvoisis,* Ch. XXX, No. 2.
27 *Etablissements de saint Louis,* Book I, Chs 4 and 11.
28 See Du Boys, *Histoire du droit criminel des peuples modernes,* II, p. 231.
29 This relative leniency of punishment was even more marked in those parts of the society which were democratically governed, namely the free townships. 'In the free towns,' says Du Boys (II, p. 370) 'as well as in the chartered towns properly so called, we find a tendency to alter the penal system and the reparations and to make use of disgrace rather than executions or coercive punishments as a means of social control. Thus, at Mont-Chabrier, the man who stole two coins was made to carry these two coins hung round his neck and in this state to roam about for a day and a night, and after this, a fine of five coins was inflicted on him.' Kohler has made the same observation with respect to the Italian cities.
30 See Du Boys, *op. cit.,* V, pp. 234, 237 ff.
31 Du Boys, *op. cit.,* VI, pp. 62–81.
32 *The Law of Manu,* IX, p. 288.
33 *II Chronicles,* xvi, 10, and XVIII, 26. *Jeremiah* xxvii, 15 and 16.
34 'For all those who will not obey the law of your God and the king's law, let them be immediately brought to justice and let them be condemned either to death or to exile…or to imprisonment'. (*Ezra* vii, 26)
35 Post, *Bausteine f. eine Allgemeine Rechtsw.*, I, p. 219.
36 *Discours contre Timocrate,* §151.

37 *Apologie,* p. 37, C.
38 *Lois,* VIII, p. 847; IX, pp. 864, 880.
39 Hermann, R., *Griech. Antiq., Rechtsalterthuemer,* p. 126.
40 *Criminalrecht der Roemer,* p. 914.
41 Du Boys, *op. cit.,* V, pp. 88–9.
42 Du Boys, VI, *op. cit.* p. 60.
43 See the article 'Carcer' in *le Dictionnaire de Saglio.*
44 Walter, *op. cit.,* p. 856.
45 *Jeremiah,* xx, 2.
46 *Ibid.,* xxxii, 2.
47 *Ibid.,* xxxvii, 15.
48 See the article 'Carcer', already cited.
49 See Schaffroth, *Geschichte des bernischen gefaengnisswesens;* Stroobant, *Notes sur le systéme pénal des villes Flamandes.*
50 Abbé Laffitte, *Le Dahomé,* Tours, 1873, p. 81.
51 Bancroft, *The Native Races of the Pacific States…*, I, p. 453.
52 See Thonissen, *op. cit.,* p. 118
53 Schaffroth, *Geschichte des bernischen gefaengnisswesens.*
54 See Letourneau, *Evolution Juridique* p. 199.

Chapter 3

Review article by Emile Durkheim (1899)

Text reviewed:
F.S.Merlino's, *Formes et essences du socialisme* (Paris: Giard and Briere, 1898) by E.Durkheim[1]

Some interesting work has been going on for sometime within the socialist party. Virtually everywhere, but especially in Germany, Belgium and Italy, there is felt a need to recast and open up the formulae within which people have been imprisoned for too long. The doctrine of economic materialism, the marxist theory of value, the iron law, the paramount importance attached to class conflict, all these postulates, which the party still makes use of in its propaganda, are starting to appear somewhat outdated; anyone who is aware of the present state of the sciences and of the direction in which they are going can hardly be satisfied with them. It was therefore natural that attempts should be made to free the *socialist idea* from these old and questionable hypotheses which jeopardise it, and that people should work towards harmonising it with the recent advances made in science. It is to this task of renewal that Merlino offers his collaboration in the book which I am reviewing here.

The method he uses for this task is certainly the most reliable and the most radical. Surely the best way of putting socialist thought back on its feet is to reach it from within, at its source, so to speak, discarding the individual systems which claim to express it, and to think it out fresh? This is, in a small way, what our author would like to do. There are, he says, two types of socialism: *the socialism of socialists and the socialism of things.* The first one is to be found in books written by theoreticians and in the party's programmes; it is generally contained in a certain number of formulae whose outlines are relatively well defined and which are more or less logically systematised. The socialism of things is that thrust, half unconscious of itself and confused, which is at work in present day

societies and which leads them to seek out for a new way of organising their forces; it is those needs, those aspirations towards another moral, political and economic regime, which arise from the existing conditions of collective life. The first socialism does no more than faithfully reproduce the second; it is a reflection of it and always a pale one at that. It is therefore this objective and fundamental socialism that it is important to know. One must succeed in understanding it in itself, and not through the formulae by means of which it is given to us and which are too limited and thus truncate and distort it. Once it is known what it consists of, all that is left to do is to discover what are the most appropriate means of implementing it, that is to say, of actualising once and for all those tendencies and needs which are already something other than pure potentialities.

Now, according to Merlino, this objective socialism boils down to the following two tendencies which are, moreover, closely related and mutually dependent: (1) A tendency towards a political regime in which the individual would be more free, and would no longer be subject to the heavy-handed hierarchy which at present oppresses him, and in which the government of society by society itself would at last become a reality. (2) A tendency towards an economic regime where contractual relation would be truly equitable; which presupposes greater equality in social conditions. Indeed, any relationship between individuals who find themselves in unequal social conditions is of necessity unjust (p. 77); for there is a coercion brought to bear by the more favoured of the two contracting parties over the other, a coercion which distorts the conditions of exchange. The rich party obtains more from the poor party than the poor one can obtain from the rich because the two do not compete on equal terms; one of them gets back more than he gives. However, remunerative justice is only achieved in as much as the services that are exchanged are equivalent. It therefore rules out any idea of monopoly. 'It is only right and proper that everyone should have equal access to the products of nature' (p. 81), and in a more general way, to all the 'sources of labour'. Understood in this way the social question appears as a juridical one. The point about this ideal of justice, which these days the moral consciousness of civilised nations acknowledges, is to introduce it into positive law, to transform it into institutions.

The goal having been stated, what will be the means?

The method which Merlino uses to deal with this practical problem has nothing revolutionary about it. It is, on the contrary, inspired by a very strong awareness of what historical realities are about. Society, he says, is not a pure abstraction, a relationship which is purely ideal; it is a

concrete and living thing. It has a material substratum in the accumulation of materials brought together to carry out its functions; it is made up of a system of organs 'as indispensable to the life of a civilised people as housing and clothing are to the life of contemporary man' (p. 121). Thus there is no question of razing the social edifice to the ground in one day of revolution and building another, as a fresh start, on the ruins of the previous one. What is needed is the development and extension of what exists. The new grows under the old; institutions do not have to be recast and remoulded in order to serve new uses. They transform themselves under the pressure of needs. The role of socialism is to hasten and to direct this transformation, not to engage in a destructive task which would smash the very instruments of its realisation. To do otherwise is to halt the progress of the movement on the pretence of speeding it up. Social life is a perpetual becoming. It is therefore much more important to determine what society is in the process of becoming, what it should and can become in the near future, than to seek to guess at the final and ideal point towards which it is heading. Moreover, a pure ideal is unachievable precisely because of those demands made by real life and which it does not take into account. Never will the balance between services rendered and the payment made for these services be perfect. There are undertakings which are beyond any remuneration (acts of devotion, scientific discoveries); in addition, as far as material products are concerned, it is impossible to distribute them equally between the various factors which contributed to their creation, etc (p. 85).

This is what neither collectivism nor anarchist socialism has been able to understand. They have set out to achieve the ends they were striving for whilst disregarding the permanent conditions of 'social agreement' *('connivence sociale')*. This is how the one has thought it possible to have a society from which all competition would be eliminated and the other that there can be a lasting agreement between separate wills which would not be subject to any common discipline. Now, however one looks at it, the respective value of things, i.e. the reason for exchanges, will always have to be determined by the spontaneous equilibrium of supply and demand (p. 147). There is no means of control capable of being sufficiently flexible to keep up with the continual changes in tastes and needs and to obey the infinite diversity of individual circumstances. On the one hand, no matter how perfect the solidarity is, never can individual interest coincide exactly with the social interest, and the only way of containing the conflicts which would inevitably result from these divergences is to set up a stable organisation which will control individual interests in the name of collective necessities (p. 157). Besides, supposing

these unilateral conceptions were practicable, they could never become reality without contradicting themselves, for the very reason that they grossly oversimplify the givens of the problem. Thus, the chief aim of collectivism is to emancipate the individual and, by its excessive centralisation, would lead to a veritable despotism (p. 150). For totally opposite reasons, anarchism would lead to the same result; for if there were no collective organisation, superior to interindividual arrangements, nothing would prevent the natural inequalities of things and people from producing their logical consequences; monopolies would spring up again of their own accord. This is what one exposes oneself to when one does not search the past for the seeds of the future. However, on the other hand, one must not hope either to satisfy the new demands of public consciousness by leaving the old organisation intact. Although it is chimerical to wish to build a new society after having made a tabula rasa of the old one, it is not with the old institutions, kept unchanged, that one could renew social life. It is, however, this contradictory undertaking that has tempted socialism of the chair, which could also be called conservative socialism, no less impotent than its antagonist, revolutionary socialism, but for opposite reasons.

In order to introduce more remunerative and distributive justice into our societies, in order to make the individual more free, it is not necessary to turn the whole system of ownership, production and exchange upside down. Whatever one does, one will never be able to abolish private ownership; for there is something personal in ownership (p. 96) and the individuality of ownership entails that of production. Therefore, there is no reason why the regime of private enterprise cannot be modified so as to make exchanges sufficiently equitable; it is enough to organise it in such a way as to make monopolies impossible. Merlino thinks that this result could be achieved by the following means:

> 1. The land, the big means of production, of transport and of distribution would be owned by the community.
> 2. The community would itself run those industries that are mostly likely to become large monopolies, but only those. As for the others, the decision to produce and exchange would be left with individuals and private associations. It is competition that would determine to whom the instruments of production would be handed over: the collectivity would give them over to whoever offered the best terms. By this means, the most capable would designate themselves; it would only be necessary to establish detailed rules to ensure

> impartiality in the granting of concessions etc. On the other hand, thanks to the dues paid, the rent, the surplus income which derives from inequality in natural circumstances, would profit not individuals but the collectivity. Thus this source of inequality would disappear.
> 3. However, for there to be real moral equality, society would guarantee to all its members the wherewithal to educate themselves and to work. In addition, in a spirit of solidarity, it would provide them, free of charge, with certain benefits and would come to the aid of those who are helpless.

In such a system, then, there would be *private management* of industries, because once they had paid their dues to the collectivity, individuals and associations would have total use of the products of their labour, and would be able to exchange them as they wished etc. But this private management would have nothing *capitalist* about it since capital could not be monopolised. It will be argued that the collectivity would, nevertheless, have a formidable influence over the individual and his liberties. But the author believes he has avoided this obstacle by the way in which he has conceived the political organisation of such a society.

This conception is theoretically an anarchist conception (p. 195). Individuals must not be subject to any domination whether it be that of an individual, that of a class or that of a party. 'No governmental power. The people cannot reign over the people.' All they can and should do is to administer their own affairs, and consequently, the whole system of government must give way to the administration of public affairs. Or rather, since social interests are of very different kinds, since no one has the required competence to administer them all at the same time, there must be a plurality of autonomous administrative bodies in charge within the different spheres of social activity. If I have fully understood the author's thought, there would be as many of them as there are groups of workers or large collective functions; even so, according to certain passages (p. 189), it would seem that the bases of administrative organisation would be territorial. The idea perhaps is that the two types of groupings would function at the same time. These different administrations would be constituted according to the model of producer co-operative associations (p. 197); their members would be chosen from the competitors who showed the most ability, who would choose from among themselves their technical directors and their administrators. There would be precautions taken to make them really accountable; for one of the scourges of the present regime is that functionaries, especially

the elected ones, are not accountable. It is vital that the idea of justice should penetrate into the sphere of public life (p. 198).

The autonomous administrations would be linked through organs of coordination, which would be permanent or temporary (congresses, conferences, federal commissions), and whose brief would be to administer the interests common to a plurality of groups or to the totality of all the groups. But these commissions, too, would only be administrative. There would on no account be a general legislative body; since a permanent organ of this type would very soon subordinate itself to individuals. Each group in question would discuss technical legislation, and problems of a general nature would be decided either by the collectivity itself, if it does not have too many members, or by provisional conventions appointed ad hoc for each particular case (p. 196). In short, society would be a vast constellation of autonomous groups, each one legislating for itself, and only giving rise to common assemblies when necessary and for specific subjects which happen to necessitate such meetings.

If I may be permitted to say that this book is rather short on facts, that its argument is above all dialectical, that the authorities quoted and discussed are sometimes far from scientific (cf. especially the importance given to Tolstoy's theory of government [p. 19–30]), I cannot applaud the author too much for his effort to rid socialism of all kinds of doctrines which he regards as no more than *impedimenta*. In particular, it would be a sign of considerable progress, from which everyone would benefit, if socialism were finally to stop confusing the social question with the working class question. The former includes the latter but goes beyond it. The malaise we are suffering from is not localised in one specific class; it is general and is to be found throughout the whole society. It affects employers as well as workers, although it manifests itself in different ways in the two cases: in the form of an anxious and painful restlessness in the capitalist, in the form of discontent and irritation in the proletariat. The problem, then, goes infinitely beyond the respective material interests of the classes; it is not simply a question of reducing the share of some in order to increase that of others, but of remaking the moral constitution of society. This way of posing the problem not only fits the facts better, it would also have the distinct advantage of allowing socialism to shed that aggressive and spiteful character for which it has often been justly taken to task. For it would then be able to appeal not to those feelings of anger that the less favoured class harbours against

the other, but to feelings of pity for a society which suffers throughout all its classes and all its organs.

On the other hand, it cannot be denied that the main aim assigned to reform is in fact one of those that must be pursued. Doubtless, one can wonder whether the problem of contract should have the sort of supremacy accorded to it. However, it is certain that it is one of those problems which present themselves in the most urgent manner and it is obvious that the present state of our laws of contract no longer satisfies the demands of our moral consciousness. A contract no longer appears to us to be just by the mere fact alone that it has been given consent; furthermore, it is essential that one of the parties to the contract does not enjoy a superiority over the other such that he is able to lay down the law to him and to impose his will over him.

But what seems to us to call for the most express reservations, is the programme of the means the author proposes for achieving what he calls the *essence of socialism*. Doubtless, here too, one must praise his sound mistrust of unilateral solutions. It is absolutely certain that future societies, whatever they are, will not be based on a single principle: the old social forms will always survive underneath new forms and not without reason. For the earlier societies were able to come about only because they met certain needs and these needs cannot all of a sudden, have disappeared. The new needs can push them into the background but not eliminate them completely. As a result, no matter how future society is organised, it will contain together at the same time, the most varied forms of economic management. There will be room for all of them. However, the anarchistic nature of the political theories that Merlino is expounding appears to us to constitute a true sociological heresy. The more societies develop, the more the State develops; its functions become more numerous and penetrate even more the other social functions that it thereby concentrates and unifies. The progress of centralisation runs parallel with the progress of civilisation. One only needs to compare today's State, in a great nation like France, Germany or Italy, with what it was in the 16th century, or what it was then with what it was in the Middle Ages, to see that in an absolutely continuous manner the movement is in the same direction. Similarly, in the Greek and Italian cities, even at the highest point of their development, was the State not more rudimentary compared with what it has become amongst the European peoples? It may be said that there is no more well founded historical law. Hence, how can it

be thought that in tomorrow's societies there will be a sharp decline that will push us backwards? Is not such a hypothesis totally improbable?

The reasons why this impossible regression appears desirable to the author are not, in addition, better justified. The State is considered as antagonistic to the individual and it appears that the former can only expand at the expense of the latter. Nothing could be more contrived than this so-called antagonism, the idea of which Merlino is quite wrong to borrow from orthodox economics. The truth is that the State has been quite the opposite—the liberator of the individual. It is the State which, as it grew stronger, freed the individual from private and local groups which tended to absorb him: the family, the city, the corporation, etc. Individualism has evolved in history at the same pace as statism. Not that the State cannot become despotic and oppressive. As with all natural forces, if it is not controlled by a collective power which contains it, it will expand out of all proportion, and will in turn become a threat to individual liberties. It follows from this that the social force contained in it must be neutralised by other forces which counterbalance it. If secondary groups can easily become tyrannical when their action is not moderated by that of the State, conversely, the action of the State must be moderated in its turn if it is to remain normal. The way of achieving this end is to have in society, outside the State, but subject to its influence, more restricted groups (territorial or professional, it does not matter for the moment), but groups which are solidly built and endowed with individuality and sufficient autonomy to be capable of withstanding the encroachment of central power. What liberates the individual is not the suppression of regulating centres, it is their proliferation, provided that these multiple centres are coordinated and subordinate to each other.

I think this fundamental error seriously affects the whole system proposed by Merlino, since it amounts in the final analysis to a misunderstanding of the true nature and role of social discipline, that is to say, of that which constitutes the vital centre of collective life. Therefore, the society whose blueprint he outlines for us has something essentially vague and insubstantial about it. In order to regenerate itself and move forward, socialism must not only extricate itself from being exclusively obsessed with the working class question and encompass all aspects of the present malaise; it must also free itself from the anarchistic tendency which has distorted the conceptions of its greatest thinkers. It must succeed in understanding that a more perfect and more complex justice will never prevail in society, if that justice does not have its organ

and one which therefore develops. I believe that the moral role of the State, far from being near its end, will continue to expand. Not that I thereby mean to justify what Merlino calls conservative socialism, since it is quite evident that the State will only be up to the tasks which await it on condition that it transforms itself profoundly. But first the State has to be.

Translated by George Salemohamed

NOTE

1 Revue Philosophique—Vol XLVIII (1899) pp. 433–439. The work Durkheim reviews here is the French adaptation of two works by Francesco Saverio Merlino (1856–1930) —*Pro e Contro il socialismo* (1897) and *L'Utopia collettivista* (1898) —with a preface by Sorel. Sorel's review of *Pro e contro* can be found in Sorel *La Decomposition du Marxism* (1982) Presses Universitaires de France, pp. 43–76. A useful discussion can be found with further bibliographical information in D.D.Roberts, *The Syndicalist Tradition and Italian Fascism* (1979) University of North Carolina Press, ch. 3. A commentary on Durkheim's review can be found in S.Lukes, *Emile Durkheim* (1973) Allen Lane, London, ch. 17.

Part 2

Chapter 4

Durkheim: the sacred language

Mike Gane

> If the moral force sustaining the believer does not come from the idol he adores or the emblem he venerates, still it is from outside of him as he is well aware. The objectivity of its symbol only translates its externalness (L'objectivité du symbole ne fait que traduire cette extériorité).
>
> (Durkheim, [1961:264; 1960:33])

> it has sometimes been contested that speech clothed thought… But has it ever been doubted that writing was the clothing of speech?
>
> (Derrida, 1976:35)

> if the soul is going to clothe (revêtir) a new personality in each generation, the individual forms in which it successively develops itself must all be equally external to it, and have nothing to do with its true nature.
>
> (Durkheim, 1961:300)

1

Durkheim's early sociology, particularly in *The Division of Labour,* suggests that social evolution is the play of two distinctly different modes of social integration which are antagonistic to each other: mechanical and organic. Social evolution is marked by unevenness, antagonistic tendencies, periods of transition in which there are severe strains of non-correspondence between the elements, but where there are also natural

social mechanisms of integration and regulation, though their working is by no means inevitable. Only one of the principles of integration is dominant at any moment: the evolutionary tendency being the replacement of mechanical solidarity by organic solidarity. There is an immediate appearance of assymetry however between the two principles, for the source of mechanical solidarity lies in the moral order (the *conscience collective* and its productivity of similitudes) while the source of organic solidarity lies in the 'division of labour': 'it is the division of labour which, more and more, fills the role that was formerly filled by the common conscience. It is the principal bond of social aggregates of higher types' (1964b:173). For Durkheim consistently refuses to talk of a unity of labour, or primitive communism, as being anything but a 'product' of the already existing 'cohesion' of conscience (1964b:179). Later, in 1912, he suggests that nothing is known of the connection between economic and moral values in mechanical societies 'the question of the nature of these connections has not been studied' (1961:466).[1] In a society dominated by strong moral cohesion the social elements remain undifferentiated, especially family and economy; in the societies dominated by organic solidarity the elements are differentiated but the collective moral cohesion does not appear to come primarily from the level of moral authority outside of the economy: the conscience collective is 'progressively indeterminate'. Thus not only is there a change in the principle of solidarity, but also in its social location, that is, from the moral order to the economic order. Durkheim was immediately aware of the dangers,

> it is wrong to oppose a society which comes from a community of beliefs to one which has a co-operative basis, according to which only the former has a moral character, and seeing in the latter only an economic grouping. In reality, co-operation also has its intrinsic morality.
>
> (1964b:228)

Key characteristics of the symbolic order appear in the statements of 1885 and are reaffirmed: for example in that review he says:

> In society…the states of consciousness can be reduced to three principal types: intelligence, sensitivity and will. Social intelligence and social sensitivity have no special centres but are diffused throughout the entire organism.
>
> (1978:105)

In the *Division of Labour* it is repeated (1964b:79) in the formula that the *conscience collective* has no distinctive organ. Thus from the beginning the topography of the social existed in a kind of tension: between the internal order of the symbolic and the organisms itself. In the *Division of Labour* Durkheim is concerned to show the absence of a necessary moral integration arising from the division of labour and to reveal the pathological state of modern society: his critique of classical economics is based on the fact that the economy is a moral phenomenon, not simply a material basis. The analysis of the moral complex is coherently developed as a relationship between moral values and sanctions. Thus the first symbolic objects investigated by Durkheim are laws and sanctions: a complex of moral authority. In fact there are two different kinds of such basic complexes: the strong *conscience collective* which inspires repressive law and sanctions, and contractual solidarity which inspires restitutive law and sanctions. The two are antagonistic to each other. In considering law Durkheim is satisfied simply to work with written materials: he articulates no special theory of moral symbolism. What is elaborated specifically is a theory of the genesis of moral cohesion. I say a 'theory', in fact it is an assertion: resemblances create solidarity (1964b:105), and having been established this solidarity is maintained by the functioning of repressive sanction.

It appears that, after *The Division of Labour, Rules,* and *Suicide,* Durkheim began to take stock of his position on the symbolic order, and in a series of essays (collected in *Sociology and Philosophy,* 1974) began to modify and develop his ideas. These ideas fundamentally attempt to provide a more coherent account of the nature of symbolism on the one hand and to connect this with a more adequate account of social integration on the other. In the essay *Individual and Collective Representations* of 1898 he had become critical of some aspects of the biological analogy and had begun to adopt one from the new psychology which directed inquiry towards the idea that the mind should be regarded as 'a vast system of *sui generis* realities made up of a great number of mental strata superimposed on one another' (1974:33). Durkheim was an early adherent of the idea of unconscious phenomena for he saw in the new theory a way of approaching social phenomena which could both avoid the temptation of epi-phenomenalism and provide a new conception of integration. For in that brief article it is clear that he had become critical of the force of pure resemblance as a mechanism productive of social association (mechanical solidarity). Durkheim does defend the idea of resemblance on condition, though, that structures of

ideation (the symbolic order) are made into realities *sui generis,* and this idea suggests a further division of social facts in to primary and derived ones (1974:32).

In 1903 Durkheim published, with Mauss, the well-known paper on *Primitive Classification* which continued the theme of the hierarchical articulation of forms of classification as against the absence of internal unities in items brought together by resemblance. The basic argument is that the social order is the model for forms of classification which are thus projections or objectifications of already constituted structures. Unfortunately much of the empirical argument and demonstration was cavalier, if not completely fabricated to fit the thesis that the relation was simply a one-to-one correspondence (see Needham's comments Durkheim and Mauss, 1963b:xi–xlviii). The paper *Value Judgements and Judgements of Reality* of 1911 attempts to unite the moral and the cognitive as two aspects of a single faculty of judgement, and therefore attempts to unify the *conscience collective* with *representations collectives.* In this article he stresses that although there is only one faculty of judgement it is divided:

> we have different species of ideals. The function of some is to express the reality to which they adhere. These are properly called concepts. The function of others, is on the contrary, to transfigure the realities to which they relate, and these are ideals of value.
>
> (1974:95–6)

Thus the symbolic order is governed by a single principle divided into two linked forms of operation. Alongside these publications another strand of Durkheim's thought was represented in the lectures he gave at Bordeaux between 1890 and 1900. The published text of those lecturers was written in the period 1898–1900 (1957:x). The course makes it plain that it is the utilisation of the sacred effects of language which interests Durkheim for these play a crucial role he argues in the formation of the moral background and conditions for the emergence of modern organic solidarities. In the first instance 'wills can bind themselves only on condition of declaring themselves exteriorly, of projecting themselves outwardly.' In a sense they have to be endowed with a sacred force, and 'it is enough for them to be uttered according to a certain ritual form and in certain ritual conditions. Henceforth they become sacred.' So it is the essential ritual formulae which makes this transformation possible: 'it is only the sacred phrase that has this effect upon men and things' (1957:186–

7). Durkheim here immediately suggests that the phrase 'to give one's word' is not in fact metaphorical,

> it corresponds to a parting with something…. In the solemn agreement or contract by ritual, this transfer had already been achieved, but it was subject to the magic—religious processes we have mentioned, which alone made the transfer possible since it was these ceremonies that gave an objective character to the word and to the resolve of the promisor.
> (1957:196)

The contract by ritual eventually gave way to forms which were more appropriate to the density of commerce but were more and more displaced towards legal rituals in the last resort. Other social bonds still retain the aspect of resort to sacred formulae such as the marriage vow, etc. What becomes clear in Durkheim's argument is that the force of the sacred has its source in language effects and these require to be external to the individual: 'no performance takes place; everything is done by words… These words…are pronounced in such a way that they…become…exterior to him …They have thus become a thing, in the true meaning of the word' (1957:196). Other examples are, the blood oath, 'sealing a contract by drinking together probably has the same origin, and likewise that of shaking hands' (1957:180). We might add signing a signature.

In *The Elementary Forms of the Religious Life* of 1912, Durkheim set about establishing a unified theory of the primary cultural mechanisms. Together with the idea of the single, yet divided, principle of judgement, and the importance of hierarchical classification as essential to the unity of society, he also suggested, at considerable length, the nature of the social mechanisms which produced the dominant religious effects. This amounts to a full-blown analysis of the apparatus of religious practices in totemic society. Far from developing a conception similar in inspiration to symbolic interactionism or phenomenology, Durkheim's symbolic apparatuses add up to a second linguistic system superimposed on ordinary language.[2]

2

Durkheim's concern with the moral and symbolic orders of society is matched by his concern to establish an explicit epistemology for his analysis. Thus Durkheim thought it essential from the start to distinguish

between 'two orders of phenomena', social phenomena proper from individual phenomena. The latter are only partly social since they reflect their social conditions, and so are heterogeneous because they 'belong to two realms at once' (1964:8). Purely social phenomena exist independently of their manifestations in individuals while at the same time existing in a relationship to them. The 'externality' of these phenomena relative to the individual, combined with the fact that they constrain him, means that they are unique and 'constitute the proper domain of sociology' (1964:4).

Thus it is a certain domain of homogeneous phenomena, defined in relation to another heterogeneous domain, 'which interests the sociologist without constituting the immediate matter of sociology' (1964:8–9 mod.). Indeed, Durkheim's famous definition fully embraces the relationship: 'A social fact is every way of acting *(toute manière de faire)*, fixed or not, capable of exercising on the individual an external constraint' (1964:13). The emphasis is insisted upon throughout the *Rules:* social phenomena come to the individual from without, they are objective, they have a reality which resists the efforts of individuals to alter them (and when individuals do not resist them they are simply 'unconscious' of the effects of these forces in their actions [1964:5]).

In the first chapter of the *Rules* Durkheim is content to offer a definition and to provide illustrations. For example, he talks of duties which are defined externally to the individual, systems of belief and practice, language, economic and political relations, moral currents, fashions, currents of opinion, etc. This discussion, with all its many illustrations, is not altogether completely relaxed, the flow of the argument is continually interrupted. The phenomena themselves require a definition which immediately breaks into subordinate problems of justification and substantiation: the illustrations themselves bring problems of subclassification. Durkheim is forced to admit the 'list', the 'enumeration' of such phenomena, 'was not meant to be rigorously exhaustive' (1964:12). But even in this short chapter a number of elements appear to be in tension with one another. The problem which has caused most comment is that of constraint, for Durkheim clarifies the notion of constraint by identifying it with the idea of moral authority or superiority. And this, he says, can be recognised simply by the existence of sanctions which protect it. But the subclassification of the illustrations provides an immediate counterbalance to this for it divides constraint into two types, direct and indirect. Direct constraint exists when there are sanctions of any kind; indirect constraint 'nonetheless efficacious' (1964:3), exists independently of sanction, e.g. language, currency, etc. This latter mode

of constraint seems quite remote from the problem of force, or from constraint by violence, introduced in a later chapter, for although violence is 'direct', Durkheim immediately calls it abnormal, a category not introduced in the first chapter. The problem does surface, however, in chapter one under the guise of the problem of generality. For here it is stated with little hesitation that 'sociological phenomena cannot be defined by their generality' (1964:6 mod.). This is a crucial point, and Durkheim indicates this by stressing 'A thought which we find in every individual consciousness, a movement repeated by all individuals, is not thereby a social fact' (1964:6). In considering the indirect form Durkheim's argument symptomatically misses a step, for in considering the problem of generality the argument is rapidly terminated by reversion to imposition:

> constraint is easy to ascertain when it expresses itself externally by some direct reaction of society…But when it is only indirect, like the constraint which an economic organization exercises, it cannot be so easily detected. Generality combined with objectivity may then, be easier to establish. Moreover, this second definition is but another form of the first; for if a mode of behaviour whose existence is external to the individual consciousness becomes general…this can only be brought about by its being imposed upon them.
>
> (1964:10 mod.)

The problem of the *mode* of imposition is thus avoided. In fact all the basic terms which Durkheim uses to describe the social phenomenon, constraint, direct, etc., coercion, imposition, cannot take a coherent form in the first chapter in relation only to the problems of extension, generality, objectivity. They only become organised in relation to the difference between normal and pathological phenomena in chapter three. There the normal social phenomenon is defined as being organically connected to the social whole, or rather the whole 'at a given phase of development when it is present in the average society of that species at the corresponding phase of its evolution' (1964:64). This expression, so cumbersome, is in fact the key formula, for it immediately gives the clue as to why extension, externality, objectivity and constraint cannot be the basis of the definition of the social fact: for the apparent social phenomenon, though general and external may yet be abnormal. Crucially, however, this category of the abnormal has an ambiguous

status. For, on the one hand Durkheim can talk of a division of facts into the two classes (1964:57, 65, 76, etc.) and it can be said even that it is 'the principal object…to define the normal and to distinguish it from its opposite' (1964:74); (and also that 'it is important, from the very beginning of research, to be able to classify facts as either normal or abnormal…so that the proper domains can be assigned to physiology and pathology' [1964:63]); while on the other hand pathological states are often described as 'artificial', some forms of which, e.g. constraint by force, do not he says even 'merit the name' constraint. A form of constraint 'derived from a conventional arrangement which human will has added bodily to natural reality' is an artificiality and can only indicate the existence of a pathological state (1964:123). (Even this pathology can be divided: the morbid and the teratological; the former is the abnormal in the physiological, the latter is the abnormal in the morphological [1964:55].) The biological analogy is not just an addition to the definition of the social phenomenon, it is a primary ingredient, as it is to the whole of Durkheim's project, for it provides the rationale for the existence of sociology itself.

Some of the most intriguing theoretical questions concern Durkheim's interest in abnormal phenomena, for, from the beginning, he set himself the task of determining whether or not the European, or more particularly French society at the end of the nineteenth century was in a normal or abnormal condition. The symptoms of crisis were evident enough, he argued. And in all his major investigations he found room to argue that modern society was indeed in an abnormal condition. This called for a special note to the rule for the determination of normality:

> by showing that the generality of the phenomenon is bound up with the general conditions of collective life of the social type considered. This verification is necessary when the fact in question has not yet reached the full course of its evolution. (1964:64)

This, indeed, was precisely the case of French society in Durkheim's time, it was therefore *vitally necessary to avoid the suggesting idea of generality is essential to the definition of the social fact:*

> There are circumstances in which this verification is absolutely necessary…. This applies to periods of transition, when the entire species is in the process of evolution, without having yet become stablished in its new form. The only

> normal type that is valid under such circumstances is the type from the previous condition, and yet it no longer corresponds to the new conditions of existence.
>
> (1964:60)

Durkheim is quite insistent on this point, and argues that such generality is illusion ('une étiquette menteuse'), and not bound up with the basic conditions of existence of the collectivity. The persistence of the phenomena comes about through the blind force of habit in changed conditions. At this point Durkheim seems content to argue that abnormal forms are pure survivals, but it is clear in his discussions that he is most concerned with 'an absence' of organisation and morality in France (1964:61), an insufficiency of integration. The interesting question is how Durkheim thought this absence, to which in the last analysis his sociology is addressed, for it is the fundamental objective from the beginning to the end. 'There is no science worthy of the name which does not end in art', he wrote at the end of his life (1978:194).

Leaving aside the problem of normality and generality for the moment, what is essential here is the constant attribute of externality, for this is the indispensible basis for approaching Durkheim's theory of the symbolic order. In establishing the social phenomenon in relation to the individual, he thereby *counterposes an objectivity against a subjectivity*. These two orders he suggests are often found 'naturally' dissociated where the 'social' takes a recognisable form of its own:

> The collective habit exists not only in the immanent state in the successive acts which they determine, but, by a privilege of which we find no example in the biological realm, they are permanently expressed for all in a formula which is repeated from mouth to mouth, which is transmitted by education, and is fixed even in writing. Such is the origin and nature of legal and moral rules, aphorisms and popular sayings, articles of faith in which religious or political sects condense their beliefs, codes of taste erected by literary schools etc.
>
> (1964:7 mod.)

These constitute one of the examples of social phenomenon in the first chapter of the *Rules:* discourse is marked by the appearance of formulae, of secular and sacred and political kinds, which condense social knowledge. They are characterised by all the attributes of social facts

but particularly by objectivity and externality, and, he notes, by the fact that as codes their existence is separate from their application. But Durkheim's ideas on language have been overshadowed by those of Saussure.[3] A brief examination of Saussure's ideas are essential.

3

Although Saussure's lectures were called a 'Course in General Linguistics', they were in effect, lectures which attempted to establish the principles and rules of the semiological method, for they contain primarily basic definitions, and rules with illustrations of good and bad methods. But above all there is a systematic attempt to define the object of linguistics within semiology. Saussure's discussion actually poses much greater problems of translation than Durkheim's: language *(language)* he argues is divided into two distinct parts, *la langue* and *la parole,* rendered as language and speaking, or as a language and speech. The French terms have to be retained, for these standard translations only end in absurdities.[4]

Langue is defined in relation to *parole:* the former is a social fact, the latter is an individual fact (1974:14). Saussure's argument closely parallels that of Durkheim's. The individual speaker is master of *parole;* it is an individual act of the will. The speaking subject uses *langue* for his personal end, but it is not a function of the subject (1976:30): *langue* imposes itself on the speaker from outside, it is a social product that the individual 'registers passively'. *La parole* is a divided realm, partly social, partly psychological, partly physical; *la langue* is homogeneous and distinct from its individual usage. Whereas the individual is master of *parole,* the collectivity has no ability to speak, yet it is only in the collectivity that *langue* exists for it is the total system in potentia.

Unlike Durkheim, Saussure tries to generate and locate the differences between *langue* and *parole* in relation to a two person communication circuit: a physiological moment of speaking and listening, a physical moment of the transportation of the sounds themselves, then a third moment of the association of sound and concept which Saussure identifies as the purely social level of *langue* itself. The social element 'can be localised in the limited segment where an auditory image becomes associated with a concept. It is the social side of language, outside the individual, who can never create nor modify it' (1974:14, 1976:31).

An evident difficulty arises with the identification of *langue* in this manner, since the collectivity, at this level of discourse, has

neither the means of speaking *nor* the means of thinking: all such organs are individual. Saussure seems to recognise this:

> If we could embrace the sum of verbal images stored in all the individuals, we could identify the social bond that constitutes *langue*. It is a treasure deposited by the practice of *parole* in the subjects who belong to the same community, a grammatical system…existing in the brains of a group of individuals.
>
> (1974:13–14 mod.)

This comment not only individualises the capacity to think grammatically, it also appears to make *parole* the active rather than the passive partner. This possibility is strengthened by later comments such as that it is only in *parole* that the germ of change is found, and 'each change is launched by a number of individuals before it is accepted for general use' (1974:98); and, '*Langue* retains only a minimal part of the creations of *parole,* but those that endure are numerous to change completely the appearance of vocabulary and grammar from the one period to the next' (1974:169); and again, 'nothing enters *langue* without having been "tested" in *parole*' (1974:168). But, in fact, Saussure is consistent: there are two quite distinct and separate moments. The moment when the new phenomenon is created ('celui où elle surgit chez les individus') and 'when it becomes a fact of *langue,* outwardly identical but adopted by the collectivity' (1976:139, 1974:98). Thus creativity in *parole* is strictly conditioned by the existence of the materiality of *langue,* so much so that Saussure can suggest that 'the final step of realising the change in *parole* is a small matter in comparison with the build up of forces that makes it possible' (1974:165–6, mod.). The passivity or creativity of the individual is defined in relation to *langue* itself as a whole; in effect, a whole complex dialectic is invoked (Barthes, 1967:15–17).

The collectivity is the substratum of *langue* (1974:151); the individual of *parole*. The existence of *langue* is absolutely continuous, *parole* is transitory and particular (1976:38). The individual speaker is conscious of the existence of the synchronic order of *langue* but of the order of diachronic facts not in any way conscious at all. If it is fruitful to study phenomena that are external to *langue,* the 'unique' terrain, however, of linguistics is *langue,* and in relation to this *parole* is a purely external phenomenon. Internal to the definition of *langue* is its *social* character, its relation to the 'mass parlante'. Saussure comments that 'contrary to appearances, *langue* never exists apart from the social fact…its social

nature is one of its inner characteristics' (1974:215). Its social character is confirmed by the fact that it is uniquely among social facts, omnipresent, absolutely continuous, and least amenable to manipulation. 'It blends with the life of the social mass' (1974:74; 1976:108). If *parole* is mastered by the individual, *langue* is its own master. A man proposing a controlled, immutable language of which he is master 'ressemblerait à la poule qui couvé un oeuf de canard' (1976:111).

Having located the terrain of *langue,* Saussure proceeds to stress that the objects which fall within its scope are twofold, synchronic and diachronic, the first the ensemble of relations that constitute *langue* at any moment, and the second the order of facts which relate to the change of the system over time. The analysis of the latter serves the former (1974:90), but even more strongly 'le "phénomène" synchronique n'a rien de commun avec le diachronique' (1974:91). Thus the basic rules: divide phenomena into internal and external facts (what ever directly affects the system of *langue* is internal), and divide the internal facts into synchronic and diachronic. The material substrata are carefully conceived as 'supports' for the system (1974:139); changes in speaking and writing only indirectly affect the system and are thus external (1974:18 and 23). Diachronic facts are 'not only outside the system, but are isolated and form no system themselves' (1974:95), they do however relate *directly* to changes of the system. Thus what predominates is the study of the nature of the internal structure of the synchronic order. It is here that Saussure is most radical, for *langue,* unlike any other semiological order, pushes to the limit the purely formal character of the relations concerned. Two bonds are broken in the concept of the sign: any natural bond between the sign and the referent, and between sound image and concept. The internal relations of the sign are fundamentally arbitrary (1974:67), though determined. The sign is not a symbol (1974:30, 68), nor a nomenclature (1974:16, 65, 114). It is a system *sui generis* which establishes linguistic values in its units which condition each other. Significantly, Saussure does not start his analysis from a conception of grammatical functioning but from a fundamental duality of the functioning system, the division between two axes relating to the linearity of the sign: the 'syntagmatic' order of the connected signs themselves and the absent order of 'associations' (1974:123), two different orders of value are thereby created by *langue.* It is this division which takes primacy over the other divisions, grammar, morphology, etc: 'Morphology, syntax, and lexicology interpenetrate because every synchronic fact is identical. No line of

demarcation can be drawn in advance… the whole subject matter of grammar should be arranged along its two natural co-ordinates', the syntagmatic and the associative (1974:136–7).

Although Saussure refers to the system of *langue* as an organism (1974:20) the predominant analogies and parallels are with the game of chess, a quite different reference from the overwhelming biological analogies of Durkheim. Saussure uses it to illustrate the nature of internal and external differences (1974:22), the relation of value to element in *langue* (1974:110–11), the difference between synchronic and diachronic value (1974:89). Another close image: *langue* is like a 'type of algebra consisting only of complex terms' (1974:122): this leads to Saussure's famous proposition that in *langue* 'there are only differences without positive terms. Whether we take the signified or the signifier, *langue* has neither ideas nor sounds that existed before the linguistic system, but only conceptual and phonic differences that have issued from the system' (1974:120 mod.). But even so, a curious category of pathology or rather 'teratology' does have a place in Saussure's thought.

This is connected with what has been called Saussure's phonocentrism (see Derrida, 1976), which at bottom reflects contradictory ideas in the Course. Saussure finds a privileged position for speaking over writing: '*langue* and writing are two distinct systems of signs: the second exists uniquely to represent the first' (1974:23 mod.). But writing is far from being simply neutral in the matter, it can 'obscure' *langue,* and become a falsely based 'tyranny' over the spoken: 'the visual images lead to wrong pronunciation; such mistakes are really pathological' (1974:31). Because the living basis of *langue* is the object of linguistics, and yet often only known through writing, Saussure erects rules on the correct mode of working with writing. This external influence of writing produces deformations: 'linguistics should put them into a special compartment for observation: they are teratological cases' (1974:32). This idea is a product itself of Saussure's view that the executive function of language is found only in the individual, and that writing is simply parasitic upon speaking. As Derrida has shown this is in contradiction with the basic propositions of the differential nature of *langue,* and that 'differences issue from the system'. But there is another contradiction: the problem of the apparently individual nature of the syntagmatic chain: since these chains are obviously only the product of the speaking subject the problem becomes an issue of their connection with Saussure's object of the social nature of *langue*. Here Saussure takes a strictly 'Durkheimian' solution. If the collectivity is not a speaking subject it nevertheless marks the spoken chain: fixed expressions ('les locutions toutes faites'), syntagms

constructed on regular forms ('des forms régulières'); words, groups of words ('établis sur des patrons réguliers') combinations corresponding to general types ('qui ont à leur tour leur support dans la langue sous forme de souvenirs concrets'), etc. (1974:124–5; 1976:172–3).[5] In such a way the social exists *in* speaking, just as it does for Durkheim.

Clearly there are parallels and differences between the two writers. Both attempt to specify a distinct order of phenomena: but for Durkheim this is essentially an order of reality itself (and 'if…normality is not given in the things themselves…the mind is then complacent in the face of reality' [1964:74]), whereas for Saussure, although the social fact is a distinct 'thing', the methods recommended are based on points of view adopted by the linguist since *langue* can never err (so 'far from it being the object that antedates the viewpoint, it would seem that it is the viewpoint that creates the object' [1974:8 and see 183]). Although Saussure does have a place for teratology it is limited to a form of parasitism. The key terms for Saussure are social and time, for it is time which underpins the division of synchrony and diachrony, the syntagm and association, and society which gives it its level *sui generis*. For Durkheim the action of time is recognised but appears not in the classification of facts but in their explanation: explanation through 'the linking together of events in their order of succession' is rejected because 'it is impossible to conceive how the stage which a civilization has reached at a given moment could be the determining cause of the subsequent stage' (1964:117). At the same time however the ideas of normality and pathology relate to development and growth so 'one cannot explain a social fact of any complexity except by following its complete development through all social species' (1964:139). The division in methodology implied is not coherently developed but exists in the form of an opposition between the internal analysis of a living organism (a decisive experiment) and comparative sociology ('this method which may be called "genetic", would give at once the analysis and the synthesis of the phenomenon' (1964:138–9). The distinction between normal and pathological, given in reality, is arrived at by comparing synchronic states of organisms at the same stage of development; and normality is gauged, also, *by definition,* through the vitality of its moral constraint over the individual.

In relation to semiology directly, Saussure is content to argue that signs express thought, but is insistent that it is the action of the system of *langue* which produces the value of terms and not the action of things on them: the problems of epistemology are thus avoided. For Durkheim the division between individual and society means that there also exist two orders of expression. Saussure recognises this in order to establish

langue but *langue* has no means to express itself. Again the epistemological problems of such a division are not examined by Saussure. This is one of the reasons why a writer like Jameson for example can say 'the Saussurean model has become more useful for social scientists than that of Durkheim' since 'the very peculiarity of Saussure's object permits him to escape any substantialist illusion' (Jameson 1972:27–8). As we have seen this is not so clear cut as Jameson would have it, and indeed the existence of a post-Saussurean continuation of thought on the nature of syntagmatic relations of this type (formulae), however inconclusive, suggests that Saussure and Durkheim are not so far apart (see Koerner, 1973:354–377).

4

In order to examine Durkheim's views on language and the symbolic order it is necessary to examine *The Elementary Forms* at some length. The ostensible object of the work is a particular set of religious beliefs and practices organised in totemism.[6] These are conceived by Durkheim as the paradigm of primitive religion and thus reveal the complex fusion of moral and cognitive elements in the symbolic order of the first societies out of which all subsequent orders of knowledge have developed.

The emblem is the visible mark of the totem. Durkheim insists on the fact that it is carved, painted, engraved on external objects, shields, utensils, trees, rocks, graves, etc., they are also 'imprinted' on the body, 'it becomes part of them, and this world of representations is even by far the more important' (1961:137). The mark of the totem is given in the form of an external resemblance either as special objects or alterations of the body, e.g. hair; or the totemic mark is 'printed' *(imprimée)* on the body: the removal of teeth, scarring, tattooing, etc., and painting on the body are generally 'representations of the totem'. At initiation ceremonies the totemic 'symbol' is painted on the initiate (1961:139), etc. Thus the 'totemic decorations enable us to see that the totem is not merely a name and an emblem…it is in connection with it that things are classified as sacred and profane' (1961:140). The sacred sentiment is attached to the sacred object (the churinga) upon which is engraved the totemic mark. The totemic name, too, is so sacred it can only be uttered in a 'low voice'. It is kept in a special place which is thereby a place of asylum. But these objects are simply pieces of wood, what gives them their sacred power is the 'mark and this alone' (1961:144). Durkheim is insistent that this is not a fetish related to a spirit, but it is to the 'image' itself that the rite is addressed. There are other kinds of religious objects (nurtunja

and waninga) which are respected in the same way, they bear the sacred mark and they bear its name. In North America the representations may attempt to resemble some exterior feature of the totem itself, but in Australia

> the sacred representations generally seem to show no ambitions in this line…they are either straight or curved lines…. The meaning of the figures thus obtained is so arbitrary that a single design may have two different meanings for the men of two different totems.
>
> (1961:148–9)

Durkeim notes that these marks are 'above all, a written language' which the men of the totemic group feel the need to use to represent them: they 'feel the need of representing the idea which he forms of it by means of material and external signs, no matter what these signs may be' (1961:149).

Although the totemic objects themselves are subject to prohibitions of the moral order, they seem to be less potent as sacred objects than their representations: 'we arrive at the remarkable conclusion that the images of totemic beings are more sacred than the beings themselves' (1961:156). The totemic animal is not, therefore, the 'primary' sacred object. A man is named in relation to animal species and therefore is part of the sacred order: 'the name…is not merely a word or a combination of sounds, it is part of the being, and even something essential to it…it is not merely considered as an outward sign…it supposes it logically' (1961:157). Man has a double nature, man and animal. The sacred finds for itself special privileged bodily organs and tissues, particularly blood and hair. Totemism is not animal worship, for the relations between the elements in the sacred species include man and is more in the order of kinship and property. The totemic system is comprehensive: it embraces the group through the connection of name, emblem, and animal; it also produces a cosmology. The ideas of class extend beyond known experience or of resemblances. They are socially generated: they come from society and are 'projected…into… conceptions of the world' (1961:173). The individual is linked to the animal not as individual to species but as individual to individual (say a part of the animal: head, feet, liver, etc.), and by a special forename which given in ceremonies

> has a sacred character. It is not pronounced in…profane life… the word designating this object in the ordinary language must be modified…to serve in this particular case…the terms of the usual language are excluded from the religious life…(and) in certain cases…the name is doubled by an emblem belonging to each individual.
>
> (1961:184 mod.)

The collective totem is attributed at birth while the individual totem is acquired through ritual and appears to be secondary.

Totemism thus orders phenomena which are penetrated by something in common, the totemic principle: in the first rank is the 'figured representation'. But the principle represented is completely independent of the 'particular subjects in whom it incarnates itself': it is 'an impersonal god, without a name' (1961:217). Totemism is only possible in this form in a society with highly autonomous units, wherever the units fuse into tribal unities the name of the religious force appears e.g. as mana. Totemic particularism produces religious concreteness. The process of totemism is a material representation of an immaterial substance, it 'is this energy diffused through all sorts of heterogeneous things which alone is the real object of the cult' (1961:217).

It is at this point that Durkheim reintroduces his conception of the social fact itself, this time to demarcate two quite different social states: social effervescence and social relaxation. Social representations, he says, have an intensity which individual ones never achieve: and

> it is society who speaks through the mouths of those who affirm them in our presence…and the voice of all has an accent which that of one alone could never have…. The very violence with which society reacts…contributes to strengthening its empire.
>
> (1961:238)

It is 'in spiritual ways that social pressure exercises itself' but the forces involved are complex and the first forms used to represent them 'are really foreign to their nature and…transfigure them' (1961:240). Once more Durkheim is caught up in the problem of modes of constraint: once more he recognises the existence of the fact of indirect modes, language, instruments, knowledge, etc, but only immediately to relegate them to the powers of moral excitement of collective enthusiasm (1961:243). The sacred is produced in the midst of collective

effervescence, and it is represented only ever by 'the aid of religious symbols…it is society alone which is the author of these varieties of apotheosis' (1961:244). But it is realised only through individuals, it is felt as immanent to them 'and they necessarily represent it as such'; it comes from an exterior source. From the concrete totemic image the energy of the totemic principle is transferred to the totemic animal which resembles the image more than man himself and thus is higher in sacred rank. But the principle is not stable or complete: it is 'contagious'. Religion is not, therefore, a series of 'errors' or 'hallucinations' for its function is not primarily analytical:

> above all it is a system of ideas with which the individuals represent to themselves the society of which they are members, and the obscure but intimate relations they have with it. This is its primary function; and though metaphorical and symbolic, this representation is not unfaithful…it translates everything essential.
>
> (1961:257)

The religious sentiment must be objectified but *any object* can fulfil this function of support, it is not intrinsic in the object but is 'superimposed' on it.

Here it is essential to quote Durkheim's argument at length:

> In fact, if left to themselves, individual consciousnesses are closed to each other; they can communicate only by means of signs which express their internal states. If the communication established between them is to become a real communion, that is to say, a fusion of all particular sentiments into one common sentiment, the signs expressing them must themselves be fused into one single and unique resultant. It is the appearance of this that informs individuals that they are in harmony and makes them conscious of their moral unity. It is by uttering the same cry, pronouncing the same word, or performing the same gesture in regard to some object that they become and feel themselves to be in unison. It is true that individual representations also cause reactions in the organism that are not without importance; however, they can be thought of apart from these physical reactions which accompany them or follow them, but which do not constitute them. But it is quite another matter with

collective representations. They presuppose that minds act and react upon one another; they are the product of these actions and reactions which are themselves possible only through material intermediaries. These latter do not confine themselves to revealing the mental state with which they are associated; they aid in creating it. Individual minds cannot come in contact and communicate with each other except by coming out of themselves; but they cannot do this except by movements. So it is the homogeneity of these movements that gives the group consciousness of itself and consequently makes it exist. When this homogeneity is once established and these movements have once taken a stereotyped form, they serve to symbolize the corresponding representations. But they symbolize them only because they have aided in forming them.

Moreover, without symbols, social sentiments could have only a precarious existence. Though very strong as long as men are together and influence each other reciprocally, they exist only in the form of recollections after the assembly has ended, and when left to themselves, these become feebler and feebler; for since the group is now no longer present and active, individual temperaments easily regain the upper hand. The violent passions which may have been released in the heart of a crowd fall away and are extinguished when this is dissolved, and men ask themselves with astonishment how they could ever have been so carried away from their normal character. But if the movements by which these sentiments are expressed are connected with something that endures, the sentiments themselves become more durable. These other things are constantly bringing them to mind and arousing them; it is as though the cause which excited them in the first place continued to act. Thus these systems of emblems, which are necessary if society is to become conscious of itself, are no less indispensable for assuring the continuation of this consciousness.

So we must refrain from regarding these symbols as simple artifices, as sorts of labels attached to representations already made, in order to make them more manageable; they are an integral part of them. Even the fact that collective sentiments are thus attached to things completely foreign to them is not purely conventional: it illustrates under a conventional form

> a real characteristic of social facts, that is, their transcendence over individual minds. In fact, it is known that social phenomena are born, not in individuals, but in the group. Whatever part we may take in their origin, each of us receives them from without. So when we represent them to ourselves as emanating from a material object, we do not completely misunderstand their nature. Of course they do not come from the specific thing to which we connect them, but nevertheless, it is true that their origin is outside us. If the moral force sustaining the believer does not come from the idol he adores or the emblem he venerates, still it is from outside of him as he is well aware. The objectivity of its symbol only translates its externalness.
>
> (1961:262–4)

So Durkheim has shown that what he called emblematism *('emlématisme')* is essential to the formation of society itself. He goes on to say 'social life in all its aspects and in every period of its history, is made possible only by a vast symbolism' but if this is true a special form has unique significance

> collective sentiments can just as well become incarnate in persons or formulae…but there is one sort of emblem which should make an early appearance outside all calculation or reflection: tattooing. Known facts demonstrate that it is produced automatically *(avec une sorte d'automatisme)* in certain conditions. When men of an inferior culture are associated together in a common life, they are frequently led, by an instinctive tendency to paint or engrave on their body the images which recall their common existence.
>
> (1961:26 mod.)

Durkheim's overall argument seems to suggest that society begins in an ecstatic moment of creativity, it comes into existence in relation to its already given relations which the sacred transfigures. It is the drive of the energy which is essential and this forces itself to be represented: the basic substance of this energy is contagious and infinitely divisible, but essentially it can only come into existence in the medium of the symbolic order itself 'the world of representations in which social life passes is superimposed upon its material substratum…. The medium in which we move is less opaque and less resistant' (1961:307). The collective

energy finds its objects in the world at hand and transforms them into a group of emblems (since the emblems do not exist in isolation but in the context of other totems). But there is something specific about the 'author' that is at work here: it is anonymous, impersonal, 'without a history', and it is external. The individual feels its force as coming from without as an objective phenomenon: when it is at work it produces its effects through the external modes, primarily by visual, or graphic means. These are not presented as the outer garments of a subjective intent, since subjectivity is a phenomenon of the individual. The inner nature of society is represented to the individual directly by the sacred writing itself. 'The objectivity of its symbol only translates this exteriority' (1961:264 mod.).

We can now begin to see the elements of the symbolic order in Durkheim's sociology. First, the fundamental fact is that it is an objective expressionism and it is consistently linked to the importance of the graphic. Unlike Saussure, Durkheim's sociology is graphocentric, a characteristic intimately linked to the external character of the social logos to the individual. Thus against the ordinary profane language there is another language, and when it acts it marks the ordinary language in a special way, directly parallel with the definition of the social elements in the syntagm for Saussure: formulae, special accents and tones with a different vocabulary, and in effect it finds ordinary language a surface to write on, a surface amongst many.

Second, the representation is explicitly posed as a representation of the society to the individual, an external relationship. But although this is posed as an expressive symbolism, two different things are at issue: one is the 'representation' of society to the individual which is metaphorical, the other is the articulation of the society as a whole in a form of solidarity of organisation. Durkheim continually emphasises the two sides throughout: the emblem both represents and organises (it is the focal point in a complex space). The social creates the symbolic order and then continually requires the symbolic order to recreate it. There appears to be an order of succession 'the idea of class is an instrument of thought which has obviously been constructed by men. But in constructing it, we have at least had need of a model…the example of human societies before our eyes' (1961:171) and then the classification is 'at the same time moral' (1961:175). It appears that humanity has already created society, which individuals then represent to themselves. In effect Durkheim treats this as a false problem: he is not interested in any absolute beginning of society (1961:20), for what exists is a relation

of mutual dependence in which the profane requires the sacred, and the sacred requires the profane. As he says: 'gods require their worshippers' (1961:388).

Third, it is clear that Durkheim regards society as a logical intelligence, he calls it a 'unique intelligence'. The representation of this being, which is brought about only under certain conditions, since it requires a determinant energy, is metaphorical but 'translates all essentials'. In other words, it could not be made clearer that society is fundamentally pre-conscious in its basic constitution, or inner nature. And when it eventually does express itself it does so as an immense writing machine, and all social surfaces without exception are imprinted with its text.

NOTES

1 The beginnings of a discussion of these problems in this perspective can be found in Mauss (1968, vol. 2:106–20).

2 In order to place this idea in a wider context it is possible to contrast it with two subsequent developments: that of Lévi-Strauss and of Bernstein and Douglas. First, Lévi-Strauss's conception, apparently an application of Saussurean principles, remarkably argues, say is relation to the sacred, that Durkheim's insistence that the sacred is written (see below), is misplaced since an object can be regarded as sacred only in a system of classification and this is not connected with a mark but a place or position: 'sacredness (of the churinga) attaches to the function of diachronic significance which they alone attest in a system, which, being classificatory, is displayed in its entirety in a synchrony that succeeds even in assimilating duration' (1972:242). Lévi-Strauss's conception is polarised towards the analysis of system and does not insist on the presence of signs; Durkheim's conception requires the existence of physical signs at each point but not the principle of the systematic relation. Second, Bernstein and Douglas, whose ideas are decisively influenced not by *The Elementary Forms* as such, but by the principle of the difference between mechanical and organic solidarity developed in *The Division of Labour*. The division here is reflected in the difference between restricted and elaborated codes. Mary Douglas says

> each type of speech is generated in its own type of social matrix …. The restricted code is deeply enmeshed in the immediate social structure, utterances have a double purpose: they convey information, yes, but they also express the social structure…. The second function is the dominant one, whereas the elaborated code emerges as a form of speech which is progressively more and more free of the second function (1973:44).

This thesis, whatever its Durkheimian inspiration, only at minor points takes up Durkheim's theses on language. Mary Douglas's more direct discussion of *The Elementary Forms* contrasts conditions for ritualism and effervescence in a way that radically departs from Durkheim's theory also, for it too effectively simply divides social conditions into two, high classification and control versus weak control, and relates to them condensed symbol system versus diffuse symbols in spontaneous expression (1973:102–4).

What separates Durkheim from Lévi-Strauss and Mary Douglas is his insistence on the importance of the conception of the difference between social and individual levels, and the specificity of the 'social fact'. This insistence is also found in the work of Saussure, founder of structural linguistics and contemporary of Durkheim. Saussure's interests however only coincided with Durkheim's at certain points, and these were minor for Saussure, for, in relation to Saussure's project Durkheim could be said not to be interested in ordinary language, or *parole,* at all, but rather in a meta-language, the speech of society. This might, provocatively be called *meta-parole,* since if this image is permitted, it is clear that it is not the *meta-langue* that interests Durkheim, this is the terrain of Lévi-Strauss though not conceived in these terms.

3 See the discussion in Koerner (1973:45–66) and in Lentricchia (1980:112–24).

4 Unfortunately the key terms of *language* and *parole* are not consistently translated in the *Course* making it effectively useless for serious work.

5 See Koerner (1973:354–77), who discusses post-Saussurean developments of this particular problem.

6 Essential observations on totemism are Lévi-Strauss (1962), Leach (1967), and on primitive religion, Evans-Pritchard (1965).

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Chapter 5

Durkheim: woman as outsider

Mike Gane

> Women have been burdened…by a long history of deeply unsettling, mystifying, mixed messages about themselves.
> (J.Ochshorn, 1981:243)

1 INTRODUCTORY REMARKS

Durkheim's sociology, it has quite often been said, reflects a tension created by the action of two quite distinct principles. On the one hand, it suggests the idea that social forces exercise an external constraint over the individual (thus producing a conception of an external logos as emblematology); on the other, it posits the thesis that in society 'individuals' are themselves hierarchically organised by the action of these forces (and therefore reflect differential levels of civilisation). The former principle has in effect tended to dominate interpretations of his sociology so that the application of the principle of constraint has not been developed as inter-caste or -class, or -sex domination. Thus the Durkheimian proposition that certain individuals are constrained in a certain way and to a certain degree by social facts, a constraint which then enables them to form a dominant social group, has been ignored though it is at the heart of his sociology (of religion, of law, of education, etc.). The primary categories of Durkheim's sociology—men, women and children—reflect both the action of social constraint but also stand in unequal relationship to each other as an order of domination. In presentations of Durkheim's work, relations of this second type (social hierarchy, power, moral domination) have been neglected, even as politics while the elements of methodology have upstaged them.[1]

Durkheim's sociology appears to be caught up also in a tangle of political currents that has, again, bemused critics. Conservatives,

particularly of the Catholic right, saw his sociology as a grave threat to the moral order he sought to defend, while the revolutionary left has either regarded his sociology as irrelevant or as an obstacle to the formation of class analysis and politics (see Bottomore, 1981). Feminists have had even less time for him. It is clear however that neither Durkheim's own work nor his influence has been consistent in its orientations. To illustrate this, and to illustrate the fact that his positions cannot be thought of simply as the prejudices of a previous era, the problem of inequality between the sexes can be represented clearly by two writers, who, in their own way state the two sides of the dilemma in a clearly Durkheimian mode. The conservative position was expressed particularly clearly by E.E.Evans-Pritchard in 1955:

> the problems of the relations of the sexes are not just those of sex as such, but of authority, leadership, control, co-operation, and competition…and they cannot be solved by an insistence on absolute equality but rather by recognition of differences, exercise of charity, and acknowledgement of authority.
>
> (1965:37–57)

This argument suggests that in primitive society women recognise the differences and inequality of the sexes and 'do not want to be like men', and that it is only comparatively recently that women have become the objects of a male debate on equality which has spilt over into the female camp. Much of this debate, however, according to Evans-Pritchard, is entirely fanciful: there can be no radical alteration in the relative positions of the sexes since 'men are always in the ascendency, and this is perhaps the more evident the higher the civilisation'.

On the other hand Robert Hertz's argument concerning the preeminence of the right side, suggests that the opposition to women's equality is too often posed as a simple recognition of necessity just as have been the privileges of the right hand over the left. The relative 'paralysis' of the left side Hertz saw as a kind of sacrificial 'mutilation' required for the supremacy of the sacred over the profane:

> (but) the dream of humanity gifted with two 'right hands' is not at all chimeric. But from the fact that ambidexterity is possible it does not follow that it is desirable…. However, the evolution we are now witnessing…is not an isolated or abnormal fact in our culture…. The ancient ideas

> which…founded the exclusive preponderance of the right hand, are today in full retreat.
>
> (1909, in: Needham, R. 1973:22)

Hertz, though indirectly, presents the egalitarian view that an appeal to nature, biological givens in the debate on inequality cannot be accepted as a closure of the argument by fiat. Hertz's essay points to the irony that the Durkheimian principle of the explanation of social fact by social facts alone is severely compromised if the terrain of the social fact is ambiguous, or itself a matter of political dispute, even a means of moral domination. This is particularly the problem insofar as the primary groups of the social substratum are conceived as beings which span the biological-social boundary in different ways and to different degrees. The theory seems to risk grave embarrassment at the boundary between the external constraints of the facts of instinct (determined by heredity) and the internal constraints produced by social forces as somatic phenomena (as determined for example by the division of labour). The problem becomes even more acute if as happens in Durkheim's theory, the social takes up and utilises 'natural differences' between individuals while producing at the same time through occupational specialisation an unequal distribution of 'civilisation' determining somatic and psychological characteristics of subjects. Insofar as 'civilisation' is a male possession in Durkheimian sociology, women come to stand between the generations as creatures whose function is primarily biological and whose self regulation is governed by facts of instinct. Instead of castigating this 'barbarian' status, like Hertz, and other sociologists like Veblen, Durkheim for a number of reasons, took the view that this 'barbarian' status reflected women's true nature.

But what is this 'society' which, as an order of life which emerges out of the effects of the relations of individual *consciences* and comes to constrain them, if not a 'vitalism'? But a vitalism of a specific genre: a relative of the 'heroic vitalism' of Carlyle, Nietzsche and others (see Bentley, 1947). Durkheim is not reluctant to displace the charisma of the superman onto its true support, social authority (Durkheim, 1973:91), a social body which suffers all the processes of life and death and rebirth. Nor is it an accident that Durkheim's emblematology should resemble so closely that of Carlyle's Teufelsdröckh. This strand of vitalism also commonly places women at a certain distance and they then become the object of an extreme ambivalence: despised on the one hand ('women are born

worshippers' says Teufelsdröckh; 'with a few devotional practices and some animals to care for, the old unmarried woman's life is full' says Durkheim), but the objects of a violent desire on the other, reflected by Durkheim as a mark of the superiority of men. Durkheim's specific vitalism and its paradoxical nature arises out of the fact that while the conservatives were attempting to revive dead heroes or defunct Gods (his own apostasy is symptomatic) and the revolutionaries dreaming up utopian schemes (it should not be forgotten that he suggested that Saint-Simon's remedies simply 'aggravated the evil' they sought to cure [Durkheim 1962:245]), which could only make matters worse, his own position faced the humbling prospect that because for him the 1789 revolution was only half-born its completion had to await a genuine creative effervescence. Meanwhile the cause was best served by a liberal practice of strengthening the emergent being and protecting it from the past and the future. This could best be achieved by attempting to identify the real elements of social solidarity and defending them against the illusions of a current 'morbid' effervescence. Opposition to this current also involved opposition to all impractical utopian schemes such as that developed by the women's movement. Durkheim's position here seemed to lead him to conceive of social evolution as moving at its own natural (i.e., inevitably slow) pace.

These remarks of Durkheim on women have been regarded by sociologists, with rare exceptions, as a minor blemish, a superficial reflection of a dominant ideology and a mistaken biology. No doubt one of the reasons why little of the exegetical and critical literature concerns itself with his conception of the relations between the sexes is a consequence of the fact that these three basic subjects, 'men', 'women' and 'children', are not constituted as objects in their own right but appear as one of a series of primary divisions against which are projected the more obviously constructed foreground topics. It is 'law', 'suicide', 'religion' etc., which organise commentaries in relation to problems of moral integration and social density. It may be seen that the general avoidance of his ideas on this subject— so complete incidentally that neither of two recent presentations, Giddens (1978) and Thompson (1982) pays any attention to them at all—stem from at least two tendencies. The first, most apparent among sociologists, relies on the idea that this aspect of Durkheim's work is compromised by an inconsistent incorporation of the male supremacist ideology of his period. Edward Tiryakian expresses this idea in a recent essay to the effect that he was simply 'operating within the frame of reference of the bourgeois male-centred late Victorian or pre-World War I context' (1982:288),

and that 'in good male chauvinist fashion' he produced a sociological image of the prejudice of his time. It is this ideology which Durkheim uses to shore up an edifice troubled by its own findings. Caught up in this reactionary ideology Durkheim appears as a Cicero or Bonald trying to halt the inevitable forces of progress by clinging to out-moded forms of absolute marriage. Untypically, however, while holding on to this prop, Tiryakian goes beyond the *ne plus ultra* of others, to lift the veil of Durkheim's writing on sexuality, and finds himself irretrievably attracted to his concept of sexual anomie. In fact Tiryakian fashions this concept out of Durkheim's more limited 'conjugal anomie', and recommends its application to the contemporary period of transition in the relations between the sexes in the widest sense. The equalisation of the sexes is, against the background of Durkheim's own writing on sexual relations, one of the most profound movements in human evolution, accompanied, says Tiryakian, by a change in the representations of the divine itself in the direction of androgyny. Even the political and cultural episodes of the 1960s can be regarded as aspects of a more profound 'sexual revolution', mirroring the more radical formulation of Durkheim which, Tiryakian argues, sees the sexual order as 'a constitutive feature of social organisation' (1981:1035). Tiryakian's article thus holds on to the conventional view that the ideological political superstructure can be brushed off as a minor blemish while taking up a more radical and unconventional stance on the question of the significance of Durkheim's other writings on sexual relations.

In assessing Tiryakian's views it must first be noted that Durkheim himself must have been keenly aware of the differences within the ideological matrix of male supremacist ideology which could hardly be called homogeneous. In his discussion of sexual education he points out sharply that his defence of the recognition of the necessarily mysterious nature of sexual relations should not be taken as 'giving in to bourgeois prudery' (1979:143), and insists in relation to more general questions that his position is not derived from male chauvinism (in this respect see his reviews collected in Durkheim, 1980, esp: 179–83, 251–2, 163–305). Durkheim's conception of the forms of collective representation of the social being also embraces a strong element of androgynism, for the social is always represented as an authority with two sides, whether in the anonymous forms of totemism or the personified being of a later religion: a male side which 'blocks us when we would trespass' and a female side, 'the nourishing mother from whom we gain the whole of our moral and intellectual substance' (1973:92). Durkheim disconnects these two aspects from the form of representation, while Tiryakian's

cult of a personified form looks distinctly antiquated in conception, even if androgynous. Durkheim's position leads to a qualified support for Saint-Simon's 'religion without a God' strongly situated in the tradition of Spinozism. The problem is not the form of the representation, as Hertz has shown, but the relative values accorded to functions distributed in society. Finally, Tiryakian's target, the concept of anomie is not without its own problems. In Durkheim's work it has a curiously ambiguous meaning, for it is both a condition (of insufficient regulation) and a current of opinion (of despair and pessimism) which arises in relation to that condition. France, in contrast to Germany and England, according to Durkheim, suffered the effects of this current to an excessive degree because the segmental structures were most destroyed there without the compensating construction of new organic forms of solidarity. Tiryakian wants from Durkheim a conception of anomie as a condition and not as a social force, for as far as the latter is concerned Durkheim is explicit: it is a force of rejection, despair, pessimism, irrationalism, mysticism, i.e., deeply reactionary. Tiryakian half acknowledges this by referring to Durkheim's use of the term as a response to the wave of terrorism in Europe in the 1890s (1981:1049–50).

The second paradoxical tendency which leads to the same half-avoidance of Durkheim's ideas can be found among anthropologists. Here it is more generally recognised that a large portion of Durkheim's work was taken up with problems of kinship and sexual relations, but it is these writings which have found least favour and suffered an eclipse under the influence of Lévi-Strauss. It is thus curious that it is precisely from the anthropologists that these writings have nonetheless been rather grudgingly praised. Lévi-Strauss, while criticising Durkheim's theory of incest prohibitions, says it is the theory 'most conscientious and systematic from purely social causes' (1969:20). Rodney Needham describes the same essay as 'one of the most signal advances in the history of prescriptive alliance (if unaccountably ignored by certain much later writers) an admirable feat of structural analysis' (1966:162–3). The essay on incest is now apparently so deeply buried that Robin Fox makes not the slightest reference to it in his recent book on incest (1980), preferring to debate with Lévi-Strauss, whom he criticises as adopting a Durkheimian approach, though he might have added: not Durkheim's. Lévi-Strauss's anthropology leans heavily on a Durkheimianism purged of its concern with domination, and Marxism purged of its concern with class struggle: the norm of reciprocity even dominated the exceptional cases of non-reciprocity

through balanced non-reciprocity.[2] Gouldner's attempt to extricate himself from this problem is instructive (1973:260–99).

If Lévi-Strauss attempted to claim a bond with Marxism through Engels, it is also quite possible to attempt to situate Durkheimian sociology in this way, and in this way also, incidently, to attempt to situate some elements of contemporary Marxism, notably that of Althusser (1971), Hirst (1979), Hirst and Woolley (1982), Therborn (1980) etc. Although the following remark of Engels concerns the theory of ideology, its relevance to the very object of Durkheim's sociology is striking. Engels writes, in the late 1870s:

> All religion is nothing but the phantastic reflection in men's minds of those external forces which control their daily life …The phantastic personifications, which at first only reflected the mysterious forces of nature acquire social attributes, become representatives of the forces of history…in existing bourgeois society men are dominated by the economic conditions created by themselves, by the means of production which they have produced, as if by an extraneous force. The actual basis of religious reflex action therefore continues to exist, and with it the reflex itself…man proposes and God (that is, the extraneous force of the capitalist mode of production) disposes.
>
> (Engels, 1936:346–7)

Whereas Engels goes on to talk of the end of religion and the beginning reign of conscious control over social forces brought about by a social 'act', Althusser, in the tradition of Durkheim, rejects this conclusion making ideology, in a 'new form…which will depend on a science' (Althusser and Balibar, 1970:131), a necessary element of all social formations. Althusser's conception of the ideological state apparatuses adopts the Durkheimian formulation of social reproduction as the function of ritual and education, and the relation between the social subject and individual subject as the basis of a theory of ideology as interpellation. It is ironic that a number of Althusserians find themselves as anti-Durkheimians in this Durkheimian problematic (especially Hirst and Therborn). No doubt they would pose it as a question not of Durkheim but of Engels, or more precisely the 'transitional' Marx rather than the 'mature' Marx. Therborn has demonstrated convincingly that Durkheim's sociology represents a liberal-bougeois variation of certain elements of the problematic of Marx's 'transitional' period (Therborn:

1976) but could have noted also that it is one into which more than one Marxist has been tempted to stray. Durkheim's specific variation consists in inverting the Marxist thesis that bourgeois society is an alienated 'monstrous' force into a necessarily beneficent one. If society is essentially the source of all that is sustaining in the individual then it will be so represented whether as an anonymous force or a personified being. Durkheim inverts Engels's proposition that the social force is alienated and thus external to the individual, into a formal recognition that social forces are to be defined by being external to the individual and as a transcendent being will always be so represented in collective practices and representations. But Engels only continues a line of thought which perhaps in Marx reached its height in the *Grundrisse* where capital is regarded as that 'animated monster' an 'alien will and an alien intelligence' an 'external' force relative to the 'individual' (Marx, 1973:94, 158, 164, 226, 470, 487, etc.). For Durkheim this dark side is stigmatised as a temporary abnormality since society is and must always be the primary source of that life which raises the individual beyond the animal level. Veneration of society in Durkheim does not always appear as the cult of a God, as has been pointed out; the theory of ideological 'interpellation' is thus apparently wider than Althusser's. (Note the difficulties encountered on this point of the non-human subject in Hirst [1979:61–2].) Indeed, in Durkheim's consideration of the teacher-pupil relationship, the teacher interpellates the individual as subject in a certain objective language (the social voice) appropriate to the hypnosis of the subject (1956:85; 1973:139–141); but in speaking in the name of this specific God (society) the teacher must recognise that it is 'quite impersonal' for reasons that are directly political, to counteract all tendency to meek subservience (thus Durkheim rejects all suggestions that education be carried out by a single teacher) and 'to evoke a sentiment that…(is required for)…a democratic society…the respect for legality, the respect for impersonal law deriving its ascendency from impersonality itself' (1973:155–6). Education is the primary mechanism by which the individual comes to form attachments outside himself, and is 'above all the means by which society perpetually recreates the conditions of its very existence' (1956:123, cf Althusser, 1971:123–9).[3]

Durkheim's respect for the social and for the generative powers of ritual also stands in marked contrast to Freud's. Although Durkheim's notion of the social has been quite rightly likened by Parsons and others to the super-ego, it is the comparison of a whole group of issues—the way in which the concept of ritual is analysed in relation to the totem and taboo complex—which is illuminating.

For Freud the elements of ritual were conceived ultimately as being connected with a series of pathological phenomena in individuals which could be compared with ritualised social life. Whereas Durkheim regarded ritual as productive of social energies, Freud took the opportunity to locate them as obsessional forms, and eventually as 'compulsions to repeat' driven by thanatos. In writing *Totem and Taboo* he sought to align his findings of 'totemic' behaviour among children with the anthropological materials on totemism in early society. Durkheim too constantly compared childhood with primitive social experience but conceived the tendency to ritual behaviour as the basis of civilised discipline and good habits. Freud's conception, which treated 'obsessional neurosis as a pathological counterpart of the formation of a religion', described that 'neurosis as an individual religiosity and religion as a universal obsessional neurosis' (Freud [1907] S.E.ix:26–7) was developed at considerable length by his disciples Reik (1931) and Roheim (1930). The latter even attempted a full scale analysis of the Australian materials used by Durkheim: whereas Durkheim formulated a theory of the sociogenesis of the sacred as an absolute category, Roheim formulated a theory of primitive society organised 'on the basis of castration anxiety' (Roheim: 1930). Just as Durkheim envisaged a dynamic of the production and disciplining of a sacred substance, Roheim envisaged social evolution as dominated by stages of sexual organisation articulated as modes of control of sexual fluids.[4] Again, although they appear as two sides of the same coin, the tendency of both theories is towards an analysis of social domination, a tendency notably absent in the Lévi-Strauss fusion of Marx, Freud and Mauss.

The analysis of Durkheim's own views are complicated by the fact that his own discovery of the importance of the sexual order played a crucial role in the reorganisation of his conception of primitive society. The initial synthesis of 1893 (1964b) proposed a progressive evolution from societies based on mechanical solidarities to complex societies based on organic solidarities. The relation of the sexes faithfully reflected this evolution, thus it was conceived of as being entirely revolutionised in the course of social development. At first the ties between the adults were based on bonds of similitude requiring no great moral solidarity. Specialisation and the division of labour in society then brought about an entirely new relation between the sexes based on the principle of mutual need. This had the effect however, over millenia, of forming two quite different beings, mirrored in increasing

dimorphism. The sphere of women's specialisation became the vital formative institution of the conjugal family.

The familiar ring of this argument reflects the fact that Durkheim reproduces in many ways the common position of sociologists of the nineteenth century: Saint-Simon, Comte, the later Spencer, Schaeffle, etc. After 1893, however, Durkheim began to publish a number of papers which, culminating in *The Elementary Forms* of 1912, suggested that primitive society far from being characterised by sexual communism was characterised by an extreme, even chronic, segregation of the sexes. At first this segregation might even have favoured women, but ideas of purity and veneration turned into fear and loathing, as women became subjects *minoris resistentiae,* scapegoats of the collective wrath. His researches into the separation of the sexes were pivotal in the reorganisation of the general theory. The absence of any sustained examination of his work in this area in general accounts of his sociology have thus led, particularly in the case of Parsons, to a severely imbalanced account of the evolution of his thought. What is even more surprising is that the importance of these ideas was signalled more than once by Durkheim himself:

> the dark, mysterious and awe-inspiring nature of the sexual act was revealed to me through historical and ethnographic research, and I even know the exact moment I was struck by the extremely general nature of the fact and how wide its implications were.
>
> (Durkheim [1911], 1979:144)

This must surely be linked with his comment that:

> it was only in 1895 that I had a clear idea of the capital role played by religion in social life…it was a revelation to me… all my previous research had to be started all over again so as to be harmonised with these new views.
>
> (Durkheim [1907], 1982:259)

In the light of these comments, Tiryakian's remark that 'when it came to sex, Durkheim was far more ascetic than Max Weber who experienced first hand the force of eros' (1981:1026) might be said to have missed the point.[5]

The reorganisation of the theory had the wider effect of placing the sacred as an absolute at the heart of the beginning of the

social. If the social was born in the revolutionary upsurge of effervescence in which the social logos inscribes itself deliriously on the bodies of individuals, the business of man's relation with the sacred becomes, as Parsons has noted, so also the beginning of the serious moral life which produces the enduring inscription of somatic effects on two social orders: men and women. But the serious bubbles over into play, the frivolous into games and into the moral-aesthetic sphere. The sacred is the origin of these forms and dominates them. In the introduction to *The Division of Labour* of 1893, subsequently deleted from following editions, he argued that the moral aesthetic sphere is the inferior sphere since it is the sphere of the gratuitous, and is inherently without obligation (1964b:431); and this survived into the essay on incest where it is the realm of familial duty which dominated that of sexual aesthetics, and which links passion to the imagination.[6] And it is women, as we shall see who are to be the subjects of this sphere in more ways than one.

Thus women have a unique position in Durkheim's theory: they become the primary occupational caste, *sub specie aeternitatis*. Caste establishes its hierarchical effects on the body and utilises its effects in its own functioning. The emergence of the class system, and its more subtle accommodation of aptitude and function, manifest in the development of contractual law which more and more tends to repress external inequalities of constraint on contractual parties, is erected alongside this caste, standing in an absolute distance from men, and their society. Some of the elements of Durkheim's elaboration of a defence of this position are examined in the following sections of this paper.

2 DURKHEIM'S INITIAL THEORY

> In segmental society 'female functions are not very clearly distinguished from male. Rather the two sexes lead almost the same existence'.
>
> (Durkheim [1893], 1964b:58)

Durkheim's initial approach presents the view that segmental societies are characterised above all by similarities between individuals who are thus 'absorbed' into the group. This provides the basic form of cohesion in primitive society and the basis of primitive 'communism' (1964b:179)

also called 'mechanical solidarity'. And this solidarity is extended to the relation of the sexes so that 'the further we look back to the past, the smaller becomes (the) difference between man and woman' (1964b:57). Because the adult sexes were relatively undifferentiated the conjugal tie was weak so that 'sexual relations were entered into and broken at will without any juridical obligations linking the union'. This era of promiscuity, and absence of contractual marriage was also associated with the egalitarian nature of the relation of the sexes, 'there is, even now, a great number of savage people where the woman mingles in political life', and, he adds in the same vein, 'we very often observe women accompanying men to war, urging them on to battle and even taking a very active part.' Durkheim's evident enthusiasm for this state of affairs is reflected in his admiration of the fact that he notes all the major human attributes appear equally dispersed between the adult sexes and, specifically, 'one of the distinctive contemporary qualities of women, gentility, does not appear to pertain to her in primitive society' (1964b:58).

The relation of the sexes is presented in terms of a remarkable dialectic of images (no doubt a precursor of his concept of 'representations'). In mechanical solidarity, given of course an irreducible difference in sexual function, the unity of the sexes, through the attraction of like for like, is a relation of interiority: the image of each sex is not distinct from the other. Thus, when they come together they 'confound' each other, for, 'when the union results from resemblances of two images, it consists in agglutination… being indistinct, totally or in part…they become no more than one' (1964b:62). No new quality or property is thus created in this union and so 'the state of marriage in society where the two sexes are only weakly differentiated thus evinces conjugal solidarity which is itself very weak' (1964b:59).

In great contrast to the 'agglutination' of images which occurs in segmental society, the division of labour brings about another form of solidarity and a different relation between images: 'they are outside each other and are linked only because they are distinct' (1964b:62). The number of definite ties and obligations between the sexes grows, and the conditions under which the union can take place are restricted. Under these changed circumstances 'the duty of fidelity gains order; first imposed on women only, it later becomes reciprocal'; the emergence of the dowry gives rise to 'very complex rules (which) fix the respective rights of each person …the union has ceased to be ephemeral' (1964b:59). With the increasing division of labour in society the sexes could not but be affected:

> it is certain at the same time (as the division of labour proceeds generally) sexual labour is more and more divided…limited at first only to sexual functions it slowly becomes extended to others. Long ago, woman retired from warfare and public affairs, and consecrated her entire life to her family. Since then her role has become even more specialised. Today woman leads a completely different existence from that of man. One might say that the two great functions of the psychic life are thus dissociated, that one of the sexes takes care of the affective functions and the other of intellectual functions.
>
> (1964b:60)

Durkheim thus joins the tradition which established innumerable basic consequences of the division of labour (cf. manual and mental labour, productive and unproductive labour, etc.,) and establishes a primary division between what might be called affective and intellectual labour in the tradition of Comte. In relation to this specialisation a whole series of physical consequences followed: a differentiation of the size of the brain, and in the dimensions of the body generally, between the two sexes. Social evolution had as its raw material the 'female form (which) was the one and only type from which the masculine variety slowly detached itself' (1964b:57). Fully accepting the findings and inferences of craniometry and physical anthropology as suggesting evolutionary dimorphism, he concluded that with the division of labour in society there is 'a considerable development of masculine crania and a stationary or even regressive state of female crania' (1964b:60). To this was added the regression in physique or pedomorphism, so that woman had become a pathetically 'weak creature'.[7]

But if there had been costs in social evolution there had also been gains: the differentiation of the sexes with its consequent externally differentiated imagery is productive of a new order of solidarity. Organic solidarity rests on difference and separation and 'if the sexes were not separated an entire category of social life would be absent' (1964b:61): the order of conjugal solidarity. Mutual interdependence, caused by functional differentiation, produces a complex conjugal solidarity which carries ramifications throughout society: 'conjugal solidarity…as it exists among the most cultivated people makes its action felt at each moment and in all the details of life' (1964b:61). Both sexes are now dependent on each other and are two sides 'of the same concrete universal which

they reform when they unite' (1964b:56); and, although this union might be reflected in terms of the images of exchange, this 'is only the superficial expression of an internal and very deep state…a continuity which exchange does not possess.' Interdependence thus means that each part has become the 'natural complement' of the other. And if each image is completed by the other, the other 'thus becomes an integral and permanent part of our conscience, to such a point that we can no longer separate ourselves from it.' Each becomes dependent not only on the definition of the image reflected in the other but also on the energy which is transferred, so 'we…suffer from all circumstances which, like absence or death, may have as effect the barring of its return or the diminishing of its vivacity' (1964b:61–2).

The division of labour then is a single progressively preponderant principle, producing through its differentiating organ an ever readjusted unity between them. Effects, which enter into relations with one another, contribute to each other in an exchange of energy which comes to sustain them. By so entering into these secondary relations the effects themselves call secondary phenomena into existence. This necessary, if constantly changing harmony between social elements, produces at each stage a relative 'functional equilibrium' (1964b:271). It is in this framework that Durkheim introduces his theory of human desire. Between the impulse and the desire there is a gap: sexual desire, the result of an impulsion, can exist 'only after having entered into relations' with its object, which is in no way inevitable since 'these indeterminate aspirations can rather easily deviate' (1964b:274). The 'normal' object, itself the product of evolution, is already waiting to be found so 'at the very moment when man is in a position to taste these new enjoyments and calls for them, even unconsciously, he finds them within his reach' (1964b:274). In opposition to the principle of pre-established harmony, says Durkheim, these two orders of fact meet, simply because they are effects of the same causes: the division of labour. The apparent teleological superimposition of cultural ends reflects a more profound unity of causation. The two sexes, reflecting the forces of the division of labour, are 'impelled towards' each other but come to *desire* each other only under determinate circumstances, 'only after having entered into relations' with one another.

Evident here in the theory of the staged functional equilibria is the underlying evolutionist matrix of Durkheim's whole initial theory. If it is true that at times he is at pains to point out that with respect to ideas of social evolution, 'in a literal sense the terms superior and inferior…have no scientific meaning' (1888:1978:219), it is clear that Durkheim's whole

objective is not posed passively or apolitically: the analysis of the progression of the division of labour is linked to the aim of effective social intervention in modern society in order to facilitate such functional equilibria. The initial approach thus begins both to elaborate principles by which abnormal and pathological forms can be identified and to proceed to identify them. Theoretically and politically, therefore a link is established between the search for the normal course of social evolution, and the understanding of its rhythm, and the elaboration of specific proposals to remedy abnormalities. The totalising ambition of *The Division of Labour* represents a search for origins in order to complement a prospective political vision.

It is the action of this evolutionary 'grid' which produces the 'harmony' of the theory and its elements. An important moment is therefore the construction of a table of social types. The first, no longer existing, but deducible from the existing lower forms, were the primal hordes. The existing lower forms are made up 'by the simple aggregation' of such masses: 'an almost pure example… the Iroquois (reveals that) the adults of both sexes are on the plane of equality…kinship is not organised'. Hordes that have thus ceased to be independent are thus transformed into the clan elements of segmental society. The coherence of these clans is the 'external criterion which generally consists in using the same name': strangers are admitted easily. The evolution of clan society is marked by the organisation of either matriarchal or patriarchal authority which with the development of the division of labour develops along patriarchal lines alone, as the sexes differentiate, eventually leading to the modern conjugal family as the specialised unit of reproduction and affective relations. In developing this evolutionary perspective Durkheim erects a trail of societies with ever increasing moral complexity. The following comment illustrates both the method and the content:

> Among the Iroquois, we sometimes see a part of a clan leave to go off to join a neighbouring clan. Among the Slavs, a member of the Zadrugua who is tired of the common life can separate himself from the rest of the family and become a juridical stranger to it, even as he is excluded by it. Among the Germans, a ceremony of some slight complexity permitted every Frank who so desired completely to drop off all kinship obligations. In Rome, the son could not leave the family of his own will, and by this sign we recognise a more elevated type social. But the tie that the son could not break could be broken

> by the father…. Today neither the father nor the son can alter the natural state of domestic relations.
>
> (1964b:209–210)

The hierarchy of social forms here displays the progression of domestic structures which are shown to be of increasing definition and obligation. In the case of the attachment of a sibling to the domestic group Durkheim argues that it is not a question of the elaboration of contractual ties, but the bond becomes more absolute with the assumption that our own societies are the highest form. It is thus the allocation of the whole society to its place in the hierarchy which determines the value placed on any one element: the revolutionary will judge the family he remarked in 1888 'according to the way they treat women. But the privileged situation of women, far from being a sure index of progress, is sometimes caused by a still rudimentary domestic organisation' (1978:213). Durkheim's holistic sociology is intransigent: an evaluation of the part has to take its cue from the whole, to which it may have been sacrificed.

The survey of the evolution of the family thus extracts from the societies placed in the known hierarchy, specific aspects from which an evolutionary tendency is deduced. As Durkheim is concerned with the changing complex of moral and legal bonds he attempts to show that there is an evolutionary tendency which moves from repressive to restitutive law which reflects a changing structure of power and authority in the family and society. Thus at the level of the whole, the increasing size and complexity of the society is reflected in the rise of powerful authority figures, the state, and patriarchal authority in the family: the division of labour makes its presence felt in the context of a displacement of mechanical solidarity: 'in this case the tie which binds the individual to the chief is identical with that which in our day attaches the thing to the person'; this mechanical solidarity as domination is reflected in the 'relations of a barbarous despot with his subjects …a master with his slaves, of a father of a Roman family with his children' (1964b:180). The pre-ponderance of the division of labour eventually brings a new type of solidarity which tends to equalise the relations in society and in the family, but this must not be confused with earlier communal forms, such as the Zadruga form which, although egalitarian, is a more primitive form tending to 'neutralise' the progress of the division of labour (1964b:284). This progress is more surely embodied in the growth of complexity of the moral bond of marriage itself: at first a purely 'private affair', a 'sale, real among primitive people, later fictive (requiring) neither solemn formalities of any kind nor intervention by some authority'.

Later, in Europe, Christian forms intervened in this process and from then on 'marriage ceased to be freely contracted', the church establishing a monopoly over the juridical contract while only later still did the civil authority intervene; the same process is evident in the dissolution of the contract (1964b:207). The tendencies at work, says Durkheim, can also be seen in the changing rules of adoption: first it is open and unrestricted, eventually it becomes so highly defined that it hardly occurs at all.

In fact, therefore, Durkheim's conception of evolution in the domestic sphere involves a number of different, even contrary movements. The changing elements of authority and power combine with the changing nature of sanction: in the decalogue the death penalty for infraction of the domestic code has wide scope; in Greece and Rome there is a narrowing of scope (in Greece penal law embraces relations between parents, parents and off-spring, and others; whereas in Rome it covered relations solely between client and patron); and today it covers only bigamy and adultery. The same tendency, he says, is evident in sanctions involved in the regulation of sexual relations: today there are only two offences, acts which offend the public decency and attacks on minors. He places rape and violation, not under the rubric of sexual regulation but under that controlling acts of violence, thus saving the evolutionary hypothesis. This aspect of the argument is clear: out of the initially strong and repressive *conscience collective* there develops a society with extensive administrative responsibilities over the family but with a 'regression of collective sentiments concerning the family' (1964b:157). But in opposition to the formation of conjugal society as a moral sphere based on contract of two free parties, the role of the state begins to insist upon obligations which are not in any way contractual, in fact they appear to become more absolute: 'as domestic obligations become more numerous, they take on… a public character. Not only in early times do they not have a contractual origin, but the role which contract plays in them becomes smaller'. The social tendency seems to consist in an increasing state involvement: 'social control over the manner in which they form, break down, and are modified, becomes greater' (1964b:210).

Durkheim's conception of the forces at work in the evolution of the domestic milieu is twofold. As a 'product of a secondary segmentation of the clan' (1964b:210), the family's evolution is itself a sphere of the action of the division of labour: 'from its very origins (it) is only an uninterrupted movement of dissociation… of functions…separated, constituted apart' within the domestic milieu so as to make 'relatives…and relations of dependence…each of them a special functionary'. And this internal division Durkheim stresses, 'dominates

the entire development of the family' (1964b:123); but it does not determine it, since this sphere is articulated within a whole so that 'the family becomes one of the organs…and, accordingly everything that happens within it is capable of general repercussions'. If, as happened, the course of evolution in the family is out of synchrony with the development of the wider society 'the regulative organs of society are forced to intervene in order to exercise a moderating influence' (1964b:210). Together these two forces had the combined effect of bringing into existence a functional differentiation of the sexes and a series of stages of their functional equilibrium. The new concrete universal of the human being became divided into two incomplete parts. But woman's specialisation led her to 'retire' or 'withdraw' from society, and thereby to a physical and mental stagnation or decline thus giving her character the appearance today of a primitive nature as contrasted with man's rise to civilisation: 'in the same way as the happiness of man is not that of woman, according to Pascal, that of lower societies cannot be ours' (1964b:250). But on the other hand it is man who has to pay the price, as he remarks in anticipation of his study of suicide:

> classes…furnish suicide a quota proportionate to their degree of civilisation. Everywhere the liberal professions are hardest hit …It is the same with the sexes. Woman has had less part than man in the movement of civilisation. She participates less and derives less profit. She recalls, moreover, certain characteristics of primitive natures. Thus, there is about one fourth the suicides among women as among men.
>
> (1964b:247)

This passage is significant because it links the evolutionary progression of civilisation, as both a specific kind of moral entity and an increase in its extent, with the problem of the internal stratification of modern society. It is now possible to turn to Durkheim's conception of the social as it emerges into the era of greater organic complexity, and to consider the place of this gap between the sexes in its light.

A large and important section of *The Division of Labour* is thus taken up with a consideration of the relation between social and biological facts, in which Durkheim attempts to define the sphere of the social, and thus of civilisation, as both being beyond the action of biological facts (indeed it moulds them to its own ends) while itself having the character of a determined structure (giving rise to the possibility of liberty in the Durkheimian sense). The political import of the problem is clearly evident

from the start of the discussion to its conclusion: 'liberty is the subordination of external forces to social forces'; society is a sphere of life *sui generis* beyond 'nature'. Indeed the subordination of nature deprives things of their 'fortuitous, absurd, amoral character' for man 'can escape nature only by creating another world where he dominates nature' (1964b:387). The higher the social form the more complete is the process of the subjection of the external natural conditions to social ones. But in the phases of transition, the qualities of civilisation are developed by the dominant strata who become beings of a more elevated type, whose mode of domination is by very virtue of their possessing moral superiority. At the basis of this discussion is a very simple evolutionary scheme: a primary communism followed in a succession by caste and class society, followed perhaps by a higher society, a pure organic society. The evolutionary tendency is the movement towards meritocracy combined with charity which becomes increasingly obligatory.

The sphere of this new social order, this 'new life, *sui generis*' is beyond the instincts and is 'imposed on the body'. Thus it follows that 'the progress of conscience is in inverse ratio to that of instinct'. Durkheim's assessment here carefully works towards the idea that it is 'not the first which breaks up the second'. By becoming conscious, instinct may indeed be given 'a much greater resistive force to dissolution'. This leads to an important formulation that 'conscience does not make instinct recede; it only fills the space instinct leaves free' (1964b:347). Thus the argument suggests that it is outside and beyond the shackles of the facts of instinct that social life begins to establish itself: it is not from the 'psychological nature of man in general, but from the manner in which men once associated mutually affect each other' that social forms are determined (1964b:350). But such a development is uneven: at first the division of labour established fixed orders of caste occupations; but even with class divisions the social hierarchy is reflected in somatic differentiation. In order for organic solidarity to have evolved the effects of such differentiation could not have been irreversible, 'that is not to say that heredity is without influence, but that it transmits very general faculties and not a particular aptitude' (1964b:315). The apparent difference in intelligence between classes (1964b:273) reflects social needs, and the fact that in relation to the brain 'the functional indifference…if not absolute, is nevertheless great…cerebral functions are the last to assume immutable form…thus their evolution is prolonged much later with the learned man than with the uncultivated' (1964b:336). No class has a monopoly of intelligence and it is no surprise to find workingclass children 'surpassing' children from middle class backgrounds; even if aptitudes

are not allocated through social class transmission they are none the less unevenly transmitted and 'each will have his own nature' developed under different circumstances. The development of the division of labour and its specialisations submits the general faculty to 'active elaboration' (1964b:320). Thus in opposition to elitism of a directly biological kind:

> civilisation can be fixed in the organism only through the most general foundations on which it rests. The more elevated it is, the more, consequently, it is free of the body. It becomes less and less an organic thing, more and more a social thing.
>
> (1964b:321)

In relation to the problem of the relation of the sexes these arguments bear directly only on the possibility of social development for men. For although Durkheim appears to be talking throughout about all human beings, it is evident that women are excluded from these comments. This fact makes his remarks appear in a rather different light, for the 'general faculty' which is the basis of elaboration by society is not found in women. Although Durkheim writes that it is not from the 'psychological nature of man' that society is constructed, it must be noted that it is precisely the 'psychological nature of *men*' which is a condition of its creation, for even if society is constructed beyond and outside of the instincts, somehow this is only possible on the basis of a particularly male 'faculty'. The first observation which can be made is that in the midst of modern organic relations there appears to be installed a very specific mechanical caste whose character seems precisely to be transmitted by heredity, and which has fixed psychological faculties which disable it from participating in the movement of civilisation, although it is civilisation which also appears to have created the disability. Secondly, the overwhelming tendency, described by Durkheim, which finds in organic society the spontaneous mechanism by which 'social inequalities exactly express natural inequalities' (1964b:377) is not permitted to extend to half the adult population, although Durkheim writes explicitly that 'all external inequality compromises organic solidarity' (1964b:379), even, 'it ignores and denies any special merit in gifts of mental capacity acquired by heredity' (1957:220). What this 'externality' is in this case is elsewhere described as a 'supplement' and is strictly admonished:

> the situation is no longer the same if some receive supplementary energy from some other source, for that necessarily results in displacing the point of equilibrium, and it is clear that this displacement is independent of the social value of things… If then it does not derive from the persons of the individuals, from their social services, it falsifies the moral conditions of exchange.
>
> (1964b:384)

Considering the weight Durkheim gave to the significance of the evolutionary tendency and to the radiance of organic moral solidarity, it appears that his reluctance to admit the validity of the demand for the extension of organic solidarity in society to women must have been prompted either by profound fears for the consequences or by a deeply irrational misogyny.

Some evidence that it was perhaps the former coupled with an ambiguous paternalism might be found in his remarks on the problems of previous transitions of social adjustment; the case of class struggle in Rome:

> moral contagion manifests itself only on predisposed ground. For needs to flow from one class to another, differences which originally separated these classes must have disappeared or grown less. Through changes produced in society, some must have become apt at functions which were at first beyond them …When the plebians aimed to dispute the right to religious and administrative functions…it was because they had become more intelligent, richer and more numerous, and their tastes and ambitions had in consequence been modified.

The link between aptitude and function was broken and only continued through 'more or less violent' constraint alone (1964b: 375–376). The superiority of the higher, ruling classes supported by their moral distinctiveness, became weakened by contact with a new class which had developed the capacity to support the higher moral principle, but development towards more fluid forms was blocked by reversion to an 'abnormal' form of control. This passage provides a hint that Durkheimian sociology contained not only a theory of moral domination but also a theory of violence both as a phenomenon of transitional periods

when normal moral control was lost (see also the section on the forced division of labour [1964b:374–88]) but also (as I shall discuss later) as a phenomenon of normal superiority under certain conditions. If not developed during the writing up to 1893, there is ample evidence afterwards that Durkheim moved to a position which began to interpret the position of women as that which had long been under threat from this second kind of violence.

3 WOMEN BECOME MINOR SUBJECTS

> It is not only on solemn occasions that men and women must avoid each other; even in the most ordinary circumstances of daily life, the least contact is severely forbidden.
>
> (Durkheim [1898] 1963:78)

Completely new elements are introduced into the discussion of the relations between the sexes in segmental society in Durkheim's essay of 1898 on the incest taboo. Gone are the egalitarian societies based solely on mechanical bonds. Into the theory of elementary solidarity is inserted the 'totem and taboo' nexus. This complex of issues retains the evolutionary framework of the transition from the primal hordes to clans (which remain 'amorphous groups') but, increasingly, they appear to be organised, not at the level of the family but at the level of the fusion of clan kinship with the principles of sacred and profane hierarchical classification. The totemic complex is presented as the most simple, the earliest form of human society properly speaking. The relations between phratries, clans and marriage groups function to fuse the sacred phenomena with exogamy (without producing conjugal society). The incest taboo is the primary form of the action of the sacred law in the sphere of kinship relations. In the absence of the conjugal bond it is the organic mother-child relation which forms the primary bond (1963:41–2). In this new scheme the productivity of the sacred in relation to sexual division which is raised to the first rank: in place of the former relative equality of the sexes Durkheim now recognises an extreme segregation and inequality. The action of the primary religious complex in relation to the phenomena formed in primitive thought, places women, universally, in a position that is both at a distance from society but also is one that is profoundly ambiguous.

The power of this prohibition suggests to Durkheim that it relates to phenomena that are seen not simply as devastating in their power but also immediate in their effects. Long term physical deterioration of men and women could not have produced this effect, and thus he concludes that the eugenic argument for the incest taboo is likely to be a modern rationalisation of the practice. Indeed he argues that incest is not universally prohibited, what is universal is the application of the sacred/profane dichotomy to human blood and sexual practices, and sexual relations are deeply affected by this tendency.[8] Exogamous practices are now seen as fused with the principle of sacred blood through the actions of totemic ritual: the object of these rituals is 'to avert the dangerous effect of magical contagion' by preventing contact between two orders of phenomena (1963:70). Durkheim is able to retain the principle of similitude and resemblance as a force creating the unity of the clan: the reality of common blood, as each clan has its own unique blood and is 'a homogenous and compact mass…where each resembles all'. Cohesion is represented in segmental society as the unity of the blood and the soul, since blood is the vehicle of life. This is why in the first societies the forms are matrilineal, a fact which also indicates the weakness of the conjugal tie. Durkheim's argument is that the incest taboo originated in conditions which were unmarked by anything resembling modern domestic morality and eugenic theory: no moral sentiments entered into the formation of the incest taboo other than those relating directly to the ambiguous sacred status of blood; initially women, as the sex directly associated with blood, were perhaps venerated because of it, but this veneration turned into disgust and loathing. Durkheim's conjecture is remarkable not for the elements it embraces but for its rigorous anti-teleological form, and for the order it introduces into the revamped evolutionary scheme.

Clear indications are given of Durkheim's emerging conception of the nature of primitive thought, but still in the framework of the integrative forces of the *conscience collective:* the repressive penal sanctions are now focused on the infractions of taboos derived from sacred forces identified as the unifying life substances of the clan segment. The action of the taboo on blood 'repulses any contact' with it and thus 'creates a vacuum' (1963:83), the vacuum that is created between men and women. The epistemological principle is that of the *pars totalis* or sympathetic magic, the severed limb continues to live, just as the individual blood contains the group blood. The totemic unity is thus immanent in the clan as its soul. But because women are the natural 'theatre' of blood all the fears of blood are condensed, 'all the more easily since the rudimentary

consciences are a terrain of predilection of all the phenomena of psychic transfer; the emotional states pass instantly from one object to another provided that, between the first and the second there is even the slightest relationship of resemblance or even neighbourliness' (1963:91). Separated by the action of the category of the sacred, the divine object is subjected to the forces of the primal ambivalence of the pure versus the impure. The locus of the action of the substance is identified and its contagious actions disciplined by ritual; the perceived influence vacillates between the beneficient and the malign. Both ambivalent reactions are based on a common substratum of fear characteristic of all rituals governing both the boundary of the sacred and the profane, and the internal boundary between the pure and the impure. This class of prohibitions 'seems absolutely indiscernible from other customs which concern some manifestly privileged and truly divine beings' (1963:93). Separation, the creation of social distance, a vacuum, combined with fear, is the primary ideological condition of social stratification: the initial condition of women is thus the direct precursor of royal blood castes, and the ritual separation of the priest or chief or instrument of a cult is of the same order since 'in these elite subjects, there inhabits a god, a force so superior to that of humanity that an ordinary man cannot come into contact with it without tragic consequences' (1963:70). Because these forces here at work are conceived as immensely powerful the vessel containing or supporting the force has to be capable of sustaining its influence, a vessel that is unprepared 'would be destroyed by its contents' (1963:71). Rituals aim therefore to avert such consequences arising from the proximity of unequal subjects and the dangers of contagion: marriage and sexual rites are a prime example of such a social prophylactic.

Durkheim's development of these ideas leads to the proposition established in *The Elementary Forms of the Religious Life* (1912), that women thus became subjects *minoris resutentiae;* in the exasperation of group mourning, anger is either turned inwards or finds an object of least resistance:

> Naturally this victim is sought outside the group; a stranger is a subject *minoris resistentiae;* as he is not protected by the sentiments of sympathy inspired by a relative or neighbour, there is nothing in him which subdues or neutralises the evil and destructive sentiments aroused…. It is undoubtedly for this same reason that women serve more frequently than men as the passive objects of the cruellest rites of mourning; since they have

> smaller social value, they are more obviously designated as scapegoats.
>
> (1961:447)

Mauss emphasised that same point adding that this tendency was strengthened by the fact that women were also considered the carriers of malign forces which rendered them dangerous (Mauss, 1969 vol iii:274). In the developed conception the fundamental process of primitive thought is not simply organised as a process of thought association, although principles of proximity and similarity do come into play, but the action of the principle of contagion is itself placed in a dominant position, not as a fundamental force of irrationality, but as a principle of representation of the sacred. Durkheim says in criticism of Levy-Bruhl: 'conceiving is not simply isolating and grouping…it is relating the variable to the permanent, the individual to the social. And since logical thought commences with the concept, it follows that it has always existed; there is no period when men have lived in chronic confusion and contradiction' (1961:487). The sacred is conceived in the mode of a liquid, a fluid force, and 'contagion is not a sort of secondary process by which sacredness is propagated…it is the very process by which it is acquired' (1961:364); but it either consecrates or stains, sanctifies or contaminates. The emergence of this principle into the field of resemblances organises and dominates it: the 'confusion' of men, animals, plants, and stars in the totemic system is not really a confusion at all, it is a reflection of the idea of sacred causation so that 'beings having one and the same religious principle ought to pass as having the same essence…This is why it seemed quite natural to arrange them in a single category…transmutable into one another' (1961:365). In the field of the relation between the sexes the principle of contagion becomes the object of ritual practices constitutive of primary stratification: insiders and outsiders. The object: prevention of contagion.

This relation is however evidently one of separation and of hierarchy, of hierarchical classification (the subject Durkheim had investigated with Mauss [1963b]). The model for primitive classification they argued, with its arrangements of dominant and subordinate elements could only have been society itself, and this classification is intimately interwoven into the functioning of society: 'the whole universe is divided up among the totems thus constituted in such a way that the same object is not to be found in two different clans, the cults of the different totems are adjusted to each other, since they complete each other' (1961:181).[9] Thus the totemic complex also entails a subordination of the principle of

mechanical solidarity through likenesses to that of organic solidarity through differences and hierarchy, though Durkheim hesitates to announce this reversal. But the new 'harmony' of *The Elementary Form* goes further: to reduce the opposition between the sacred and the profane to social causation. Thus 'the two poles of the religious life correspond to the two opposed states through which all social life passes' (1961:460). The birth of the sacred is coeval with that of society: they are born outside of the individual in an ecstatic (1961:259) social effervescence, *in foro externo* (1961:472). The individual loses himself in such delirium and no longer recognises himself while the external objective logos inscribes itself, automatically, on the bodies of the individuals. Social dispersal on the other hand represents a loss of this energy and excitement, the social begins to die and the force of its logos is weakened (only to be rekindled in the renewal of social energy in the reproductive rituals, whether in propitious or unpropitious circumstances). So society makes its action felt, indeed 'action dominates the religious life, because it is society which is its source' (1961:466). It is in this sense that Durkheim's claim that 'all the great social institutions have been born in religion' now comes to include the division of the sexes: women through their passive proximity to the sacred force of blood find themselves excluded from the sacred male rituals which actively elaborate collective sacred objects which contain a symbolic substance which mirrors that of blood, but outside the body. In the processes of the valorisation of these objects the cult 'produces a man who is stronger, (who) feels within himself more force, either to endure the trials of existence or to conquer them' (1961:464).

In comparison with the later theory the article on incest appears far more as a search for absolute origins than as a search for the principle of the genesis of the social. In the earlier essays Durkheim suggested that 'at the beginning the woman had a religious life of her own', but this 'duality ended with the result that the woman found herself to a large extent excluded from religion' (1963:78). In defending the argument of this essay in 1902 (in: 'Sur le Totémisme', 1902:99, and see Moret and Davy, 1970:30–1), he insisted that as against the view of 1893, the matrilineal origins in no way now implied 'matriarchy or gynaeocracy', but that 'whenever it is in force the woman enjoys if not supremacy, at least a relatively high social condition';[10] and all the most primitive of tribes exhibit a collective memory of a time of such an egalitarian state. The tendency for society to switch to patrilineal forms with the progressive masculinisation of social authority, is directly associated with the progressive exclusion of women from religion and her annexation to

the domestic circle.[11] Thus among the long term effects of the incest taboo was the formation of two quite distinct social milieux: the internal domestic milieu which developed into the specialised organ of conjugal solidarity in later society, and the external milieu of free sexual relations outside of the family but subject to its influence. Once created—as an effect of the taboo—each of these milieux came to maintain themselves and their specific moral relations through the period of decline of clan exogamy. Modern rationalisations of the taboo are thus false as explanations of the origins of the practice, but alongside these rationalisations there is, he suggests, an 'obscure thought' that if the taboo on incest were relinquished 'the family would not be the family' (1963:99); it is thereby recognised that these two opposed milieux are essential to the moral and cultural life of the modern community yet nothing in them makes their existence essential. The difference which these two milieux themselves create and perpetuate is between on the one hand the pleasure principle and free volition, and on the other the principle of duty and obligation. Once established these two orders of cultural facts, which are in no way the development of a single logical category, may not again be conflated 'without creating a veritable moral chaos' (1963:103). If these two milieux are not the natural product of instinctual feelings for Durkheim, their formation could only have been achieved by considerable forces, for the 'line of least resistance' (1963:108) was in social terms, internal incestuous promiscuity. He presents an account of the practical difficulties of establishing exchange relations between clans as a conjectural history consisting of a picture of long and arduous negotiations and feuds. Thus the obstacle to the assimilation of the two milieux, which was the ever-present tendency, must have been, he concludes, no 'vague whim of desire' (1963:106) but the powerful force of the sacred, the only force capable of overwhelming the painful separations of close kin and the endless complications of maintaining control of property (1963:107–8).

Over the course of social evolution the sacred becomes again attached to elements of the domestic milieu and the conjugal moral sphere, the terrain of duty, obligation and maternal sanctity. The profane, the lesser of the two influences, is attached to the external sexual sphere, a sphere of 'activity and sensitivity' freed from the 'suffocating' atmosphere of the family, and indeed eventually this

> sensitivity found itself in opposition to familial morality…it became complex and spiritualised…[and came to dominate] all the individual or collective manifestations where the

> imagination plays the largest part. That is why woman has so long been considered the centre of the aesthetic life.
>
> (1963:110)

A consideration of Durkheim's ideas on the development of the relation between the sexes in society dominated by organic solidarity can be made through an examination of his writing on suicide, religion and education.

4 THE DIVISION OF THE SEXES IN ADVANCED SOCIETIES

> The mystery with which…we like to surround the woman… and which imparts the principal charm to (the) relationship… would be difficult to maintain if men and women mingled their lives more completely.
>
> (Durkheim, 1963:114–15)

> Then, suddenly, as if born out of nothingness there appears before the portal of this hellish labyrinth, only a few fathoms distant– a great sailing-ship gliding silently along like a ghost…calm enchanted beings glide past him, for whose happiness and retirement he longs–*they are women.* He almost thinks that there with the women dwells his better self.
>
> (Nietzsche, 1960:99).[12]

The development of organic solidarity and the division of labour alters the site of the sacred in society. More and more the particularised element of the social soul becomes significant, reflected in different practices as an increasing respect for the individual and the body; thus in education corporal punishment is opposed on the grounds that the body of the individual should be respected, and in sexual education such a valuation is the basis of the contemporary dilemma which reflects the

> respect that man generates in his fellows. As a consequence of such respect, we keep our distance from our fellows and they keep their distance from us…we hide and isolate ourselves from others, and this isolation

> is at once the token and the consequence of the sacred character which has been invested in us.
>
> (1979:146)

But the forces of separation and distantiation cannot go too far, for taken beyond certain limits they have disastrous consequences. These effects are examined in *Suicide,* and, *inter alia,* the position of women in different milieux of contemporary society, and his sociologically-based objections to the women's movement. The central idea of this theory of suicide is that suicide rates vary according to the forms of moral and social solidarity generated in different milieux. As against the interpretations of suicide as a supremely individual act, Durkheim insists that while a suicide only occurs where an individual acknowledges that it is a moment of a known sequence of individual events, and is in that sense an act, the social element in the causation of rates of suicide completely escapes the awareness of the individual. It is the suicide rate which 'must be taken as the object of analysis' (1970:148), for 'human deliberations, in fact, so far as reflective consciousness affects them are often only purely formal, with no object but confirmation of a resolve previously formed for reasons unknown to consciousness' (1970:297). Indeed, as far as knowledge of social causation is concerned 'facts show only too clearly the incompetence of consciousness in this matter' (1970:311). Suicide is also important for Durkheim as a highpoint of two polar oppositions: moral over- or under-social determination, of self-sacrifice and self-punishment. The study of suicide furnished an opportunity to investigate another aspect of the abnormal moral condition of contemporary society, since 'without even knowing exactly of what they (the increased rates:MG) consist, we may begin by affirming that they result not from a regular evolution but from a morbid disturbance…a state of crisis and perturbation not to be prolonged with impunity' (1970:369).

Durkheim's approach rests on the proposition that social life exists in the confluence of a number of social and moral currents; in its normal state these currents are held in a stable equilibrium: 'there is no people among whom these…currents…do not exist (…) Where they offset one another, the moral agent is in a state of equilibrium which shelters him…But let one of them exceed a certain strength to the detriment of the others and…it becomes suicidogenic…' (1970:321). Durkheim has no need of a contrary

Eros and Thanatos, for each of his social currents are currents of life which may pass into the opposite after a certain threshold, a theory well in tune with a certain tradition of bourgeois political theory which approaches the idea of normal government through checks and balances. The very terms used by Durkheim include the idea of moral chaos as *anomia* close to Schaeffle's *paranomen* (1892:174).

Two pairs of dichotomies are elaborated: at the level of moral integration, anomie against altruism, and at the level of social integration, egoism against fatalism. The 'true' suicide or modern suicide is egoistic-anomic which increases with civilisation. The predominant forms of suicide in segmental societies reflect the generally lower value of human life and the specific forms of social subordination: the obligatory suicide of the widow in caste India, and the obligatory suicide of subordinates on the death of a leader in Gaul (1979:220). In modern society these sacrificial forms give way to the 'sad' forms of egoism and anomie.

Anomic suicide arises out of conditions of moral indetermination and insufficiency of moral regulation. Rapid deterioration of material conditions give rise to the illusion that suicide only results from worsening of the standard of life. In fact, Durkheim argues, rapid improvement in the conditions of life have the same effect: a too rapid change in the moral equilibrium. This idea is linked to the specifically human form of regulation of desire through cultural forms as outlined in 1893. Levels of economic consumption are culturally conditioned so that 'in no society are they equally satisfied in the different stages of the social hierarchy' (1970:247). In modern society, with its inbuilt tendency to change, there are normal rates of anomic suicide which vary according to position in the social hierarchy: and the strata with 'independent means… the possessors of the most comfort suffer most', while on the other hand 'everything that enforces subordination attenuates the effect of this state' (1970:257), for this brings sense of place and recognition of limits. The symptoms of moral chaos are evidenced in the formation of currents of deep pessimism, 'of hatred and disgust for the existing order', are found in 'the anarchist, the aesthete, the mystic and the socialist revolutionary' (1970:370), and reflect the 'great void' which has opened up in social existence (1970:377). The one thing which seems a bulwark against such tendencies is the family, but the family, though offering resistence has itself suffered, while it has retained its relative prophylactic function: Durkheim gives figures for the increase between 1863 and 1887 of married persons as being from 154 per million to 242 per million, and for unmarried persons from 173 to 289 per million (1970:376–7). More

than one critic has noted the perilously minute differences being considered here and has questioned the value of treating such a change in the suicide rate as a traumatic increase of 57 per cent, especially in this area where the data is open to wide variation of construction as he himself admitted. Nevertheless from the point of view of the general argument here such claims might be put aside for the moment. The specific changes in these rates, then, are held to indicate a deterioration in the protective effects of marriage, evincing an emergence of *conjugal anomie*. Before examining this directly it is worth looking at Durkheim's analysis of the beneficial effects of marriage.

Marriage is a sphere of moral obligation and of social integration but affects the sexes differently. Marriage 'regulates the life of passion, and monogamic marriages more strictly than any other' (1970:270). In relation to the sexes men are more complex and dependent on many conditions beyond himself, thus marriage plays the role of confining desire and fixing it in one unique object: it fixes the desire while providing the means for its satisfaction, 'if his passion is forbidden to stray, its fixed object is forbidden to fail him' (1970:270): 'Si ses jouissances sont définies, elles sont assurées' (1960:304).[13] Now the position of the unmarried man appears to be one of liberty and freedom with regard to the choice of partner and mode of involvement. Durkheim, however, suggests this leads not to a single anomic but double anomic condition. The absence of a fixed eternal partner with fixed obligations leads, in its turn, to an indetermination of the individual himself. The lack of determination of the desire, reflected in impossible dreams of the infinite or non-existent, is mirrored in the subject's own non-existence: 'just as (he) makes no definitive gift of himself, he has definitive title to nothing' (1970:271). This affects men far more than women: her needs 'have less of a mental character …(they) are more closely related to the needs of the organism' (1970:272). This also explains the protection women seem to enjoy against egoism, for here also the difference between the sexes is marked.

Egoism is the tendency towards the relaxation of social integration and is reflected in states where the degree of social density of relations is low.

> When a widow is seen to endure her condition much better than a widower and desires marriage less passionately…it is said that woman's affective faculties, being very intense, are easily employed outside the domestic circle, while her

> devotion is indispensible to man to help him endure life. Actually if this is her privilege it is because her sensibility is rudimentary rather than highly developed. [The argument is consistent:] As she lives outside of community existence more than man, she is less penetrated by it; society is less necessary to her because she is less impregnated with sociability. She has few needs in this direction and satisfies them easily. With a few devotional practices and some animals to care for, the old unmarried woman's life is full…these very simple social forms satisfy all her needs.
>
> (1970:215).

When Durkheim later argues that 'we are only preserved from egoistic suicide in so far as we are socialised' (1970:376) it must be acknowledged that the 'we' is quite particular. And when he argues that social facts must only be explained relative to other social facts the specificity of the conception of the *social* must also be acknowledged. Women are outside of the activity of these forces *to a greater extent* than men. The lower suicide rates for women in general testify directly to the fact that, (as is the case in their way with children,) the action of social forces affect them only by about a quarter of the extent they affect men, who are thereby seen to be complex since their 'moral balance depends on a larger number of conditions' (1970:216).[14] If the family is one form in which the protection against egoism is realised, Durkheim again indicates that this protection is weakening in this respect as well, since the former traditional permanence and stability, associated with a family continuity and personality with a well defined existence, is giving way to family units which exist in social conditions which tend towards relatively ephemeral forms.

Taken together, therefore, the joint forces of increasing anomie and egoism lead to disturbance of the social and moral equilibrium. Investigating the various aspects of the relation of the domestic milieu to suicide, his persistence led him to investigate the different effects on the sexes of the suicide rates relative to the state of marriage itself: by comparing the rates of suicide of the sexes relative to the degree to which the marriage rule was absolute, he suggested the existence of an interesting difference between the two sexes: 'from the standpoint of suicide, marriage is more favourable to the wife the more widely practiced divorce is; and vice versa' (1970:269). This issues directly in a problem, since divorce leads to a weakening of the moral value of marriage itself and to the interests of men in maintaining absolute marriage. In *Suicide*

there is no attempt to hide the implications: 'we now have the cause of that antagonism of the sexes which prevents marriage favouring them equally: their interests are contrary; one needs restraint and the other liberty' (1970:274). If there is however a polarity between anomie on the one hand and fatalism (overarching control) on the other Durkheim was not inclined to develop this to account for the discrepancy, even though he suggests the suicides of slaves fall into this category (1970:276). Later, in 1906 in the article 'Divorce by Mutual Consent' (1978:240–52), Durkheim sought to prevent any weakening of the marriage vow, and in so doing returned to the findings of *Suicide* and reversed them:

> in taking up this question once again…I perceived that the advantage enjoyed by married Parisian women is purely apparent and arises not from the fact that the married woman is in better moral conditions in Paris…but from the fact that unmarried women of about 20 to 35 years of age are in more unfavourable moral conditions.
>
> (1978:246)
>
> [Durkheim then takes the opportunity to formulate a surprising law:] the state of marriage has only a weak effect on the moral constitution of women…she stands somewhat beyond the moral effects of marriage.
>
> (1978:247)

Durkheim can then safely return to the conclusions of suicide– that taken in the broad outline of the decrease in the total number of female suicides is 'imperceptible in the whole and does not balance the increase of male suicides' due to divorce (1970:273). The emphasis is clear throughout, that it is men alone who benefit from absolute marriage although it is 'represented as a sacrifice made by man of his polygamous instincts, to raise and improve women's condition' (1970:275).[15]

It is now possible to appreciate Durkheim's judgement on the idea of women's emancipation:

> the two sexes do not share equally in social life. Man is actively involved in it, while woman does little more than look on from a distance. Consequently man is much more highly socialised than woman…. His needs, therefore are quite different from hers…. But it is by no means certain that this opposition must necessarily be maintained. Of course, in one sense it was originally less marked than now,

> but from this we cannot conclude that it must develop indefinitely…. To be sure, we have no reason to suppose that women may ever be able to fulfil the same functions in society as man; but she will be able to play a part in society which while particularly her own, may yet be more active and important than that of today. The female sex will not again become more similar to the male; on the contrary, we may forsee that it will become more different. But these differences will become of greater social use than in the past. Why, for instance, should not aesthetic functions become woman's as man, more and more absorbed in functions of utility, has to renounce them? Both sexes would thus approximate each other by their very differences. *(Les deux sexes se rapprocheraient ainsi tout en se différenciant)*…. As for the champions today of equal rights for women with those of men, they forget that the work of centuries cannot be instantly abolished; that juridical equality cannot be legitimate so long as psychological inequality is so flagrant. Our efforts must be bent to reduce the latter.
>
> (1970:385–6)

Durkheim's conclusions in this way rejoin those of Comte (and Spencer's second thoughts of *The Study of Sociology* [1880]) where the argument is precisely that the obstacle to equality is a general psychological differentiation. What seems to characterise this other being is a specific function located in a definite moral milieu which in its turn seems to have no moral effect on her; 'fundamentally traditionalist by nature, they govern their conduct by fixed beliefs and have no great intellectual needs' (1970:166); 'being a more instinctive creature than man, woman has only to follow her instincts to find calmness and peace' (1970:272). Durkheim thus continues the themes of phrenology and pedomorphism established in 1893, with a misogynist psychology. The sociological remedy for this acknowledged inequality is well prepared: the aesthetic realm, already stigmatised as the inessential, but also, paradoxically as the gratuitous, frivolous, even the terrain of 'the essentially *anomic*' (1964b:431), of which woman is the preeminent *object,* is now to be her place as *subject.*

But there is a basic tension in the very construction of the idea of anomie; between, on the one hand, the element of disintegration and chaos, and on the other hand, the acceptance that this can be found

organised, 'co-ordinated and systematized, and (which) then become complete theories of life…the formation of such great systems is therefore an indication that the current of pessimism has reached a degree of abnormal intensity' (1970:370). This idea is not isolated, it appears several times in *Suicide,* for example in relation to egoism: 'currents of depression and disillusionment…reflect the relaxation of social bonds, a sort of collective asthenia, or social malaise…metaphysical and religious systems spring up which, by reducing these obscure sentiments to formulae, attempt to prove to men the senselessness of life…' (1970:214). The evidently uncritical conflation of all movements opposing the existing state of affairs as egoistic-anomic places the whole of the Durkheimian project itself in an acute contradiction, since it too is opposed to the existing state of affairs of society, as was pointed out many times by conservative Catholics, who regarded his theory as 'le plus grave péril' (Swart, 1964:20).

These remarks in *Suicide* are complemented by his reviews in the *Année*. For example, in his 1910 review of Marianne Weber's book on women he argues that it is precisely the sanctity of the domestic milieu which is women's basic strength in society:

> the feelings of respect that have directed her way and have become more and more pronounced…originate in large part, in the religious respect inspired by hearth and home. [And this has political consequences, for if the organic nature of the family ceases, if there is nothing other than] the partnership in which each have their centre of interest and concerns, it will be difficult for such a religion to survive. And woman's stature will be diminished because of it…the gains she will settle for… will be offset by important losses. (1980:288–9)

This continues the theme of the article on the incest taboo which defined the home as the 'nerve centre of all collective discipline' and has always had a religious character (1963:101). In the conjugal family he argues against Marianne Weber:

> family life is much more intense and more important than in previous types; the woman's role which is precisely to preside over life indoors, has also assumed more importance, and the moral scope of the wife and mother has increased…the more family matters intervene to occupy the

> man's mind, the more he falls out of the habit of regarding his wife as an inferior.
>
> (1980:288)

Two elements thus stand out here: the significance of the sanctity of women which is decisively linked to the domestic rather than the sexual milieu, and the social distance between the sexes which should be minimised in the interest of the status of women in the minds of men.

The first of these issues relates to Durkheim's thesis that sexuality in modern society is essentially a site of moral ambiguity. On the one hand sexual relations are grossly immoral since by their very nature they violate the boundaries of the individual so carefully erected by society:

> in the sexual act this profanation reaches an exceptionally high level, since each of the two personalities in contact is engulfed by the other…this is what comprises the seed of basic immorality which is contained in this curiously complex act (1979:146). [Although it offends morality through it are forged the closest of social bonds:] there is no act which creates such strong bonds…. It has associative, and consequently moral power without compare…moral *conscience*…cannot advocate such an act, nor condemn it, nor can it praise it stigmatise or above all declare it unimportant…(it) accepts the sexual act while at the same time requiring it to be veiled in darkness and mystery.
>
> (1979:142)

These arguments suggest the consequences Durkheim envisaged for the effects of the incest taboo. Having produced the separation of the two realms of sexual pleasure and domestic duty, modern domestic society finds itself the centre of dilemmas that rival the problems of sacred blood in former times. Women now become polarised between the morally sanctified domestic milieu and the object of immoral sexual life outside the family. Official morality also finds itself paralysed in the face of such a problem, and the only way they can be resolved is to explain sociologically the 'mutual opposition and correlation' of these two contradictory aspects (1979:145). The moral superiority of the family is essential in modern society not only because it is the source of a unique moral complex of obligations and functional divisions, but also as he had suggested in his earlier essay on the conjugal family ((1892), 1978:239) 'free union is a conjugal society in

which…obligations do not exist. It is therefore an immoral society. And that is why children raised in such conditions present such great numbers of moral flaws. It is because they have not been raised in a moral environment'. This idea is complemented by his opposition to divorce since a shocking 'moral embarrassment' is felt when two people who have engaged in a sexual relationship 'treat each other like strangers whereas in fact, neither holds any mystery for the other'. The conditions of socialisation are thus held to be essentially moral conditions and education primarily moral education.

Much of Durkheim's sociology is devoted to education, and the posts he held demanded he spend a considerable amount of his time teaching courses on education. His works in this sphere seem to represent a continuation of many of the themes elaborated in *The Division of Labour,* the moral authority of the social over the individual, the relation of the pre-social to the social, etc. The teacher's task as representative of social forces is primarily conceived of as being a morally formative one, making use of two natural 'predispositions': the child's propensity to form habits and his open suggestibility (1973:134–43). The child is conceived as possessing a primitive mentality, and Durkheim even adopts the image of the kaleidoscope, taken up with such prominence by Lévi-Strauss. The child, like the primitive, is envisaged as emotionally unstable and given to wild outbursts of anger quickly oscillating between different states; but the elements necessary for moral education are general and limited: the teacher should take advantage of the hypnotic state induced by authority to suggest the habits of regular function that are the basis of the higher moral life of civilisation. The acquisition of these complex forms are entirely cultural (1956:125–6), and education is conceived as the action of an external social force which comes to the individual in a specific mode, a specific tone of authority. But in considering the relations of authority against the background of the history of educational practice Durkheim is led to an interesting development of his observations on violence. In the earlier forms of education appropriate to simple social forms, education is first linked to the initiation practices of the male religious life, and generally great gentleness and indulgence is shown towards children (1973:184). With the development of civilisation however the life of the child is darkened by an emergent violence located in the specialised organ, the school (1973:189) which becomes so acute that it spills over into the domestic milieu (1973:186–7). This violence arises from two forces: the separation of the school from the family and from public life, and the growth of a social and cultural distance

between the life of the teachers and that of the pupils. Here Durkheim suggests a law, rarely noticed in commentaries on his work, that, under determinate conditions a group perceiving itself morally superior to another *normally* inflicts violence on the lower group. This view developed in his study of the history of education complements his development of his views on repressive law: the earlier societies do not exhibit overwhelming repressive sanctions, but violence and repression reflect centralisation of power and absolute authority. In this perspective it is possible to see in Durkheim's sociology an emergent group of minor subjects who fall victim to this violence: the primitive to the civilised man, the younger children to the older ones, children to teachers, strangers to the established ethnic minorities, and of course women to men. This law is quite distinct from his discussions of the abnormal forms of control through violence in conditions where moral superiority has been lost. Here violence is the normal outcome in certain conditions of moral superiority that is in no way threatened:

> violence in education is 'a special case of a law which might be stated this way: whenever two populations, two groups of people having unequal cultures, come into continuous contact with one another, certain feelings develop that prompt the more civilised group—or that which deems itself such—to do violence to the other'.
>
> (1973:193)

The direct connection between social power, truth and violence is made by Durkheim in a review of Duprat's *Le Mensonge:*

> The lie—that is to say the intentional suggestion of error… has collective forms. It even possesses veritable social institutions which are its organs, such as the press, the sects, and the life of the salon with the polite customs which it implies. On the other hand there are social situations which foster the lie…. The conflict of civilisations of unequal worth very often obliges the representatives of the inferior culture to lie so that it can maintain itself; this is the case of the savage in the face of the European. It is also the condition of the woman; the education which she receives explains in part the aptitude for which she is often reproached….

> It is above all the intrinsic power of resistance which makes the aptitude to lie more or less great.
>
> (Durkheim: 1980:131)

But different institutions are balanced internally in different ways so the tendency is mitigated according to the action of counter forces. For example, the tendency for older children 'to treat the very young as inferior beings' is held in check by 'familial feelings' while in school this 'useful countercheck does not exist'. This tendency becomes increasingly influential in the development of the school *'so long as a contrary force does not intervene'* (1973:195, emphasis E.D.). This force is public opinion and the state, which functions to moderate the actions of the social organs, while in the case of the family conjugal and familial sentiment arises to fulfil this role, thus children are protected from each other and from their parents, but also by extension, the woman from the man.

Durkheim's conception of the problems of the position of minor subjects was however incomplete, as can be glimpsed in his evident inability to provide answers to key problems in his remarks on sexual education and in *The Elementary Forms*. For example in the latter certain discrepancies can be noted in the following comments that women are regarded as profane (1961:342), but also 'woman is not absolutely profane' (1961:161), indeed in one place the problem is put directly:

> There is one interdiction of which we say nothing because it is very hard to determine its exact nature: this is sexual contact. There are religious periods when a man cannot have commerce with a woman. Is this because the woman is profane or because the sexual act is dreaded…? We set it aside with all that concerns conjugal and sexual rites.
>
> (1961:342)

Again, in noting the importance of the ritual interdictions accompanying marriage, which reflect the 'grave change of conditions' implied in marriage, he says:

> the study of the 'system of juridico-religious rules which relates to the commerce of the sexes…will be possible only in conjunction with the other precepts of primitive conjugal morality'.
>
> (1961:351)

This footnote seems to imply the beginnings of a recognition that such a morality exists in primitive society, and that Durkheim had some intention of considering this issue in order to resolve his area of doubt.

5 FEAR FOR WOMEN AND FEAR OF WOMEN

Durkheim's remarks on the inequality of the sexes should not then be seen as a passive acceptance of nineteenth century chauvinism. In the light of an examination of his general sociology it appears that he believed women were formed as a stratum among the first effects of the separation of the sacred from the profane, first to suffer the less propitious consequences of the creation of impure sacred phenomena. Stigmatised as feared beings, they became annexed to the evolving domestic milieu, but even here men elaborated complex ritual defences to enable them to meet them (even circumcision is seen as a mark made on the organ in order to 'put it into shape for resisting the…forces which it could not meet otherwise' [1961:354]. Eventually, in the atmosphere of the evolved conjugal family, women achieved a certain protection in the form of a determinate moral sanctity and developed familial sentiment, which also protected children. But the long exclusion from society had moulded them into creatures less able to accept culture; they had remained primitive in many respects, and a 'flagrant' inequality in mental and physical capacities had developed between the sexes.

This presented Durkheim with an acute dilemma: woman had become a different creature because of her exclusion from society, but her re-introduction into society, demanded by the egalitarian forces brought about by that very evolution itself, could not be admitted as 'legitimate' because of these very differences.[16] In this case, ironically, women's desire for equality could not be granted by the division of labour as it had not spontaneously furnished the means.[17] The elements of this dilemma can now be specified. The problem centres on the difficulty of the question: even if women possess different attributes why should not society freely allocate those attributes to functions itself? It can be seen that it is strictly compatible both with his discussion of society emergent beyond the instincts, and the evolutionary tendency towards the breakdown of all external inequalities, that such moral equality be facilitated. In fact, whenever Durkheim broached the subject of 'natural' requirements for the development or transmission of culture, the idea which dominates is always the idea that only modest and limited 'faculties' are required. This is especially so in respect of

cerebral functions. It is society which, on the one hand, imposes its unequal demands on these resources in its formation of occupational strata. Although Durkheim talks of the natural endowments of women it is never directly related to the question of educability or occupational capacity (whereas for Schaeffle explicitly, it is politically determined that women should not be educated). In his discussions of these questions a curious avoidance of these issues occurs. It is certain, however, from remarks made across the span of his career that he thought woman a distinct being whose nature had perhaps even regressed with civilisation.

Although he hesitated to use the term himself, women, then, seem to be regarded as an inferior caste outside the main forces of social development: he does not attempt to integrate the effects civilisation has for women into his conception of evolution as a whole. Rather women are seen to find a state of equilibrium dominated by the action of instinctual regulation, indeed protected against the vicissitudes of social currents. The transition from caste status to full membership of society is regarded as a period of considerable danger for women. The mixture of proposals advocated by the left wing position, from the simple political emancipation of women to the break up of the bourgeois family, seemed to imply a conception of communism as a break down of obligations and a weakening of social bonds. Durkheim clearly saw these as utopian and 'anomic' in the sense that the predominant element is a negative, disillusioned rejection of current forms of solidarity combined with a rejection of the discipline of obligation. Such a conception of communism ran diametrically counter to his conception of the higher society, which could not be built on 'free love' or the pleasure principle. But, nonetheless, the claims for women's emancipation required a rational response: this question concerned the conditions and timing of such a re-introduction into society and the problems of readjustment inside the family.

It is interesting that such problems had already been considered by Durkheim's mentor in Germany, Schaeffle, in his critique of the Gotha Programme:

> every loosening of the bond (between husband and wife: M.G.) would lead only to the emancipation of the man from the woman, to the loss for the weaker sex of some of their strongest supports, to their abandonment by men,

> to a relapse into hetaerism in the highest degree derogatory to feminine dignity.
>
> (Schaeffle, 1892:133)

Schaeffle went on to emphasise the moral qualities of the family, its training in 'self-conquest, in gentleness, in consideration for others, in fairness' etc (1892:149) that would be lost should the family fall in favour of 'fugitive unions'. Any change in the direction of 'free love' would simply reduce man again to the animal, in the sense of the loss of moral constraint, while creating a new aristocracy and a distribution of women among men by a new criterion. An inevitable coarsening of relations would result from the subsequent loss of 'those softening and ennobling influences which is the case of the stable marriage-union' (1892:157). Schaeffle also consistently opposed extending education and the franchise to women as these measures would bring changes in the family complementary to those of free love (even referring at one point to 'hetaerism in education') leading to a deterioration in the conditions of all.

Durkheim seems to have adopted all these points: the civilising effects of marriage and the family, the exclusion of women from public life, but added new elements of his own. Against the emphasis of Schaeffle, Durkheim elaborated the idea that insofar as civilisation was concerned it was men who stood to lose most, for anomic currents affect them far more than they do women. He also adds to Schaeffle's conception of the degradation of female dignity, and the weakening of male protection of women, the idea that without the shield of the family women would become objects of a normal violence inflicted by superior subjects. His position therefore suggests that at the end of the nineteenth century women had not reached the degree of development of the lower classes of Rome or modern society, which, with their growth in intelligence and aptitudes, had brought them into contact with higher classes with a resulting moral contagion. This had not led directly to new conditions but a rearguard action by the ruling classes had imposed an abnormal 'forced' division of labour, falsely allocating ability to unnatural function, while no external moral force had sufficient strength to intervene in the process on behalf of the lower groups. He suggests, on the other hand, a 'flagrant' discrepancy of intelligence and capacity between the sexes, and it is therefore from that side of the question that the main danger arises: the premature projection of such a caste into society, in the absence of any strongly

developed moderating force, would run the risk of normal violence. Thus Durkheim's approach logically leads to the maintenance of a certain fear of women (of course purified in the family) and fear for women who are unfortunate enough to attract the normal violence expected to issue from men in the period of transition (here a fertile field for a Durkheimian theory of violence against women) so long as no effective moral authority has been developed. His position can therefore be read as an attempt to reveal the complexity of the problem of the gulf between the sexes, the 'psychological' distance between them, and the possible consequences of bringing into direct contact creatures of such 'unequal cultures', one of which had limited powers of resistence as exemplified by her tendency to dissimulation. The logic of his position is thus to emphasise the need to bring the two natures more in line with one another as a preparation for social equality. But given Durkheim's analysis in what possible way could this be achieved?

Right from the beginning of his work it is clear that Durkheim followed Schaeffle's line of maximal defence with its highly conservative implications and paternalistic stance. Instead of catching the major current, as Hertz was able to do, and before him Enfantin, Mill, Bebel and Engels, and developing the necessary connections which might attach all 'individuals' to society through education, and contributing to the formation and strengthening of a moral authority capable of sustaining the extension of citizenship, even of contributing to the demystification of the relations between the sexes, he took the opposite line, of rejecting such claims and measures even to the point of advocating indissoluble marriage, and a sexual education for adolescents which emphasised the necessarily mysterious nature of the sexual act and recommended consistently that it be 'grave and solemn'.[18]

NOTES

1 The former principle is clearly related to the project of establishing a social science, distanced from directly political concerns. This has led some recent commentators like Steven Lukes to claim for example that it is precisely 'the political import of Durkheim's sociology (that) can be in part seen in its systematic neglect of politics' (Durkheim, 1982:23). Paradoxically, Lukes can then refer to a recent work by Lacroix (1981) which argues that Durkheim's work must above all be seen as a politics.

Unfortunately, even Lacroix's work ignores key political problems tackled by Durkheim, as especially the politics of the sexes.

2 See his 'Do Dual Organisations Exist?' (in Lévi-Strauss, 1972:132–163); Lévi-Strauss always makes a detour round Durkheim by appealing directly to Mauss. But Mauss's essays have also been read in a different way, as 'a question not so much of reciprocity, circulation and communication as of collision and violence, power…' (Paz, 1971:11–12); Paz mentions Bataille, one could also mention Moret and Davy, etc. See also Mellassoux (1981).

3 Clearly the emphasis of Durkheim in this respect has its parallel in the other influence on Althusser, Gramsci, and the concept of hegemony. In this context it is interesting to compare Perry Anderson's 'The Antinomies of Antonio Gramsci' (*NLR* 100), with Lacroix's essay on Durkheim (1981:207–298).

4 Derrida's conception of *dissemination* seems to be a concept of the same order, thereby perhaps making a connection possible between the Durkheimian idea of the control of contagion, with Gramsci's concept of hegemony. This cannot be developed here, however.

5 Lacroix's suggestion (1981:114) that between Durkheim's *The Division of Labour* (1893) and *Suicide* (1896) there was an epistemological break seems to confuse a change of theory with a change of problematic. Lacroix also almost completely ignores the reorganisation of the elements of the theory discussed here. Also misleading is M.Verdon's recent comment that 'once in their "natural place", both Durkheimian individuals and Aristotelian objects do not wish to move' (1982:346).

6 An attempt to develop some of the ideas in a Durkheimian direction has been made in the works of Roger Caillois (see esp: 1959).

7 Two recent discussions of this question are B.Easlea (1981: chapter 5) and J.Sayers (1982: part one).

8 It is interesting that Steven Lukes in his brief comments on the article on incest simply presents Lévi-Strauss's summary which omits the sections of the article which are of most sociological interest (Lukes, 1973:188–9). A recent remark of Anthony Giddens refers incautiously to Durkheim's theory that in tribal society 'a sexual division of labour task is everywhere the most prominent axis' (1981:158), and refers to a work by anthropologist E.Freidl which symptomatically contains no reference at all to Durkheim. Paul Hirst's recent discussion of Freud's ideas on incest fails to notice that Freud's rejection of the eugenic argument is taken from Durkheim, compares Freud's ideas on incest not with Durkheim's on the same issue but with Durkheim's conception of religion, relying solely on Lévi-Strauss's critique of Durkheim's argument from 'states' of consciousness (Hirst and Woolley, 1982:149–53). Thus from the demolition of the problem of totemism by Lévi-Strauss, through the elimination of the problem of the incest taboo by Needham (1971:24–9), to the recent announcement by Edmund Leach that 'the fascination of anthropology (lies in the fact that)…there are no "laws" of historical process…. The fundamental characteristic of human culture is its endless diversity' (1982:51). It is something of a contemporary paradox that so many proclamations of the discovery of the nonexistence of evolution can at the same time

count so naively as positive evolutionary progress in the field of knowledge. There are, however, other works which continue to stress 'the near universal menstrual taboo, associated with the notion of malignant power residing in the menstruating woman and her menstrual discharge; especially the belief that she is dangerous to men' (W.Stephens, 1972:17). Even essays in Needham (ed. 1977) develop this theme.

9 Lévi-Strauss in adopting Bergson's paragraph on the subject of totemism ignores these remarks developed by Durkheim which argue the same point (Lévi-Strauss, 1969).

10 This is still perhaps the general view of anthropologists. See for instance even M.Harris, (1977:65).

11 See the attempt to develop this theme in Moret and Davy (1970: ch. vi).

12 Attempts to analyse Nietzsche's position show that like Durkheim's it is caught in considerable contradictions: cf Derrida (1979), and Irigaray (1980) on the one hand with Easlea (1981:174–6), and Bentley (1947).

13 Durkheim's idea of the 'sexual fix' seems a mirror inversion of that elaborated by Stephen Heath (1982) as the pure to the impure.

14 There was one problem here, the rates between the sexes in England were much closer, just as they were much lower than elsewhere (1970:166). But Durkheim dealt with this by arguing in general that the division of labour had not affected English society to the extent that it had in France, a perspective essential to the conception of the Durkheimian project as an intervention, however quaint such an idea appears now. It may be that the whole problem of the differences in types of integration between France and other societies which Durkheim placed at the centre of his work is that same problem treated by Crozier (1964) as a difference between cultures. But if this is the case then the whole structure of the project of *Suicide* could more profitably have been a *comparative* sociology. It would also have suited Durkheim's purpose of treating French society as a leading case, and situated his proposals more concretely. It may be, however, that Durkheim foresaw certain difficulties in this approach.

15 Besnard's article (1973) illuminates many of the problems of Durkheim's treatment of the statistical analysis of the differences between the sexes in these two works, his statistical errors and his inconsistencies.

16 This has led some writers to suggest simply that 'Durkheim seems to be rather mixed up about women' (B.D.Johnson, in: Galzer-Malbin and Waehrer, 1972:167).

17 But what would this mean for the Durkheimian conception of desire, that it should not exist in the case of women's emancipation? And if the means had not been produced by the spontaneous action of the division of labour what would this imply for the concrete universal of male and female? One possibility is that the relation would not add up: note Lacan's insistence 'if she is excluded by the nature of things, it is precisely that in not being all, she has, in relation to what the phallic function designates of jouissance, a supplementary jouissance' (Lacan, 1982:144). Compare Nietzsche's: 'it is plain that at bottom men seek for the ideal man and women for the ideal

woman—consequently not for the complement but for the completion of their own existence' (cited in Derrida [1979:151]).

18 The problem of the demystification of sex is not as simple as might be thought. Take for example the following recommendation of David Cooper: 'many liberated men cannot look, much less lovingly look, the vagina of the woman 'in the eye'…nor can the woman sort her way through her taboos…This failure of nerve leads to grotesqueries such as the woman shaving…and being ashamed of the man playing with and smelling her menstrual secretions…(and) not knowing what to do with semen in her mouth' (1976:48). I cite this only in order to show that even when the most 'liberated' and 'demystified' of cultures meets another one can still catch a glimpse of the fact that politics and hegemony do not simply wither away.

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Part 3

Chapter 6

Institutional socialism and the sociological critique of communism[1]

Mike Gane

> The guarantees in question here for the maintenance of the succession to the throne or for the power of the crown generally, for justice, pubic freedom, etc., are modes of securing these things by means of institutions…i.e. mutually conditioning moments, organically connected.
>
> (Hegel 1967, 188)

> Of course, it is not absolutely certain that what Durkheim, long before anyone else, called 'institutional socialism', is the necessary and sufficient form of all socialism. Even the Bolshevik failure by no means proves that one must necessarily wait until these groups are very strong and their possible and complete evolution has come to an end, in order to attempt social reform. But at any rate, there is a serious danger in neglecting these institutions.
>
> (Mauss, 1924)

> What strikes one most is the pedantry of all our petty-bourgeois democrats…. Apart from the fact that they are all extremely faint-hearted, that when it comes to the minutest deviation from the German model even the best of them fortify themselves with reservations…
>
> (Lenin, 1923)

In his first review, of 1885, Durkheim considered Schaeffle's definition of the modern crisis as one which arises in the wake of the suppression of the corporations: the 'struggle among unrestrained egoisms'

(individualism) on the one hand or 'despotic socialism' on the other, 'the two chasms between which civilized societies today seem to waver' (1978:108). Although he reports Schaeffle's recommendation that the corporations should be restored in a new form, his criticism of Schaeffle amounts to suggesting that Schaeffle's solution is purely ideological. In 1888 Durkheim presented points made by Schaeffle which attempted to clarify his position in the face of misunderstandings of his position: Durkheim emphasised Schaeffle's opposition to Marx's 'levelling democracy' in favour of 'organic complexity', his opposition to 'authoritarian despotism' in favour of 'authoritarian socialism' *(le socialisme autoritaire),* his recognition of the limited power of the state in social change as against the doctrines of the Socialists of the Chair,[2] and his emphasis on that fact that his objective was not the improvement of the situation of the worker but 'to combat…the dispersive tendencies which engender the practice of individualism' (1888:5). There is no doubt that Durkheim aligned himself with this conception of socialism and this is evident when he came to work (1895) on his critique of socialist doctrines.

The first part of this critique and only part to be completed, the critique of Saint-Simonian socialism, has become a classic. It presents the modern socialist movement as a secondary, indirect product of the suppression of the corporations in France in the eighteenth century: it is a body of social thought which expresses the existence of a social crisis but in a form which aggravates it. The logic of the critique, if not the historical analysis on which it rests, is powerful. It suggests that the idea of class struggle itself is produced in the crisis of solidarity entailed in the abolition of the guilds, and then attached to crude notions of social equality after the failure of the political Revolution of 1789.

> what was lacking in the eighteenth century to give birth to an authentic socialism was not that the Revolution be once and for all a *fait accompli,* but, in order for these factors to produce their social or socialist consequences they had first to produce their political consequences.
>
> (Durkheim, 1962:105)

The error of St-Simon is again identified as the purely negative emphasis:

> Noting the progressive weakening of the old powers, he concluded that our modern uneasiness is due to the fact that, not yet having disappeared, they still disturb industrial activity. It followed that their downfall had only to be

> hastened in order to assure industry the supremacy it had a right to, and that industry should be organised without subordinating it to anything—as if such an organisation were possible.
>
> (Durkheim, 1962:245)

The solution is suggested by Durkheim: 'among the institutions of the old regime…(some) if transformed could suit our present state. These are the professional groupings or corporations…' (1962:245–6). This remedy is justified on the grounds that it provides a moral stability in society, it resolves the antagonism between classes, and it regulates economic appetites. The fundamental theoretical point is that socialism is not to be reached through technical or economic measures, or through class struggle. It is fundamentally a 'question of moral agents' (1962:247), not of money or force.

This idea is developed again in his review of Merlino in 1899. The 'interesting work' which Durkheim sees going on in the socialist world is revisionism: His response is to suggest that revisionism needs to go much further. Revisionism should disengage the question of socialism from the problem of the proletariat: the social malaise afflicts all classes. It should also disengage socialism from all traces of communism and anarchism on the one hand and anti-statist liberalism on the other: the state, in a transformed form, is essential for the moral progression towards socialism (without going so far as the Socialists of the Chair —or conservative socialism). Clearly Durkheim felt a certain solidarity with revisionism (see pp. 50–8, this collection).

Durkheim continued to develop and to promote these ideas until the end of his life in 1917, in his lecture courses and more popular debates and writing. There seems if anything to be a certain movement towards a more directly socialist position: whereas in 1892 he had talked of the moral level attained by the 'elite' as the leading edge of the movement towards the new society by 1914 he proclaimed that 'the only thing which matters is to sense…the sources of warmth which our societies carry in themselves. One can go further and say with some precision that it is among the working classes in particular that these forces are in the course of formation' (Durkheim, 1975:187); again at the conclusion of *Suicide* (1897) he talked of the revolutionary socialist as an agent of a destructive morbid moral effervescence, by 1911 he talked of the main periods of creative effervescence and included 'the revolutionary epoch and the Socialist upheavals of the nineteenth century' (1953:92). And by 1915 he had reached the position of believing that 'our salvation lies

in socialism discarding its out-of-date slogans or in the formation of a new Socialism which goes back to the French tradition' (Lukes, 1973:321). What appears to have changed was his attitude to the socialists themselves, as revisionism became a significant tendency.

Those who have tried to claim Durkheim for the right such as Nisbet tend to overlook the fact that Durkheim clearly dissociated himself from the 'reactionary tradition' (Durkheim, 1962:168, 274) of Maistre, Bonald, Lamennais. It ignores the fact that Durkheim obviously thought of himself as a new type of intellectual grappling with questions opened up by St-Simon and Comte and attempting to avoid the temptation of the primitive unity of the communist solution, in the tradition of Plato (1962:79). This emphasis is complemented by insistence on the need for theoretical complexity, always ignored by those who see him simply as a Cartesian: there must be he said 'rationalists of a new kind who know that things, whether human or physical, are irreducibly complex and who are yet able to look unfalteringly into the face of this complexity' (Durkheim, 1977:348). But what Durkheim suggests to the left is that even after any reform which equalises the conditions of social life, 'life will be just as complex as ever' (1964:30).

Mauss himself presents the strongest possible case for the immediate success of Durkheim's ideas in influencing key socialists: 'the idea was so important that it impressed great minds. Thus Georges Sorel …whom we knew since 1893, did not fail to use it in several articles in *Devenir Social*. Later revolutionary syndicalism was in part affected by it…in this affair, we were—at least a certain number among us—more than mere witnesses, from 1893 to 1906' (in: Durkheim, 1962:33). As is argued in his letter to Halévy (see p.213, this collection), he suggests both Lenin and Mussolini were thus influenced by the same conception through Sorel. Mauss argues that it was Durkheim who exercised a decisive influence on French democratic socialism through Jaurès (in. Durkheim, 1962:34).

One of the reasons why the recent discussion of Durkheim's politics, at least in the anglo-saxon world, quite often borders on pure farce (see for example S.Mayes (1980) who argues Durkheim's conception is identical to that of a defender of the southern slave-system, George Fitzhugh), or on sheer incomprehension, is that so many diverse developments have been claimed to have been 'influenced' by Durkheim's project. One of the first discussions of Durkheim's views, that of H.E.Barnes (1920), quite accurately suggests the modest limitations of the suggestion compared even with guild socialism: 'his

general programme is an interesting capitalistic flirtation with the least dangerous and revolutionary phases of syndicalism and guild socialism' (1920:251). But by 1931 M.Mitchell had seen a connection between Durkheim's ideas and the 'integral nationalism' of the rightwing Charles Maurras (1931:126); and in 1939 Ranulf, following Halevy and even Mauss himself, had come to regard Durkheim as a 'scholarly forerunner of fascism' though this is qualified: 'there are aspects of fascism which would probably have seemed unacceptable to Durkheim' (1939:31). After the war Durkheim again reappeared as a liberal theorist (see Bendix (1960) and Richter [in: Wolff, 1964]) and defended against the fascist accusation by Lukes and Giddens. In France recent works by Filloux (1977) and Lacroix (1981) have confirmed Durkheim's contribution to democratic socialism.

Perhaps an examination of the political sociology and politics of Mauss can help to resolve some of the main points still at issue. Mauss was considerably more politically active than Durkheim, though there exists no adequate record of the extent of Mauss's activities. An investigation of this kind as indicated in recent articles by Birnbaum (1972) and Desroche (1979) which discusses Mauss's involvement in the co-operative movement and his political work, is quite a different enterprise than the reading of the political philosophy implied in some of his more well known anthropological texts such as *The Gift* (see for example Sahlins (1974:171–83)). It is clear that most of Mauss's major texts e.g. *Sacrifice* (1899), *Seasonal Variations* (1906), and *The Gift* (1925), were each conceived and written at moments when Mauss was intensely involved in the major issues of socialist debate and practice: the forgotten texts of 'l'Action Socialiste' (1899), the articles on the co-operative movement in *l'Humanité* (1905–6), and the articles on Bolshevism (1924–5). Mauss's texts seem to have a much stronger anti-capitalist sense than Durkheim's. This emerges even in the anthropology: in *The Gift* for example he refers to 'the mean life afforded by the daily wage handed out by managements' and the moral 'flaw' of welfare that is 'in the hands of the bosses' (1966:66–7). On the other hand Mauss consistently follows Durkheim's rejection of revolutionary class struggle as a means of achieving socialism; thus his repeated distanciation from Marxism, revolutionary anarchism and anarcho-syndicalism. It is clear however that Mauss was not just more politically active than Durkheim but his emphasis on the nature of the institutional basis of the socialist movement is more plebeian, a conception of a socialist republic based on popular working-class institutions. This is also conceived in a manner which, not so much gives emphasis to conflict (as is argued by Alexander, 1982:311), but

gives far more attention to the workings of socio-economic cycles and exchanges as systemic structures. This gives his writings on the state, the nation, law and politics in particular a different emphasis from that of Durkheim's (and this becomes clear as Mauss began to revise some of the key concepts of the school after Durkheim's death, see e.g. Mauss, *Oeuvres,* 111, 183 (1927) and 305–6 (1934)).

Mauss's political career is clearly divided into three main parts: the phase before the 1914 war devoted largely to the work in the cooperative movement, the period of the war, and his reinvolvement in politics after 1920. In the pre-war period his involvement embraced practical activity in co-operatives and in the associated popular universities, as well as writing for such journals as *Mouvement Socialiste* and *l'Humanité,* and his activity in the congresses of the co-operative movement. His efforts were aimed at aiding the formation of a widely based popular non-sectarian reformist socialist movement based on three main 'pillars': political action, co-operative action, and trade union action. Each of these had an independent sphere of action without dominating the others. An article of 1899 (in *Mouvement Socialiste*) outlines the importance of proletarian co-operatives for the socialist reorganisation of society as a whole: 'Le syndicat et la coopérative socialiste sont les fondements de la societe future' (cited in Desroche, 1979:225). Mauss's exemplars were the Belgian co-operatives, with their array of economic, welfare, intellectual and artistic component aspects based on collective property: 'une oeuvre de la solidarité ouvriere et populaire' (cited: Desroche, 1979:225). These organisations though essential should be complemented he argued with a specific socialist ideology *(l'esprit socialiste):*

> socialist action will…be by nature psychological. It will tend to raise in people's minds and in the whole social group a new way of seeing, of thinking and of acting…
>
> (cited: Desroche, 224)

The conception of the effects of these joint activities were conceived by Mauss in 1900 in the following way:

> …we must first of all organise the co-operative into an enormous bloc of consumers. When we have succeeded in creating huge co-operative workshops, models of communist production; when we have succeeded in invading the various

> branches of production in every way, either by governing prices by means of bulk purchases, or by blocking those firms which over-exploit their workers and wage wars on unions, or by producing ourselves; when we have succeeded in creating, by means of a whole level of institutions of solidarity, a close union between all the members of the workers' co-operatives; when we have succeeded in establishing our relationship with the various workers' organisations: producer co-operatives, occupational unions and international workers' unions, then we could contemplate organising ourselves completely on an international basis: to join ourselves into a federation for administering together wealth which will have become the wealth of a universal proletariat.
>
> (cited in Desroche, 1979:228)

The co-operatives, he continues, must form 'vast federations', becoming after the fashion in England a 'state within a state' developing into a formidable world organisation capable of standing up to world capitalism.

Mauss's conception envisages the evolution of a new society both economic and moral, within the framework of capitalism. It is a conception which has as its objective a displacement of the wage system of private capitalism. In 1900 Mauss was prepared to offer concrete suggestions: why not a wine co-operative as an exemplar:

> the thing is easy, it is beautiful, it is useful, there is nothing more socialist. There is nothing more beautiful than this undertaking …to eliminate all capitalist intermediaries between the producer and consumer, to put the urban proletariat masses that drink adulterated wine…from bourgeois firms into contact with the proletariat that produces excellent wine.
>
> (cited in Desroche, 1979:229)

Mauss's basic orientation, which is most clearly articulated in *The Gift* (1925) is towards a socialism which realises a form of luxury without utilitarianism:

> the joy of giving in public, the delight in generous artistic expenditure, the pleasure of hospitality in the public or

> private feast. Social insurance, solicitude in mutuality or co-operation, in the professional group and all those moral persons called Friendly Societies, are better…than the mean life afforded by the daily wage handed out by managements…
>
> (Mauss, 1966:67)

It is relatively easy to see why identification of the main orientation of Durkheim and Mauss's work still presents a puzzle, since not only has Durkheim been claimed and utilised by the anti-socialist right, but also his work itself contains what appear from a liberal point of view to be distinctly odd antinomies. Although he supports the development of individual liberty with great force he consistently attacks the dual consequences of a political theory which begins with individualist, even revolutionary individualist premisses. These are on the one hand anti-statist liberalism and anarchism, and on the other hand the statism which accompanies the idea of the unchecked dominance of the general will. The growth and maintenance of liberty requires a quite specific, and growing, function by the state with respect to secondary institutions. Democracy is not conceived in terms of any formal system of representative electoral institutions, though Durkheim has quite specific recommendations in favour of functional and mediated representation, which can easily conceal a basic tyranny. While, however, recommending a return of the corporations or guilds in a new form which would make democracy possible he seemed to make no specific recommendations about how this might be done. This question seemed to be passed on to 'the statesman'. These antinomies can now be examined with reference to Durkheim's political theory, his method of analysis, his conception of the nature of the European crisis, and his conception of socialism.

(a) POLITICAL THEORY

The first full presentation of the theory in *The Division of Labour in Society* (1893, hereafter *DLS*) situates political development within the general scheme of social evolution and elaborates the main features of the abnormalities of modern societies.

The first societies are those with very little division of labour (it is never zero), and which are without centralisation of any kind: here the *conscience collective* exercises a form of solidarity which is

'mechanical' in relation to the segments of which society is composed by aggregation. Where the division of labour has made its appearance and where there are individuals with specific political authority but where society is still primarily segmental, the basic nature of social solidarity is of an intensified mechanical form: 'it is, indeed, under these conditions that mechanical solidarity reaches its maximum power, for the action of the common conscience is stronger when it is exercised, not in a diffuse manner, but through the medium of a defined organ' (1964:181). Finally, the form of political authority becomes more complex and the form of solidarity which binds it to society becomes organised: the state becomes the 'brain' of a society which regulates itself morally through recognition of ties of interdependence. The direction of this evolution is towards a development of individualism and democracy produced out of the mutual control of the state and secondary social formations.

A number of important modifications were made to these ideas in the decade after the *DLS*. The most important of these is the revision that 'The more or less absolute character of the government is not an inherent characteristic of any given type' (1978:157). He cites examples from both ancient Rome and modern France: 'the Roman city, especially after the fall of the monarchy, was until the last century of the Republic free from any absolutism; yet it was precisely under the Republic that the various segments…of which it was formed attained a very high degree of concentration and fusion'. Thus absolute political forms can be found in 'the most diverse social types' —a people can pass rapidly through a number of such forms: 'seventeenth century France and nineteenth century France belong to the same type, yet the supreme regulatory organ has been transformed' (1978:157). Paradoxically therefore the effects of social organisation towards more democratic social forms can be 'neutralised' by a change of form of government in the opposite direction (1978:157–8). It is clear then that a more complex conception is being elaborated which suggests either that more profound elements and characteristics of the social organism determine the form of government or that the two develop independently. It is in part the tension apparent in Durkheim's writing between these two thoughts which while producing curiously ambiguous and even contradictory formulae (see Hawkins, 1981), also gives rise to a more subtle political theory (see Lacroix, 1981).

Durkheim is quite specific that it is the complex of mutual controls of political society that is the crucial point of articulation, not for example

the formal balance of powers in the constitutional or parliamentary sense. This is what gives the Durkheimian theory its highly specific theoretical indifference to the actual makeup of political organisation: political parties, monarchical or republican constitutions, parliamentary or presidential governments. Considerations of this kind do enter into the discussion but only insofar as they affect the underlying configuration of the political society. This basic problem is conceived by Durkheim in terms of the proximities of the social body and by modes of intervention between the different social organs. Thus the growth of the state is a condition of the growth of liberty insofar as the developed *conscience collective* is represented within the subordinate institutions, for example this produced the reduction of patriarchal authority in the family, and despotism in the school. Without these mutual forces of resistance a whole series of pathological formations develop.

(b) SOCIOPATHOLOGY

> Disease is nowhere so prevalent as in human societies.
> (Durkheim, 1965:46)

Having thus outlined an evolutionary conception which enabled him to chart the main orientation of social development, the adoption of the biological analogy also made it possible to use the theory directly as a means of identifying *normal* social development. The famous Book Three of the *DLS* presents an analysis of the main features of modern society in the mode of a sociopathology. Modern society is dominated by two major forms of the 'abnormal division of labour': the anomic and the forced. A third is defined as the under-employment of the elements of productive resources. In *The Rules of Sociological Method,* published in 1894, Durkheim poses the problem of the distinction between normal and abnormal forms as the central problem of methodology. Virtually all of the problems of modern society Durkheim tackles in his sociological and political writing are conceived as abnormal: the forms of the division of labour, abnormal rates of crime and suicide, anti-semitism, revolutionary syndicalism and communism, the organisation of the church, the form of the state, feminism, etc. It is not surprising that Durkheim in fact finds Marx's thesis that modern capitalist forms flourish in an anarchic environment fundamentally consistent with his own theory, with the proviso

that, for Durkheim, this is by no means a normal condition and is not connected with a new social type. Durkheim attempts to establish a much deeper definition which stresses the underlying continuity of European history since the mediaeval period: that of the transition from polysegmental to organic society which has at its heart a conception of the guild system as the fundamental social formation of the bourgeoisie within feudal society. Thus Durkheim's norm is mediaeval bourgeois organicism; the fundamental revolution in European society is not the 'bourgeois' revolution of the seventeenth and eighteenth centuries but the formation of the social structures of eleventh and twelfth centuries, a period which he describes as one of the 'greatest periods of effervescence of the human mind' (1977:73). It obviously corresponds to a dramatic change in the form of social integration, the key transformation beyond which there is only a process of progressive and regressive developments, marked by severe shocks and disturbances.[3] Thus where, for Marx, of the 'anarchy' of capitalist production is conceived as the normal consequence of the capitalist mode of production and bourgeois society, it becomes for Durkheim literally a festering sore, a breakdown of organisation at the heart of society, quite unnecessary to bourgeois society.

Although the *DLS* establishes the normal course of evolution theoretically, it is the final section on the abnormal forms which constitutes the approach to contemporary problems: anomic phenomena and class war (the 'forced' division of labour), associated, as he argues in his lectures 1895–6 on socialism, with a long and aggravated political crisis (lurching from chronic malaise to destructive revolution and violent class struggle). But how can this view be sustained scientifically? Here Durkheim's methodology runs into extreme difficulties. Durkheim's first approach is the famous comparative method: 'a fact is normal for a determinate social type, considered at a determinate phase of its development, when it is produced in the average societies of that species, considered at the corresponding phase of their evolution' (1983:97, trans mod). The problem here is that all the elements required are extremely difficult to assemble. Durkheim is forced to develop a specifically structural method to show how the 'generality of the phenomenon is bound up with the general conditions of the collective life in the social type considered' (1983:97, trans mod). Having to adopt the later method in the case of the modern crisis he writes of the economy:

> to know whether the present lack of organisation that characterises it, is normal or not, we must investigate what in the past gave rise to it. If the conditions are still those appertaining to our societies, it is because the situation is normal, despite the protest that it stirs up. If, on the other hand, it is linked *(liée)* to that old social structure which elsewhere we have termed segmentary and which, after providing the essential skeletal framework, is now increasingly dying out, we shall be forced to conclude that this now constitutes a morbid state, however universal it may be.
>
> (1983:95)[4]

Considering that this is such a crucial theme in Durkheim's sociology, even indeed the main problem to which his sociological theory is addressed, this formulation is remarkably obscure. The connection posed between segmental society and the modern crisis also runs counter to the formulation given in the *DLS* (1964:354–6), which stresses that the modern crisis stems from a specific type of crisis which arose within a *stage* of the development of organic solidarity in Europe.

Once the distinction between normal and pathological has been made according to the new criteria worked out by Durkheim several unusual consequences follow and which are famous, or notorious, in the sociology of deviance. For Durkheim shows that what is usually regarded as deviance is normal in the same way that childbirth normally involves a violent physical process and pain, whereas absence of pain can denote a condition of illness. Thus each society produces a normal level of crime in order to reproduce itself as a moral being. But real pathology begins when rates of crime rise above, or fall below, a normal level. In his work *Suicide* the real objective is to show that the abnormally high rates of suicide are symptomatic of a deep social sickness.

Having defined the general nature of abnormal phenomena, this group itself can be divided again into abnormal states of the physiological functional order and those of the anatomical or structural order. Crises of the physiological order are reflected in such abnormal rates of crime and suicide and in crises of morbid effervescence; crises of the anatomical order produce a teratology. Durkheim suggests that there cannot be an adequate remedy of

morbid phenomena 'without modifying (society's) anatomical constitution' (1970:387). Society has become a monstrosity. Thus the recommendation for the restoration of the corporations is the result of an analysis posed at the level of a sociological teratology, but which is aimed at curing the whole organism. Commenting in 1902 on criticisms of this idea as a cure for abnormally high rates of suicide he remarked:

> certain critics have found that the remedy was not proportionate to the extent of the evil, but that is because they have undervalued the true nature of the corporation, and the place to which it is destined in social life, as well as the grave anomaly resulting from its disappearance. They have seen only an utilitarian association …whereas it must really be the essential element of our social structure.
>
> (1964:29)

The place and importance of the analysis of abnormal forms in Durkheimian sociology can thus hardly be overestimated. He remarked in 1892, on Aristotle's conception that disease was a violation of nature:

> Aristotle believed that disease, monsters, and all wayward forms of life were the result of some obscure contingency. It was not possible to rid social science of this error all at once, particularly since disease is nowhere so prevalent as in human societies and since the normal state is nowhere so indeterminate and difficult to define.
>
> (1965:46)

(c) THE CRISIS OF EUROPEAN SOCIETIES

Durkheim's project, virtually from the beginning, regarded European society and particularly French society to have suffered a massive catastrophe in the eighteenth century which had had a whole series of calamitous and tragic consequences. His thesis can be summed up as follows: *the modern crisis is caused by the destruction in the eighteenth century of a complete layer of necessary social solidarity*. The destruction of the guild system created 'a void whose importance is difficult to exaggerate, a malady *totius substantiae,* affecting all the organism' (Durkheim 1964:29).[5]

One of Durkheim's first formulations of the problem appeared in his 1892 course on the family (see Durkheim, 1978, 229–239 and 268–271). He notes the gradual disappearance of ancient familial communism with its corporate control through hereditary transmission of property. The bonds which established the condition of socially necessary solidarity have thereby weakened; there appears a need for man to 'be integrated into some group outside the family, one more limited than political society and closer to us. It is to this group that the very rights which the family is no longer capable of exercising will be transferred'. Conjugal relations themselves are too ephemeral to fulfil the task of providing an adequate object of such attachment. It is the professional group which must come to play the role which domestic society once played:

> To extricate ourselves from the state of crisis which we are passing through, the suppression of hereditary transmission is not enough …. Professional duty must assume the same role in men's hearts which domestic duty has hitherto played. This is the moral level already attained by the entire elite…
> (Durkheim, 1978:238)

This theme was again taken up in *The Division of Labour, Suicide* and lectures on *Professional Ethics*. In the first edition of the *DLS* the problem was treated tangentially as if concealed (1964:181–190, 218–19). It arises in Durkheim's discussion of the transition between segmental to organic social forms. Very densely argued sections (1964:181–190; cf. 354–6) describe the general complexity of the transition: the occupational milieu in higher social forms is the basic point of attachment of the individual to society, '…the groups of segments united by special affinities become organs . . (. .) . . in a general way classes and castes probably have no other origin nor any other nature.' In this reorganisation there is a 'break' with the past for the new organism rests in principle on a 'different foundation'. However, 'the old structure, so far as it persists, is opposed to this' (1964:183). In quick sketch he surveys the main social types: Iroquois, Hebrews, Franks, Greeks, Romans (1964:183–4). He ends the survey by arguing that 'mechanical solidarity persists even in the most elevated societies' (1964:186). As the organic form itself develops so occupational organisation develops: in the city at first

> the inhabitants are grouped according to their occupation. Each body of workers is like a city which leads a life of its own. This is the state in which the cities of antiquity remained until a comparatively late date, and where the Christian societies started. But the latter grew out of this stage very early. Since the fourteenth century the inter-regional division of labour has been developing…' The movement tends, says Durkheim, towards a situation where 'our whole social and political organisation will have a base exclusively or almost exclusively occupational.
>
> (1964:188–90)

A little later in the *DLS* he expresses the concern with pathological developments in a particularly strong use of the organic imagery in a conclusion which suggests a critique of Spencer:

> The great social sympathetic must…comprise, besides a system of roads for transmission, organs truly regulative which, charged to combine the intestinal acts as the cerebral ganglion combines the external acts, would have the power either to stop the excitations, or to amplify them, or to moderate them according to need.
>
> This comparison induces us to think that the regulative action to which economic life is actually submitted is not what it should normally be…. We will with difficulty find in contemporary societies regulative centres analogous to the ganglia of the great sympathetic…it must not be forgotten that up until recent times these intermediary organisations existed; they were the bodies of workers…because of this fact alone, that an institution has been necessary for society for centuries, it appears improbable that it should all at once fall away. No doubt societies have changed, but it is legitimate to presume *a priori* that the changes through which they have passed demand a less radical destruction of this type of organisation than a transformation.
>
> (1964:218–19)

It is possible, drawing on the various discussions of the problem of the guilds which are dispersed throughout his writings to present a statement of their significance as it appeared to

Durkheim. A number of observations may be made as a preface. Obviously the whole of Durkheimian sociology is hinged around the normal place and functioning of these institutions, their working in relation to what he calls political society is the order of organic solidarity in its full sense, i.e. an articulation of interdependent specialisms no longer linked mechanically, and with genuine moral forms appropriate to it. The functioning of this organism relies on very specific conditions: the organs are genuinely interdependent in two vital senses–they possess a high degree of relative autonomy and internal moral solidarity, but, crucially, coming together within the limits of a real unity. It is only the intervention of the latter which prevents the internal political form of the corporation from degenerating into despotism and the abnormal forms of the division of labour on the one hand, or being incorporated into the state on the other. Political society is thus the very special product of the coming together of the state and these relatively autonomous institutions. It occurred first in Rome, but ended with the defeat of the corporations, their absorption into the state and then their abolition. It resumed again in the mediaeval urban organism. The pattern of educational development is studied specifically. Durkheim's conception is that the internal regulation of the University or college is directly related to the way that it relates to other institutions. For example, because the educational guilds became, by the fourteenth and fifteenth centuries, remote from the moral influence of external bodies, the internal regime became violent and tyrannical. This was checked by the development of external interventions. The degeneration of the guilds in general is then associated with dispersion, reflected in the growing tyranny of guild masters. In the eighteenth century their structures had become ossified, they became reactionary and they were abolished. It can be seen from this conception that two important ideas are involved. The first is what might be called the Durkheimian reality principle: for constructive organic solidarity to be developed there must be a system of social forces in which there are possibilities of real oppositions. Outside of the framework of development of oppositions a form of social megalomania ensues which is always ultimately auto-destructive (this is the basis of his analysis of Prussian militarism in 1914). The second is the conception of violence which is associated with this. A social group which develops a sense of superiority 'tends, as though independently,

to assert itself brutally …a veritable intoxication' in the absence of moral forces on which it 'dare not encroach' (1973:193). The tendency towards megalomania and violence is thus checked in the formation of organic solidarity through mutual oppositions which is the system of forces productive of pacific civil morality. Thus Durkheim's conception of the abnormality of violent class struggle follows from an analysis of the types of separation between institutions that generate separations within them: the context of a false allocation of talents to occupations ('the agreement between aptitudes of individuals and the kind of activity assigned to them is found to be broken in every region of society' (1964:376)). Although Durkheimian sociology is thus clearly focused on the problem of class struggle and the existence of a system of inequality in the external conditions of contractual solidarity, it did not specify its logical next step, the analysis of the forms of abnormal legitimation of this condition (see Mauss, this collection, p.214).

(i) The first origins of the guilds: Rome

Guilds made their first appearance in Rome very early in its history (they did not arise in Greece because trades were excluded from the formal organisation of the city and were confined to foreigners (1964:17)), becoming the normal form of the organisation of labour. They developed in scale, gradually becoming 'regular cog-wheels of the administration' but ended dramatically by being placed in servitude: the state made occupational stations hereditary, a condition it maintained by force. The basic moral character of the guilds, however, was clearly revealed, each had its own distinctive moral life, reflected in a lively religious tradition organised around the *genius collegii* (1964:11). Each acted as a charitable, welfare and funereal organisation. Because the *collegia* were placed outside of the electoral, military and administrative official structure, as 'the product of a kind of outgrowth from the very early social structure of Rome' (1957:32), and because society was not open to their direct influence, 'they had to proceed by way of plotting and underground agitation'. Members called themselves brothers using the word *sodales* to express 'a spiritual relationship implying a narrow fraternity' (1964:12). Their eventual incorporation into the state was a heavy defeat, a way of keeping them 'closely supervised and controlled' (1957:33). The ejection of the guilds

from society in the first century occurred exactly in the way that the guilds were to be abolished in the eighteenth century (1964:9).

(ii) Mediaeval guilds: (a) their development and character

When the towns and cities escaped the power of the feudal aristocracy the guilds which had grown up in the urban centres became the basis of political life: very often, 'votes were cast by bodies of trades, and elected, at the same time as the heads of the corporation and those of the commune' (1964:21). The guilds were also religious societies and developed elaborate ceremonial rituals. Again they were organisations of charity and welfare. The relative duties of masters and workmen were clearly regulated. Dismissal could only take place under certain specific conditions (often only after a vote). There were controls over the integrity of the Master in relation to the client (1957:22–3). These institutions developed to a point in the 'sixteenth and seventeenth centuries, (where) the guild becomes a still more necessary element in the political structure' (1957:35). Unlike the Roman case then, the European development suggests a normal central integral role of the guilds.

Mediaeval guilds: a specific case of guild formation: the University of Paris

In 1904 Durkheim continued his interest in the guilds by providing in his lectures on *The Evolution of Educational Thought in France* (1977), an account of the formation of the University of Paris, and the struggles of the first decades of the 13th century (1977:79–87), to consolidate its guild structure.[6]

At first education was developed in the cloister of Notre Dame and the Cathedral schools each under the control of a bishop who appointed Masters. Each Master *(Magister)* had little authority. But as they became more numerous the Bishops gave the School Master the task of appointing teachers (conferring thereby the *licentia docendi*). Thus there grew up a position which controlled the allocation of licences of teachers in whole regions. On the other hand the Chancellor of the Cathedral, who supervised the archives, also supervised those who wanted to set up schools by being able to control the *inceptio,* guild membership. Thus there were two different degrees which the aspiring teacher had to acquire, and out of this developed an acute conflict between the teachers (and their licence) and the Chancellor (and his *inceptio*). The Chancellor had in his armoury 'the redoubtable

sanction of excommunication' (1977:83). A long struggle ensued between the two protagonists:

> The Chancellor's weapon was excommunication; the principal weapon of the teachers was first of all the boycotting of those who held a licence without their consent; by refusing them admission to the corporation, by refusing to go ahead with the *inceptio,* they effectively rendered null and void the right which had been granted to them. They had another weapon also which consisted in the threat of refusing themselves to perform their teaching function…
>
> (1977:83)

Durkheim suggests that the new growing body of teachers found an ally, and not one which 'on *a priori* grounds one might have expected …(such as) the monarch' (1977:84), but the Papacy itself, an apparently remote and religious authority which would have been expected to have supported the Chancellors. The Papacy protected the new corporation with 'unswerving' intellectual consistency and fidelity. By 1210 the teachers had won the right of appointing an intermediary in their struggle. In 1212 new Papal Bulls required the Chancellor to issue licences on the demand of a certain number of teachers. In 1215 a code was produced granting the right for the corporation to regulate its internal affairs. In 1220 the Chancellor was forbidden to use the weapon of excommunication.

Durkheim's analysis suggests that it was precisely the international character of the University which enabled it to form this alliance. 'It was then a natural consequence of the kind of cosmopolitanism which we have already noted as being one of the main characteristics of social life in the Middle Ages' (1977:85). In this context 'only the Papacy was sufficiently highly placed to be able to understand the relative value of things'. Thus the alliance throws light on the universalistic character of the University itself (1977:86). But the very struggle to form itself into an independent entity had its effect on the character of the University:

> In order for any social group, whether professional or otherwise, to acquire sufficient coherence and a sufficient awareness of itself and its own moral unity, it is not enough that there should exist a certain number

> of feelings and beliefs which are shared by its members. It is also necessary that it be provoked into opposing other groups which are restricting and resisting it. It is necessary that the demands of struggle force it to bind itself more firmly together and to generate a strong organisation.
>
> (1977:81)

(iii) The fall of the guilds

The guilds and communes were closely interdependent: both were locally based and communal. With the growth in the scale of industrial production in the eighteenth century, however, this local structure was by-passed. Trade was no longer restricted after a certain point to an urban environment, and new contacts were developed beyond local markets and clients. Large-scale industry thus developed outside the guild structure. In this case 'it was the State that stood direct to industry as in earlier times the trade or craft guild stood in the urban trades. The royal authority granted privileges to the manufacturer with the one hand and subjected him to its control with the other…' So, for Durkheim,

> The ancient guild in its new form failed to adapt itself to the new style of industry and the State was able to provide a substitute for the old guild discipline only for a period…the State was itself not able to perform this office, because economic life is too vast and complex, with too many ramifications, for it to supervise and regulate its operations effectively…. The guild was too slow in transforming itself: it failed to bend before the pressure of new needs and so was broken…. These are the facts which explain what the craft guild had become on the eve of the revolution: a kind of dead substance or foreign body which only persisted in our social organism by force of inertia. The moment had to come when it was violently rejected…
>
> (1957:36–7)

Durkheim's conclusion is, therefore, that the guilds remained essentially conservative in the face of the new industries and new tastes which were being developed, coming in the end to fear

innovation itself (1957:38); the guild 'did not know how to assimilate itself to the new life which was evolving' (1964:23).

(iv) The consequences of the destruction of the guilds

One of the first consequences of the destruction was an effervescence of primitive communist egalitarianism (1962:84) which gave a powerful impetus to the political movement for equality to erupt in the revolution of 1789.

But this political event was no adequate solution to the basic question which still remained. The failure of the revolution was thus immediately followed by the appearance of modern socialism (in particular the work of Saint-Simon) which again misconceived the fundamental problem, as did Marx in following Saint-Simon, this time by attaching only vague conceptions of the need to establish guilds in a new form with dangerous conceptions of social levelling (primitive communism) with an aggravation of the class struggle into more violent forms.

There ensues therefore a period of general social crisis[7] with the formation of an array of abnormal phenomena: anomic and forced divisions of labour, abnormal increases in deviancy, crises of acute political morbid effervescence followed by periods of deep political malaise: 'a society composed of an infinite number of unorganised individuals that a hypertrophied State is forced to oppress and contain, constitutes a veritable sociological monstrosity' (1964:28).

(v) The solution to the problem

> The problem of the needs which the guilds could not satisfy was not solved by any root and branch abolition. And so we are left with this whole question, made only more critical and more acute by a hundred years of fumbling and of distressing experiments.
>
> (1957:37)

The problems which gave rise to the abolition of the guilds have to a large extent been identified by Durkheim: the scale of modern industry set against the problem of the organisational inflexibility and traditionalism which afflicted the guilds of the eighteenth century. But any solution also has to deal with secondary issues of considerable importance: the type of obligations individuals

should develop in any new structure, the relation of employers to employed, the articulation of the social organs to the state.

Durkheim's answers are dramatically simple. The guilds should be restored in a way which makes them equal to the task required of them: they should be based on industries grouped together across the country, at the head of each a miniature parliament with the power to regulate 'what ever concerns its business' (from conditions to wages etc): 'there we have the guild restored but in an entirely novel form' (1957:37). This measure, accompanied by the formation of subsidiary bodies, would make the structure equal to the scale of industry and flexible enough to cope with change. The guilds' 'scope and their complexity would protect them against inertness. They would comprise elements that were too many and too diverse for a fixed uniformity to be feared' (1957:38).

This new structure would assume more and more political significance and would require the individual to become attached to these structures on a more permanent basis. Employers and employees would both be represented in the organ at the top of the new structure, but a distinction perhaps made between them at the bottom 'at all events when their respective interests were obviously in conflict (1957:39; cf. 1964:26ftn). The status of these groups would have to be "an application of the law in general" so that the whole is attached to the central organ' (1957:39). These new corporations would produce the form of labour contract and set conditions of work; they would establish their own systems of benefits, and regulate disputes through special tribunals (1957:40).

The relation of the state to such bodies is a paramount question and is the object of a special comment: the state, Durkheim suggests, will inevitably become interested in these bodies just as it was in the seventeenth century: 'the state cannot fail to take cognizance; hence it intervenes…but this must not degenerate into narrow subordination, as happened in the 17th and 18th centuries. The two related organs must remain distinct and autonomous…' (1964:24). It is the special function of the new institutions to create a new moral milieu, a new 'warmth which animates its members' (1964:26) just as the ancient and medieval guilds produced a moral environment. But compared to these 'the corporations of the future will have a complexity of attributes still greater, by reason of their increased growth,' functions of

'assistance', education, and of aesthetic life develop ('…a noble form of sport and recreation develops side by side with the serious life which it serves to balance and relieve'). This structure is to be based on a redistribution of property in such a way that the inequality of privately inherited individual wealth is overcome (1964:29–31). An increasingly functional political organisation is established: society would cease to be 'an aggregate of juxtaposed territorial districts, (and) would become a vast system of national corporations' (1964:27). Durkheim suggests that through this reorganisation the diversity of social interests would more accurately be reflected, but above all 'the great gap in the structure of European societies… would be filled' (1964:27).

This conception it must be emphasised conceives the restored corporations as very explicitly outside of the state, 'already so powerful and awkward': the state is

> to preside over the disputes constantly arising between the branches of the same occupation, to fix conditions—but in different ways according to the different sorts of enterprise—with which contract must agree in order to be valid, in the name of the common interest to prevent the strong from unduly exploiting the weak.
>
> (1970:380)

Thus although there is here an appeal to the restoration of corporations there is no appeal for the restoration of estates (except the notorious case of women) or any system of private inheritance of wealth. For Mauss, 'une réforme de ce droit, c'est la suppression, au moins partielle, du capitalisme' (Mauss, *Oeuvres* 3,638).

(d) SOCIOLOGY AND SOCIALISM

Having presented the general outline of Durkheim's conception of the significance of the guilds and their abolition it is possible to understand more clearly that between sociology and socialism there is both an affinity and a contradiction: they stem from the same causes ('how does it happen that we experience the need to reflect on social matters if not because our social state is abnormal …?' (1962:284)), but on the other hand 'the socialist movement …cannot accept sociology unless it becomes subordinate and renounces itself, that is, as an independent science' (1962:283).

Durkheim thus remained detached from direct involvement in the socialist movement devoting himself to theoretical studies, education, and involvement in specific struggles such as the Dreyfus crisis and the French cause of the First World War. He seemed to have accepted a division of labour himself in the attempt to resolve the European social crisis: 'the work of the sociologist is not that of the statesman. We do not have to present in detail what this reform should be. It will be sufficient to indicate the general principles as they appear from…the facts' (1964:23).

As for the relation between sociologist and statesman Durkheim suggests, 1904, in the absence of a 'genius' who could combine both roles that 'a sociologist is likely to be a very incomplete political figure': the capacity to work in theory is quite different from that of having the 'practical grasp to fathom what measures are needed in terms of the conditions of a people at a certain historical moment' (Durkheim, 1972:107). This acknowledgement of the 'genius' is consistent in Durkheim for even in *The Rules* in a rarely noticed footnote he refers to 'men of genius' who can exert an influence 'on the constitution of society' by drawing from collective sentiments 'an authority which is itself a social force' but this cannot itself have any effect on the 'characteristics which constitute the social species, which alone is the object of science' (1982:145–6). But there is even a stricter limitation on the socially creative powers of statesmen in relation to problems accompanying the reintroduction of the corporations: even following the reintroduction of the guilds a 'state of anarchy would still persist' for it results 'not from this machinery being in these hands and not in those, but because the activity deriving from it is not regulated…. This control by rule and raising of moral standards can be established neither by the scientist in his study nor by the statesman: it has to be the task of the groups concerned' (Durkheim, 1957:31; Black in his recent commentary on this point does not seem to notice that there are two problems here: first the establishment of the guilds themselves, secondly the action of the guilds together to produce this mutual regulation (Black, 1984:231)).

It is clear however that Durkheim believed that socialism could never itself be brought into existence by any single revolutionary stroke. No such 'witchcraft' (1957:31) exists.[8] Revolutionary upheavals tend to destroy more than they create: creative activity tends to be achieved in 'a succession of slow, almost imperceptible

modifications' (1970:368), (once the basic form has been established in its formative creative effervescence), but a 'morbid disturbance which, while able to uproot the institutions of the past, has put nothing in their place;…the work of centuries cannot be remade in a few years' (1970:369). There is then a critique of the French revolution in Durkheim which is reflected in the various stages of his thought. The basic conclusions are consistent: that the revolution was an immensely creative effervescence of ideas but it did not know how to create new institutions. The results are:

> an existence subject to sudden squalls, disjointed, halting and exhausting. If only this state of affairs led to any really profound changes. But those that do come about are often superficial. For great changes need time and reflection and call for sustained effort.
>
> (1957:94)

By the time of writing *The Elementary Forms,* 1912, Durkheim points to the example of the revolution:

> the revolutionary faith lasted but a moment and deceptions and discouragements rapidly succeeded the first moments of enthusiasm. But though the work may have miscarried, it enables us to imagine what might have happened in other conditions; and everything leads us to believe that it will be taken up again sooner or later (1961:476) [And] a day will come when our societies will know again those hours of creative effervescence…
>
> (1961:475)

The Durkheimians had evolved then a considerable intellectual system which Mauss was able to draw upon in his 'assessment' of Bolshevism. Clearly Durkheim would have viewed Russian society as quite different in structure from those of western Europe. He obviously thought of it as fundamentally mechanical and where the organic division of labour was little developed. He had referred to its segmental structure in *DLS* (1964:261), and had contrasted the form of anti-semitism in France with the form in Russia which was chronic and 'traditional' pursued in 'an aristocratic character… (with) disdain and arrogance' (in

Lukes, 1973:345). In a letter of 1916 he reported that he was studying the Jewish question in Russia (Lukes, 1973:557); and Trotsky himself said that Durkheim had warned the Russian refugees in France of the impending expulsion of the editors of *Nashe Slovo* (Lukes, 558) indicating a certain sympathy with them. But, most importantly, he had outlined in his reviews of analyses of the historical development of Russia an observation on the difference between the formation of the state in countries like France and those like Russia, China, Germany, Greece and Italy where the state does not spring spontaneously out of the social body but is an external organising agency. The military and financial exigencies of the Muscovite princes and Tsars led them to organise Russia from above: it was the state which consolidated the mir, administrative districts and the nobility were established from above. 'Thus the Russian state is not the product of society, but it is, on the contrary external to it' (1980:349). This is not I think to be interpreted, as Horowitz has recently suggested, to mean that this inversion of state and society was 'the source of autocracy, an order based on coercion rather than on consent' (Horowitz, 1982:371) but to suggest the limits, the superficiality of the society thus created. It is precisely this line of argument which Mauss takes up. Having himself visited Russia (in 1905–6, see Karady in Mauss, 1968, 1, xxi), and written articles on Russian co-operatives (Francillon, 1983:5), and made contact with the SRs, Social Democrats and 'the Bolsheviks of Parc Montsouris', he obviously followed the events in Russia closely.

Mauss's 'sociological assessment' of Bolshevism is a consistent development of Durkheim's critique of revolutionary communism from the position of evolutionary organic socialism. Fundamentally, he argues, the Bolsheviks remained trapped within a primitive revolutionary individualist conception of communism, an ascetic communism to be imposed by a minority from above by a mixture of decree and violence. Seizing power, largely through an opportunity resulting from the incompetence of the socialists, the Bolsheviks at least managed to survive the wars of intervention and the civil wars as the only political authority acceptable to the Russian nation. But the imposition of primitive or war communism was a grave political error rooted in unrevised Marxism, and it was revealed as sociologically naive. It overestimated the social maturity of Russian society. It believed that the abolition of money, the communisation of labour and

consumption could be achieved through the immediate action of the new state. Its failure proves the limited nature of the scope of action of the state which can only be either destructive of institutions on the one hand, or sanction already existing ones on the other. Politics, law, violence, cannot create socialist institutions. Force of circumstances and reality eventually imposed itself on the Bolsheviks who had to retreat to the NEP; Mauss greets this as the return to the only valid path of socialist construction, claiming indeed that this was recognised by Lenin in his text on co-operation. Thus the Bolshevik period, 1917–21, was a gigantic anomaly or abnormality, neither an experiment in the true sense, since the Bolsheviks were not in control of events, nor a development organically linked to the forms issuing from Russian society below. Although the Bolsheviks aimed to liberate the newly emerging corporate institutions, the soviets (seen by Mauss as the new form predicted of occupational groups by Durkheim), in fact they did not know how to allow them to develop. In 1924–5, Mauss still remained optimistic about the possibilities. By the 1930s Mauss had concluded that the form of development had turned very dramatically towards incorporation and that the fascist and communist corporatist developments had become of one type: absorption of the new corporations into the state. He was to add that his conception had grossly underestimated the dangers of such an eventuality.

CONCLUSION

Mauss's critique of Bolshevism must be seen to rank alongside that of other major democratic socialists, Luxemburg, Kautsky, Russell, etc., and it brings into play the specific variation of sociological evolutionism. Essentially, it poses in a quite unlegalistic manner the problem of democratic socialism as the problem of the structure of *political society*. It does so however by specifically raising the sanctity of the corporate institutions above the consideration of class struggle. No doubt Lenin's reply can be read in his critique of Kautsky or Sukhanov, i.e. that such criticism is not simply theoretically and politically mistaken but that it applies to the Russian Revolution an essentially Western-European evolutionism, an error, paradoxically, that Mauss was perhaps equipped to avoid. By comparing the Russian revolution with the English, American and French Revolutions Mauss made

only a Durkheimian 'discovery', that the former was an abnormal revolution, but at the cost of abandoning Durkheim's conception of the institutional failure of the latter,[9] and applying this new far more evolutionist norm to a society seen by both Durkheim and Mauss to have been formed in an entirely different way, i.e. from above.

It is tempting of course to see these variations of Durkheimian sociology as in their own way a working out of certain Hegelian themes,[10] especially that of the transition from mechanical and organic solidarity (Hegel, 1967:188), of the ethical state and the functioning of corporate civil society in relation to it. As the dispersed economic functions become organised and situated in proximity to the state, a new stage in the evolution of organic society is reached: socialism becomes defined as the organic corporate society, a society with strong occupational corporate institutions whose working is moderated by the ethical state. At times this is even described, by Durkheim and Mauss, in astonishingly utopian phrases:

> It is possible there will be a time when the appointments necessary to control organs may come about, as it were, automatically, by the pressure of public opinion, and without, properly speaking, any definite reference to the electorate.
>
> (Durkheim, 1957:108)

But the means to achieve this form of socialism are left rather vague, as LaCapra suggested, 'at a crucial juncture of the argument optimism took the place of hard thinking' (LaCapra, 1972:224).

NOTES

1 Sections of this chapter have been discussed at seminars at Birmingham, Leicester; Keele, and Hull Universities. I would like to thank those who took part. I would also like to thank George Salemohamed and Monique Arnaud for help with points of translation.

2 See Assoun (1976) and Alexander's comment (1982:404).

3 In 1911 Durkheim listed the major creative effervescences: 'the great crisis of Christendom, the movement of collective enthusiasm which, in the twelfth and thirteenth centuries, bringing together in Paris the scholars of Europe, gave birth to scholasticism. Such were the Reformation and Renaissance, the revolutionary epoch and the socialist upheavals of the nineteenth century' (1953:91–2).

4 In the first published version of this quotation the first sentence reads 'to know whether the present extreme diffusion which characterises it …' (1894:587).
5 Two recent discussions of this from different points of view are Sewell (1980) and Black (1984).
6 There is now an English version of the material used by Durkheim, see Pullau (1971:105–9). In his lecture course of 1908–9, *la Morale,* cited the University as an exemplary corporation. (Lukes, 1968: vol. 2, 290).
7 This derivation of the modern crisis from an apparently economic disjunction obviously creates certain problems for Durkheim. In a comment at the end of his review of Labriola, he said '… the economic transformations that have occurred in the course of the century the substitution of large- for small-scale industry, in no way require the over toppling and entire renewal of the social order, and even the malaise from which European societies may be suffering need not have these transformations as their cause' (Durkheim, 1983:174, orig. 1897). Maybe this was a cautionary note to himself.
8 Except in the imagination of course 'Let us suppose that by a miracle the whole system of property is entirely transformed overnight' (Durkheim, 1957:30); an image symptomatic of Durkheim's politics.
9 In a lecture entitled 'Democracy' written between 1900–5, Durkheim said of the French Revolution: 'In the course of this turbulance, the old social framework which for so long has ceased to be appropriate for the new demands of our society—feudal groups, corporations, provincial organisations—has been destroyed. Even the state was affected. It was a misfortune of the time that the destruction occurred before there existed even in germ, the organs needed for the new state of things' (in Lukes, 1968:220).
10 I do not wish to imply that they are only to be found in Hegel, but that Hegel is undoubtedly a major statement, see Black (1984: ch. 17) and the debate between Birnbaum (1976) and Pisier-Kouchner (1977).

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Chapter 7

A sociological assessment of Bolshevism (1924–5)†

Marcel Mauss (Translated and annotated by Ben Brewster)

Socialism and Bolshevism*

Le Monde Slave Has agreed to publish herewith the opening of a short book to be entitled *Appréciation sociologique du bolshévisme* (A Sociological Assessment of Bolshevism). This work is fairly popular in form and makes no claim to any special originality either as to knowledge of the facts or their treatment.

It consists merely of as simple and accurate as possible an account of Bolshevism as can be produced by a historian whose Russian and knowledge of things Russian are slight, but who has felt it necessary to undertake this work since he needed to respond unemotionally and impersonally to the very serious problem in general political theory posed in the introduction: To what extent does the Bolshevik experiment prove or disprove socialism? The Conclusion, which gives the answer, has been published in the January 1924 number of the *Revue de métaphysique et de morale*.

The book consists of that Introduction and five chapters:

I *To what extent was Bolshevism an experiment*? and *How did Bolshevism gain control of the Russian Revolution*? (This introduction and chapter are published here.)
II *To what extent was Bolshevism socialism*? or *Bolshevism and Communism*.
III *The Economic and Moral Failure*.
IV *The New Economic Policy*. Finally, a *Conclusion* ends the work.

† These texts are published in their logical order as described by Mauss.

* Originally published as 'Socialisme et Bolchévisme' in *Le Monde Slave,* Year 2 number 2, February 1925, pp. 201–222.

The book was written late in 1923 and for it to be published the last two chapters have to be updated, which will not be difficult. The chapters here deal only with the events from 1917 to 1923. I feel no need to change anything in them, for, with the exceptions of the documents recently published in *Le Monde Slave* by President Masaryk, General Janin and others, and the fascinating and notorious book by Trotsky, *The History of the Russian Revolution,* there have not been any very important further revelations about this period. Moreover, like what follows, these new documents, including Trotsky's book, demonstrate the appalling disorder which gave birth to Bolshevism, of which it is the expression, and against which it reacted.[1]

Marcel Mauss

INTRODUCTION

The need for a sociological study of Bolshevism

The latest form in which socialism has appeared is the one which is called and which calls itself Bolshevism.[2] This socialist sect adopts for itself with some accuracy the name Communist, in order to mark its distinction from the Social-Democratic parties it disdainfully labels 'petty-bourgeois'. It has returned to the term commonly used before the invention of the word 'socialism', thus emphasising that it constitutes not an advance but a return to a cruder but purer tradition than that of 'social democracy'.

Communism has one enormous advantage over other socialist doctrines and other socialist parties: it has the authority of the fact, of victory, of strength and of political realisation. For very many socialists, Communism is the first attempt at socialism, with less admixture of foreign elements than the Paris Commune; and a considerable mass of honest workers and good socialists, not only in Russia, have been converted to Communism because, for them, the Social Revolution is victorious over there, even if that victory has been dearly bought. For them it will spread inexorably from this new centre; this new Mecca is not a Salentum, they agree; but it will become one; they have faith in spite of everything. Over there is the promised land come true, where the holy doctrine is put into practice. Religiously inspired, it is from that doctrine, from the Red International, from Moscow that they await both the idea and above all the peremptory command that will bring that idea into being as it was engendered over there, by violence, by force. The Russians have shown what the great revolt is capable of, even at the

cost of misery and famine. It is for them to command the World Revolution.

On the other hand, the politicians and theoreticians of bourgeois politics proceed in the same manner in the opposite direction. They argue from the supposed failure of the Social Revolution in Russia to turn the masses against the idea of socialism as productive of disorder, terror, poverty, famine. The former adore the *fait accompli,* the latter abominate it. Both these attitudes are natural enough.

Thus it is vital that an experimental politics have a position on the subject; for at all events the Bolshevik experiment is an experiment in the vulgar sense of the word, a try-out. That is why, despite my distaste for considerations too restricted to some particular society, some particular movement, despite my wish above all to avoid any hasty conclusions, despite my determination to observe and not to censure, despite my purpose only to prescribe on solidly established premises, and to avoid always wishing to reform society, to lecture and correct mankind, I have had to take sides. I have felt myself called on, in Comte's words, to 'assess' the Bolshevik 'experiment'. It is an idea and it is a social fact, and one of the first importance. It would be absurd and theoretically unwise to neglect it.

Moreover, this 'assessment' is rich in lessons.

The socialist origins of Bolshevism

Some socialists today deny any kinship between Russian Bolshevism and their principles and any responsibility on socialism's part for this gigantic and tragic adventure. This is to put the matter too quickly, and incorrectly.

The Bolsheviks, Lenin and his Party, lay claim very precisely and perfectly justly to a definite part of the socialist tradition. Revolutionaries à la Blanqui, heroes of a successful conspiracy and coup in the front lines, they are right to proclaim themselves worthy heirs to Babeuf and the Commune. Communists in the romantic manner, they can, moreover, appropriate a considerable part of the Marxist doctrine whose sole representatives they claim to be. Even their pretensions to annex as so-called Communists both Marx and even Jaurès are not unfounded for the former, if they lack any semblance of foundation for the latter. Marx and Engels were the last among their contemporaries to resign themselves to using the term socialism instead of the execrated word communism, which they continued frequently to bracket with socialism. They were amongst those who invented, not the practice or the word, but the usage, the technical value of the term class struggle. Finally, it was they who

had the idea of a Social Revolution which would be a class revolution rather than a National one. Only after the dissolution of the First International, after the constitution of the Social-Democratic parties, after the first successes of the latter, did Marx and Engels revise their doctrine. More precisely it was Engels, after Marx's death, it was the epigones Bernstein, Kautsky and the second generation of Marxists who developed the notion of a Revolution achieved by the legal conquest of political power, and also of a Revolution which would not be the exclusive property of the industrial proletariat but one made by it in the name of its 'historical mission' for the community as a whole. The Communist is quite justified in appropriating to himself a definite part of Marxism, the oldest part, if not the strongest and most reasonable one. It should be remembered that it was not until the London Congress of 1896 that the still only partly formed International broke definitively with the anarchists.

On the other hand, the Moscow Communists' claim to Jaurès is much more hazardous, even a plain lie, seizing on a few revolutionary or Marxist declarations about the 'creative hatred', the 'destructive Revolutions' that will defeat the 'criminal governments' which wished for the War. Simultaneously conciliatory and daring, Jaurès never renounced the right to revolution and a revolutionary doctrine, but nor was there ever a greater democrat, republican and legalist, a greater socialist in the broadcast sense, not an 'ouvrierist', and no one had more hatred of all violence, all class tyranny, all Terror, all constraint save that of the law, or all repression save of crimes such as aggressive war, denial of justice, or reaction.[a]

Nevertheless, socialism, and especially Marxist socialism, has no right to repudiate its direct kinship with Communism, and its relative responsibility for the latter. Nor is it in its interests to do so. For however horrible and crazy, however stupid and sinister the Bolshevik regime has been and still is in parts, it has nonetheless an indisputable grandeur. The intellectual and practical daring, the sincerity and disinterestedness in the attempt to establish a new form of society, the heroism of those activists who, throughout three years of long and unatonable civil wars, during two years of foreign intervention, risked their lives and those of their families; the moral integrity and purity of the immense majority of the Communists, workers, intellectuals mingled with a certain number of peasants and a few noblemen of good Russian family, who administer and have administered, badly perhaps, but without taking anything for themselves, an immense patrimony; —the scale itself, 'colossal', 'enormous' — as its opponents say—of the world project, the crazy but

grandiose notion of a Universal Revolution; —a patriotic project, too, since the Bolsheviks, abandoning a naive internationalism, have restored, in the guise of a Federation, the unity and even the greatness of a Russia imperilled by allogenous and foreign intrigue. This certainly constitutes a sufficient moral credit on the balance sheet for Communists throughout the world to be proud of, and socialists to be aware of, and for anyone of any generosity of soul not to be indifferent to. Later I shall add the shadows, including moral ones, to the picture. I shall draw them in, just as I shall the fine features. However, the question as to whether Communism is or is not a form—a new and unexpected or old and orthodox form—of socialism[3] is rather a question of history and revolutionary dogmatics and in the end a fairly secondary matter. For, in the public mind, in the minds of those who made the Bolshevik Revolution, and also in fact, the Bolshevik revolution is undoubtedly an 'experiment in socialism'.

The possibility, utility and necessity of a judgement

It is not too early to judge the Bolshevik experiment nor impossible to judge it dispassionately with all the necessary distance.

First, I am a foreigner and—it has been said—the foreigner has by nature, in general and to a certain degree, the privilege of impartiality, just like the historian.

On the other hand, I have quite enough information. Most of the Russian Communist leaders are excellent journalists and writers, and if they occasionally lie, they nevertheless take pride in a certain frankness and even in an extraordinary cycnicism in some of their critical articles. They easily forgive themselves their errors and pitilessly pillory their own actions and their results. It will be said that they have suppressed any independent press, censored the dispatches of foreign correspondents, that they search Russians and visitors as they leave the country. No matter—they themselves tell themselves much of the truth about themselves, they have such pride and such an itch for publicity that their official documents amply suffice as testimony against them. Finally, for the last two years so many Russians, so many Communists of all countries, and more or less faithful ones, have come and gone, so many diplomatic missions have been installed in Russia, so many impartial travellers have been able to cross that immense empire in all directions that we have at our disposal in writing and by hearsay 'everything necessary to make a judgement'.[4]

Then again, the experiment has been going on for long enough. It has developed over a period of more than six years, the last three of which without blockade or foreign intervention, in conditions that the so-called Soviet government has, after all, more or less freely chosen. During the first three years from 1917 until the Treaty of Riga [March 18th 1921], the Soviets had a definite excuse in the foreign intervention and an absurd and savage blockade; *they were only half autonomous.* Since then their external situation has been relatively normal, their foreign trade, their nationals being treated almost everywhere—except in France—much better than they themselves treat foreign trade and foreign subjects at home. They no longer have excuses or arguments in the actions of others.

I shall therefore, as was once the fashion, 'assess' in Comte's way, 'criticise' in the manner of Renouvier, this phase in the history of Russia and in contemporary history as a whole. Clearly, I shall have to avoid the errors in Comte's reasoning, his erection of a philosophy of history to justify a personal opinion, and one based only on romantic and novelistic conceptions of the history of the middle ages, of the Church and the Monarchy in France. Similarly, I am unmoved by the notions of moral decline and revival that form the basis of Criticism's philosophy of history. Nevertheless, the form of discussion that consists of locating a moment of history in its quasi-necessity in history as a whole is still of use.

So long as sociology, still in its infancy, has not created the statistical, mathematical, historical and geographical methods of observation and recording that will enable it to follow—if not to predict and guide—every social crisis; so long as we are, in consequence, unable to assess the effects of such crises, still less to correct their excesses or promote their finest achievements; so long as the arts of politics or morals do not correspond to a more advanced social science—it will remain necessary to use the ordinary dialectical procedures, so long as we do so with the maximum possible method in relation to subjects defined as perfectly as possible. Morals and politics have no time to wait. It is enough, then, that they proceed by exclusively rational paths and taking into account only facts.

And this right to assessment is recognised by Bolshevism and socialism themselves; they claim—to their honour—to be conscious social movements, perpetually vigilant and constantly adjusting themselves to everyday experience. This method has been followed even by Marxism, whose scientific pretensions are simply exaggerated: for the familiar thesis of the 'historical mission' of the proletariat is no more than an insight

into the part to be played by a class in a general advance, conceived at first in a Hegelian excess of subtlety,[5] then too simplistically either in a crudely materialist form à la Büchner, or in that of historical materialism, then simply in the Spencerian manner. It would not be difficult here to pastiche Marx, to rewrite vis-à-vis this gigantic Commune his two famous pamphlets on the class struggles in France and on the Paris Commune. If I steer clear of such parody, I hope I shall be allowed to follow fundamentally his example.

On the other hand, the various phases of the Russian Revolution are of special interest to the sociologist in particular.

First of all, it is a gigantic social phenomenon, and in particular one of the immediate present, the constant observation of which can thus provide the scientist with joys of the kind only fully familiar to astronomers and physicists: the joys of experiment verifying theory and prediction. Moreover, it is a new phenomenon: the slow and difficult gestation of an order of new and unforeseen facts. Even by comparison with the state of sociology and the few predictions and moral prescriptions ventured or prescribed by Durkheim and others, it opens up perspectives for innumerable and endless reflections. Hence I was at the outset among those most ready to greet it with curiosity, respect and even enthusiasm.

However, after all this, at the end of 1917 and up to September 1918, I had to pay dearly and in person for the military consequences of Bolshevik treachery, or more precisely of the Russian catastrophe. On the other hand, I already foresaw what was to follow from the radical anarchism and naive internationalism espoused by the Bolsheviks at that time. I knew that they would provide murky elements with the opportunity to accumulate disorders and follies, dubious negotiations with the enemy. I was quite convinced that Lenin and Trostky[6] were making a fundamental mistake in not conceiving their revolution, despite its profoundly Russian character, as a national one, in a country in which the conscious patriotism of all the intelligent classes and the unconscious patriotism of the peasant were both expressed in an exacerbated nationalism; their lack of national feeling and of feeling for government—a failing they have energetically corrected since then—made me lose all hope in them.

But in other respects I was fascinated, even inspired by them, and really disposed, despite their errors, to greet them respectfully as the harbingers of a new social world. One basic feature, in fact, aroused my sympathy. The Bolshevik Revolution—inventive as are all popular and workers' movements—had created not only an idea but a form of organisation: the soviet, a professional organisation which was at the

same time the manager of the national property entrusted to the workers' councils and the 'cell', the elementary political 'nucleus' of the whole administrative and legislative life of the state. This was the first attempt at a simultaneously national and professional organisation both of property and of the state.

The idea and the realisation of the soviet corresponded—to the very image—with two of the few moral, political and economic conclusions that Durkheim had always advocated and that death had prevented him seeing actually materialised. The whole conclusion of both the *Social Division of Labour* and of his *Suicide,* all his teachings on civic, professional and domestic morals, advocated both the constitution of this professional property and the establishment of a moral and political law of the group formed out of the economic association of those united in the same production. Even the purely scientific conclusions of his lectures, his *History of the Family,* led him to make the professional group, if not the universal legatee, at least the partial inheritor of the rights, duties and political powers of the ancient family. For only the professional group seemed to Durkheim close enough to the individual for individual and group to have the same interests, and yet sufficiently independent of the individual and with sufficient authority over him to be an organism of power and property strong enough to discipline him. Finally, Durkheim saw the need, between the omnipotence of an economy outside the individual's control, a life without moral constraint other than the law and a weakened family on the one hand, and the arbitrariness and absolute sovereignty of the state on the other, for an intermediary echelon, vested with property, wealth, disciplinary rights and powers, moderating the individual, but also the state. Durkheim established by elimination that this form of group could only be the professional group. Whether or no he was mistaken as to the scope of this profound notion, whether or no there are other forms of essential secondary groups than the professional ones, are questions that cannot be answered here. But the closeness of Durkheim's theory and the practice of the soviets should be emphasised. One might even speak of descent, since Sorel's earliest ideas derive from Durkheim's theories, and Lenin has admitted the influence of Sorel; a fact of which the latter— despite having become fairly reactionary by that time—died fairly proud.[b]

However brutal, however elementary, however unreasonable the application of these ideas, their very application was a matter of considerable concern to me. Would our dearest, most laboriously acquired and most ardently advocated ideas be proved or disproved in the process?

No less was the sympathetic disquiet I felt as a socialist. Since Marx the socialists have cautiously refrained from constructing utopias and drawing up the plans for future societies. On the contrary, hardly advocating anything but the general apocalyptic thesis of the 'taking over of the administration of things', they have left vague, because unpredictable, the collective procedures of this administration. How would this revolution suppress 'the administration of men by men'? What would emerge from all this moral effervescence, this political and economic chaos? The worst misfortunes and follies were to be feared—and some have occurred. The finest harvests were hoped for, and it should not be said that nothing has been achieved in Russia. However irreligious my socialism, however little respect was aroused in me by the first acts of the Bolsheviks—the dissolution of the Constituent Assembly [January 6th (19th) 1918], the Treaty of Brest-Litovsk [ratified March 16th 1918] —I could not disassociate myself from them. Moscow seemed to many amongst us what it remains for very many enlightened people, even here, a kind of sanctuary incubating the very destiny of our ideas.

The two interests, scientific and personal, even reinforced one another.

For, in me the enthusiasm of the scientist and that of the political activist mingled and inspired one another, since it was not only socialism that was being invoked over there, it was also a socialism which among the options open to it had chosen my own, the professional organisation. This was a poignant experiment, and it explains the attention with which I have followed the long series of events that is still unfolding.

What does it prove? Now that the experiment has been made, this is a question it is right that I am asked, and which I have a strict duty to answer.

CHAPTER ONE: TO WHAT EXTENT WAS BOLSHEVISM AN EXPERIMENT?

1. Bolshevism and the Russian Revolution

In making a moral judgement it is customary—except in Russia, where revolutionary jurisprudence has so cavalierly dismissed any 'juridical ideology'[7] —to investigate whether the guilty party is responsible, and if he is, whether there are extenuating circumstances. A sociological assessment does not include such procedures —no indictment, no plea, no judgement. Nevertheless, as in medicine, one must pronounce whether

a given event is good or bad. Nevertheless, too, one must investigate to what extent a given social movement was autonomous, the cause of its own vicissitudes, or an effect of events wider than itself. Good and evil may stem from other causes than the wills of men or from other wills than those that seem to will them. Hardly any social movement is really the exclusive achievement of those who claim to be its authors. And determinism is even more valid for societies than it is for men. *In Deo agimur, movemur et sumus.* Replace Saint Paul's and Spinoza's notion of God with that of environment *(milieu)* and you will have a reasonably accurate expression of the facts. For their part, the Bolsheviks have not been loath to shift—rather childishly—the responsibility for their actions onto others. Moreover, their Marxist terminology gives them a licence to present themselves to themselves and to others as the instruments of a natural necessity. Nevertheless, it would be not only unjust, but also inaccurate, to fail to recognise that on many occasions they have been just that.

The Bolshevik 'experiment' only half deserves that glorious name; but it does deserve it to that extent, or rather it deserves the description 'empirical', because it has the physiognomy of an experiment in a completely negative sense—because it was made in the name of no idealism, or rather because it was made while denying any ideology. Of the other, positive characteristics of an experiment—rational action, both deliberate and systematically conducted—it has none. It is not rational; it has not consisted in the application of a given remedy to a given society, it has not been systematic. Behind its surface logic, it has been tossed from a ferocious dogmatism to a versatility undaunted by any contradiction, however great; it has traversed crises of stupid obstinacy, often sublime, often atrocious, and then swung into reverse; cynical admissions and self-criticisms only concealed an inability to pursue with any consistency a generous or even sordid plan. No, this is not a methodically pursued sociological 'experiment', it is just a great adventure.

Even if it had the merit at least of having been intentionally and clearly chosen, the third characteristic of the political experiment, if it had been voluntary! But no, it is to an enormous extent the product of circumstances, it is an effect rather than a volition. It is an accident, it has been grafted, overlaid onto the life of a people; it is not the product of its will, the proper expression of its choice; it does not correspond to its soul, to the movement of the mentality of the Russian people, any more than it is the pure realisation of the ideas of its leaders. But that needs demonstrating, and it can

be demonstrated easily if Bolshevism is located in the totality—in the 'bloc' —of the Russian Revolution.

2 How Bolshevism conquered the Russian Revolution

If there is a great social movement worthy of the title revolutionary in the same sense as the Revolutions of England, the United States of America and France, it must be the series of events which, starting in the War, from 1916 on, have totally changed the legal and moral constitution of the Russian people. A contempt for established rights, the adoption of a new system in both political and social life, the two veritable signs[8] by which one can recognise a Revolution, are found in it to the highest degree. But the Russian Revolution is in no way an autonomous phenomenon as the three others were. In England the gentry and the urban bourgeoisie, in two stages, supported by the broad masses of the people, galvanised by Protestantism, put an end to the absolutist regime of the Tudors and Stuarts. Of their own free will, without external pressure and quite deliberately, they set up a constitutional regime that following generations have only perfected and that English jurists fictionally maintain has been practised for ever. Just before the French Revolution, the 'States',[9] as they were called, had proclaimed their Declaration of Rights, the pure expression of the rights of a collectivity to manage its own affairs. In France an intellectual bourgeoisie, already dominant by virtue of its wealth and political power, ready for total power, fairly broadly magnanimous, surrounded by an idealistic and energetic working class, expressing the will of a still uneducated but already emancipated peasantry to whom the Constituent and Legislative Assemblies and the Convention were able to transfer legally considerable amounts of property, in a word, three classes, a marvellous Third Estate, only had to transform itself into the State, opening the eyes of the peoples of the Continent to the beauties of a regime of liberty, equality and—for a time—relative fraternity. The American example was already a model. In these three cases, not to speak of less illustrious ones, an adult nation acting voluntarily overthrew a decadent regime.

The Russian Revolution, on the contrary, like the German, is not the work of the nation. It is not its action, it merely registers a fact. It is the symbol, the symptom, the effect of the fall of the Tsarist regime. The latter had only just withstood the damage inflicted on it by the War in Manchuria. Only the incompetence of the opposition (1905–1906) had allowed the Durnovos and Stolypins their victory. The political stupidity of the two Dumas that followed [the First and Second Dumas, 1906 and 1907] gave ten years extra life to the tyranny of an incompetent court,

an unworthy aristocracy, an impotent bourgeoisie, and the exploitation of a predominantly foreign capitalism. The autocratic and Orthodox structure poised —floating—on the immense Russian masses, violently imposed on enormous allogenous nationalities, the police organisation, the authority of the corrupt hierarchy, the feeble Russian capitalism were in no state to withstand a long and terrible War. They had all failed by the end of 1916. The people and the army, the Tsar, more patriotic than the court, kept up the façade—artificially galvanised by the Allies and sustained everywhere by them, by their credits, their arms supplies. But Protopopov and Stürmer, returning from their visit to London and Paris, saw Warburg in Stockholm, one being Minister-President, the other Chairman of the Duma.[c] The armies were barely obtaining their supplies, the interior hanging onto everything and the corps 'scrounging' for the rest amongst themselves; immense reserves of conscripts had no aim but to stay far from the front. The bureaucracy carried on its police work, being incapable of anything else. And Russian capitalism, barely nascent and terribly weak before the War, had definitively collapsed a year earlier. In most of the outlying gubernias, in the whole of Siberia, the movement of foodstuffs and commodities was only carried out by local co-operatives, soviets and zemstvos. No activity any longer supported any other: all that was left was a little passive obedience to the tenuous will of a colourless Tsar. The defeats of 1916, the threat of treason, a harem conspiracy (Rasputin's murder), the indifference if not the intervention of the Allied ambassadors, the tiny effort of a few politicians and generals, and that was that; the whole edifice collapsed. Between January and March 1917, Tsarism faded away: no one, really no one, overthrew it. The reactionary party only reformed during the civil war and in emigration. Neither the aristocracy, the bureaucracy, the army nor even the police and the clergy dared show the slightest sympathy for the imperial family. The liberal government of L'vov and Milyukov faded away in its turn despite unanimous support in Russia and the loyal collaboration of the Revolutionary Socialists (SRs). Kerensky and the SRs took power. Now at last there was enthusiasm and the Russian Revolution began. But, as can be seen, it was entirely the work of external and internal circumstances, not that of a living society creating for itself by force a constitution against a reaction and from scratch, of its own inspiration.

Just as Russia is not the cause of its Revolution, so the Revolutionary Socialists and Kerensky were no more than its instruments. They were immediately outstripped by events; the situation was admittedly a desperate one. The army failed to

understand that the revolution was not peace. The people did not see why the victorious International they heard about did not reorganise the world; and the Allies refused Kerensky the Platonic satisfaction and the prestige of a socialist conference in Stockholm.[d] Demagogues and adventurers, revelling in their return from exile, the SRs disrupted the army by their famous prikazy 1 and 2,[e] undermining its discipline.

They also destroyed the only two political organisations of 1916 Russia, the bureaucracy and, more serious, the only civic organisation, the Zemstvos: they accorded supremacy to the local Soviets, the Councils 'of Workers and Soldiers' that predate Lenin. As socialists, they emasculated justice and abolished unpopular penalties: capital punishment and perpetual exile, both necessary in wartime. They scrupled to distribute the land to the peasants themselves, wishing to wait for the Constituent Assembly, whose convocation they postponed. Torn between patriotism and their pacifism; undermined by the German intrigue which sent them the Bolsheviks and the reactionary intrigue fomented by an alliance of Black Hundreds and the worst anarchists; confined by Allied pressure, gambling disastrously with the army in Brusilov's unsuccessful offensive [June 18th (July 1st) 1917], standing idly by as that army was routed, they, too, faded away, leaving of their period of power only the memory of lazy weaklings, inadequate to their immense vicissitudes. The Constituent Assembly, elected far too late [November 12th (25th) 1917], only met after the October Revolution and by Bolshevik consent [January 5th (18th) 1918]; it allowed itself to be ridiculously dispersed by a few sailors and soldiers [January 6th (19th) 1918].

With the Bolsheviks, the Russians found some leaders. At least they had will power. Lenin and Trotsky were practised, no less than Gotz and Martov, in the plots of 1905–1906. But in addition their maximalist doctrine freed them of scruples, misplaced magnaminity and, above all, of any sympathy for the Allies. They had with them men like Dzerzhinsky, Rakovsky, Radek and Peters, who were not even Russians; their savage will, still all powerful today, was not encumbered by any love for this immense people.

The latter, besides, had quietly given itself up to the joys of being free. The last months of the Kerensky government were one vast festival which continued for some time after the Bolshevik Revolution. The Russians of the countryside and the provinces were ultimately indifferent to the German advance as

they were to everything that did not directly affect them and happened far away in Moscow or Petrograd. Only a minority of intellectuals and workers, soldiers and sailors, really took part in the Revolution. It was they who formed up around the tiny team of Bolsheviks, most of whom were émigrés and deportees who had returned to Russia. A few members of this team, Peters for example, were pure adventurers, gunmen experienced in raids on banks and farms in America. Apathy on the one hand, clear, fanatical will and power on the other, that is the relationship which then and now unites the Russian people and its Bolshevik despots. It is not at all like that which linked Cromwell or William of Orange to the English Parliament, Washington to the Philadelphia Convention, our Constituents or Conventionals to their mandators. Just like Tsarism and just as much as it, Bolshevism is grafted onto Russian life, onto the Russian Revolution which it will soon have controlled for six years. The Communists are in the lead, and hence they reap the benefits. They exploit the Russian Revolution, its ideology, or rather they manipulate Russia, its human material, its disproportionate wealth in men and materials. They are no more—and no less—the creators of their regime than the Tsar was of his Byzantine position as 'autocrat' and his clerical position as leader of the Orthodox Church. They have seized Russia as the descendants of Rurik once 'ate' it, and made it serve their plans. They maintain themselves as the Tsar did, by the same procedures, by military force supporting police force, by the same means of the old *Druzbina,* the corps of volunteers, the 'fighting organisation' sustaining the Tyrant. And like the Tsar, imitators of the ancient tyrants Periander of Corinth and Tarquin the Etruscan, Lenin and Trosky have managed to defeat everything that has stood against them. They are the only public force.

Thus for three years at least the Communist government has appeared, and with effect, as the state in Russian eyes. Every honest commentator in Russia and even in the emigration, every honest foreigner coming back from Russia, says that the government of the Communists is the only one acceptable to the vast majority of Russians, the only one with the personnel capable eventually of restoring the measureless empire; the purest Russian patriots prefer to see this regime evolve of itself towards more humane forms of political and moral and economic life. No one any longer wants to risk a White counter-revolution. The

massacres of Denikin and Wrangel prove that the latter would be even more atrocious and chaotic, and more immoral, than Bolshevism.

3 How Bolshevism is explicable by the state of war

But Bolshevism, master of Russia and of the Revolution, was not master of its own fate. It was acted on more than it was actor, it was the toy and not the experimenter. More than any other post-War government, it has been unable to follow in peace a path it had traced out for itself. Here, even the coldest of historians, the most concerned to restrict himself to description, the most objective of sociologists, the most abstract of philosophers must resort to moral terms and agree that, up to a certain point, the Bolsheviks have an excuse. For to forget that up to the end of 1920 they were living in a state of war is to be unjust to them.

The foreign war was not over when they took power. Until Brest-Litovsk they had to maintain some kind of front. The treaty with Germany did not bring them peace with the latter. The Germans' advance into the Ukraine, to Kuban, to the Caucasus, in Finland, only ceased when the assassination of their ambassador in Moscow [f] —and the first Allied victories—restored them slightly to their senses.

But at the same time, the Soviets—for there were Soviets then—had to conduct another defensive war, a civil war against the Whites and a foreign war against the Allies.

The latter denied and still deny that they replaced the alliance with Russia with a state of war. This is a fiction and a lie. They treated Bolshevik Russia as an enemy. They committed hostile acts less violent than those of a war to the death like the last, but they did commit them. The English sank ships and occupied Murmansk, Arkhangelsk, and penetrated fairly deeply into the Northern gubernias, while their expeditions on the left bank of the Caspian—in the oil fields—took over from the Germans. The French and the English blockaded the Black Sea ports, and the French bombarded Odessa, risking divisions there—after the Armistice—even without the legitimate motive of pursuing the Germans, to whom Hetman Skoropadski—in French pay—had quietly handed over the Ukraine and his fantastic and expensive army. The Japanese took Vladivostok and Sakhalin, which island they still hold.[10] All diplomatic links were broken, and a strict blockade imposed, which was only relaxed about the end of 1920.

So much for the Allies. What about the nations the Bolsheviks had emancipated, showing a touch of political brilliance which was to remain in their armoury? War with Finland ending only late in 1919, war with Estonia and Lithuania, bases of Yudenich's armies and of a German plot; war with Poland, the centre of French plots and Savinkov—this war was only ended at Riga in 1921 –; a war with the Caucasian republics, a war which, for once, was clearly a war of aggression on the Russians' part, in Georgia and Azerbaidjan, as was the war in Turkestan (after 1921).[g]

As is well known, all these wars had a rather comic or mediaeval aspect; except for the war with Poland, they found only a feeble echo in the people and the army. They were often chaotically conducted. On the other hand, they were frequently conducted in the name of Russia, in the name of a nationalism or even a patriotism—moreover a respectable patriotism—and not in virtue of the principles of the Russian Revolution, which is internationalist in the best sense of the word. This is true. But it required an iron will to fight on all fronts like this, to obtain the troops, to get them to fight, to guarantee them against traitors. There was a perpetual crisis, in which the Communists really did save their country, after so nearly destroying it. They have much more than the excuse of their valid motive, they also have that of the successful effect of their actions. Even where their internal regime is concerned, their reasons must be perceived, for a nation at war cannot, on pain of disappearance, tolerate the freedom and respect for all rights that are the privilege of a state of peace.

More atrocious than the foreign wars—which were heroic, after all—was the civil war.

Russians have no fear of death, still less of inflicting it. There were many painful episodes and comic switches: White cities yielding to Red vanguards; Red cities and divisions slaughtering their commissars at the rumour of a *sotnia* of Denikin's cossacks and turning White immediately; whole countrysides passing easily, smoothly and comfortably from Kolchak or Denikin to the Soviets and from the latter to Kolchak, sometimes three or four times; for the extremes of susceptibility of the Slav allows such volte-faces. But on the whole, the military *chouannerie* of Kolchak, Denikin, Yudenich and Wrangel—not to speak of that of the Siberian brigands, of Semyonov, or of the 'Greens', the Ukrainian peasants, the mountaineers of Anti-Caucasia and the cossacks of the steppe—commited more crime, more frequently, more

uselessly, more barbarously, more savagely and more deliberately than did the immense jacquerie that the Russian Revolution ultimately is. The expeditions of these defeated generals, especially those of their lieutenants, even more those of their detachments, sometimes amounting to no more than two officers, were raids by 'Great Companies' against expeditions, requisitionists, foragers even; for such were the troops of the Soviets in 1919 and the beginning of 1920. No moderation: these isolated and opposed bands moving through these immense spaces and rarely making contact only did so to yield to one another and then to incorporate their prisoners—or massacre them. Above all, they could only live on the country by 'eating' it, as the Russians say; they could only control the cities and obtain supplies of horses and food from the peasants by the most abject terror. The Russians of both sides made civil war mostly on the innocent.

To be fair, the Whites' war, too, has its excuses. Stated by the Czechoslovak legions, faithful to the Allies who later became the liberators of their country, then led by the kind of rump Constituent Assembly formed at Omsk,[h] it had a certain nobility at the outset. Unfortunately it soon left behind the purity of its original intentions. Kolchak, surrounded by others like him, the most ferocious, unscrupulous and reckless reactionaries, exiled those ministers, his former colleagues, who got in his way and had shot or stuffed under the ice anyone suspected of belonging to their party. Trickery, disorder, illegality disillusioned even the honest Siberians, the cream of Russia. In the European gubernias, his troops, unable to join up with those of Denikin, distinguished themselves as did they by useless massacres, breaches of faith, cowardly desertions, costly requisitions, lack of morality. Expelled from European Russia, in six months Kolchak managed to lose Siberia, and he came to a sorry end, despite the heroic retreat of a portion of his soldiers whom he had decided not to follow so as to be sure to flee more quickly.

Denikin, a reactionary court general in heart and mind, a cavalier rather than a soldier, was, all the same, inspired at the outset by patriotic motives, like Kolchak; his revolt, supported by the cossacks of the Don and of Kuban, liberated Southern Russia, Trans-Caucasia and the Ukraine from German hands, into which they had been delivered by the self-styled Hetman Skoropadski, whom the Entente had seen as an ally. But when he thought he was about to gain the upper hand, when his scouts penetrated to within 200 kilometres of Moscow, while he no longer had the excuse of the War abroad, ended at Versailles, he lost his

head; his noble officers repossessed noble lands, even those of which they were not the proprietors; he massacred the Jews in the Ukraine, the intellectuals in a hundred places, he squeezed the peasants, he abused and molested even his own cossacks. His army, defeated 'sent him to Limoges', as one would say in France; and the daring Wrangel could only carry the debris into emigration, unable as they were to defend even the impregnable Crimea. The resistance of the Republic of Arkhangelsk (1918–1919), on the other hand, was honourable to the end.[i] Yudenich's army, on the contrary, was only a force of adventurers, supported cynically by the Baltic nations, the Germans and the Entente. His raid towards Petrograd had only one effect, to legitimise a horrible Terror in that city. It is only a little while since Siberia has at last been purged of the brigand Semyonov.

These are the wars, civil and foreign, which the Bolsheviks have had to confront. And I shall merely mention their expeditions against Turkestan and Ferghana, their recapture of the oil fields, their expulsion of the English from the Caspian, their assistance to the Soviets of the Ukraine. If one wants to understand and judge Bolshevism, it must be realised that, depending on a horde of demobilised soldiers and then conscripts that it managed to transform into an army, it was able nonetheless to rid the Russian state of the overgrown gangs which, under the pretext of upholding the law, were devastating and disunifying the country. In fact it was the Bolsheviks who were the representatives of order and national unity.

And, on the other hand, in order to understand this whole phase, the first three years of the Bolshevik regime, up to the Treaty of Riga, it must be realised that the whole revolution was conducted in a state of war. Like the French Revolution, like the Commune, it is a matter not just of states of crisis, but also of states of real collective madness, of 'siege psychosis' as it is called: states of societies in decomposition possessing only the soul of a crowd: entire populations, baffled and maddened, discover spies and traitors everywhere; they oscillate from irrational hope to limitless depression, massacring and allowing themselves to be slaughtered in succession, and demonstrating heroism, one day, cowardice the next. Even the herd instinct declines. When famine, epidemic, fear, massacres and raids are added to this, then friendships and families themselves disappear. Thus, supreme horror, cannibalism re-emerged during the Russian famine when it had no longer existed

anywhere for a long time except among the most savage of living savages.

The Allies' material blockade, the *de facto* moral, juridical and commercial blockade that followed this *de jure* blockade, has maintained this mental state in the whole Russian collectivity. And as the Soviets, or rather the Communist Party, have been able to take advantage of and perpetuate this moral isolation of a whole nation, as they have, as it were, caged it up, without news, without a press, without freedom of assembly, as they have been able to avoid the elementary oversight of power exercised by public and especially overseas opinion; as they have been able to make the Russian masses believe they are still at war with rampant reaction and foreign capitalism, even foreign countries; as everything which is not the state has been destroyed and the state still confronts only a soulless and inconsistent mass, for all these reasons the Bolshevik 'experiment' does not seem to me to be proceeding in normal conditions or developing autonomously, in a nation conscious of itself and morally and materially healthy. Of course there is no such thing as a normal crisis—and there would have to be discussion as to the definition of the word 'normal' —there is no such thing as a revolution—another word needing definition—which has not been produced in mental states of this kind or has failed to produce them; but there is a difference between a transitional crisis, rapidly overcome by a sound organism, adapted to its environment, and the ruin, the madness of a great people, besieged, cut off from its essential relations with the world, feeling neither within nor without the sympathy that carries societies through their crises and makes them emerge from them with glory like the England of the Protestants, the America of the Colonists and the France of the Constituents and Conventionals.

A partial conclusion can already be drawn: *Bolshevism is only one phase of the Russian Revolution,* a dark but necessary one—if the last adjective, too, has any meaning—as Jacobinism was to the French Revolution; but *it is only partly the result of its authors' actions.* Even less is it the product of a clear will, of the action of a strong nation ripe for socialism. But socialism is obviously impossible if it is not willed; it is not durable if the will that it is—the will to control economic life—does not constantly inspire the nation. This socialism, this 'experiment' lacks the essential feature: will. Russia did not will it and does not yet will it, even if there is nothing else it does will. Hence the present failure of Bolshevism.

This failure must now be described, its causes must be investigated, we must discover to what extent socialism has emerged from this involuntary event, Bolshevism, in disrepute or intact as a practical ideal.

NOTES

(The letter-indicated Notes are on pp. 216–20.)

1 Marcel Mauss, Director of Studies for Religions of Non-Civilised Peoples at the Ecole Pratique des Hautes-Etudes and editor of *L'Année Sociologique,* is one of the leaders of the new French school of sociology and the closest and most faithful disciple of Emile Durkheim…. The *Editors* [of *Le Monde Slave*].

2 The word *Bolshevism* comes from *Bolshevik,* a word which, thanks to the great flexibility of Russian, designates two ideas in turn. First, that of Majoritarian, as opposed to the Minoritarians, or *Mensheviks,* another fraction of the Social-Democratic Party put into a minority by Lenin and led by Plekhanov, Martov and others. Then, as these Majoritarians were also maximalists, partisans of the immediate realisation of the maximum programme, and as this word can also be translated by *Bolshevik,* the word *Bolshevism* was coined after the Russian Revolution of March 1917 to designate the maximalism of that Party; similarly, the word *Menshevism* no longer connotes anything but the idea of minimalism, and the fact of the split has been forgotten. [j]

3 Moreover, one should distinguish, even within this doctrine, both phases and currents running in opposite directions. For example, Bolshevism has had two policies towards the anarchists and their communism. During the first three years, the Bolsheviks allied themselves with the anarchists and nihilists; they even made the sympathy and support of these groups one of the signs of the sincerity of the various sections of the Communist International (Theses of the Third Congress of the Communist International, Moscow 1921). Then, growing more and more governmental and statist, the Russian Bolsheviks broke with the anarchists of their own country and began to accuse the tendencies of certain of the associated Parties of utopianism and 'infantile malady'.[k]

4 There is no point in my citing any of this literature here; few events have inspired such a vast one, from so many points of view, or such a good one. Unfortunately, few of the books and articles published in France are really impartial. The only exception I would make is for the 'Extracts from the Russian Press' collated and published by the *Bulletin de Presse* of the Ministry of Foreign Affairs since 1917. They constitute a first-class and excellently selected collection of documents.

5 'Ich habe mit den Begriffen kokettiert' —Marx: Preface to the Second Edition of *Capital*.[l]

6 Formulations equivalent to these of mine here are attributed to Camille Huysmans, then Secretary of the Second International, in an interview with Bolshevik delegates at Stockholm.

7 Krylenko at the trial of the Revolutionary Socialists.[m]
8 I refer here to a definition of the notion of Revolution which I will justify elsewhere.
9 The United States of North America.
10 Since this was written it has been restored to Russia under the terms of the recent Russo-Japanese Treaty. —*The Editors.*[n]

A SOCIOLOGICAL ASSESSMENT OF BOLSHEVISM*

Introduction to the chapter of conclusions

This chapter is the last from a short book in which I have tried, as Comte, and also Renouvier, would put it, to 'assess' *(apprécier)* a serious current event: the Bolshevik phase of the Russian Revolution. By an assessment I mean quite simply, setting aside any preconceived notions of morals or philosophy of history, or of politics, an attempt to measure what is new and indispensable, I do not say good and bad, in the contribution of a social event to the series of social facts of which it is a part; these facts or systems of facts having themselves to be considered without any teleology. Within what limits does the Bolshevik experiment, as the Communists themselves call it, advance Russian society towards new forms of social life? To what extent do its results allow us to think that it is towards forms of this kind that our Western nations will direct themselves? That is all I am concerned to retain from an analysis of this gigantic social convulsion.

However, as this book is part of a set of works not of pure sociology but of 'political science' or, if you prefer, 'applied sociology', this 'assessment' includes practical conclusions such as politics expects, without the postponements that science can allow itself with impunity, but which are intolerable for action. It is these precepts, mingled with more or less general theoretical observations, that I give here. I add to this some indications to the general politics, others would say philosophy of law, though they are definitely intended for practice; and finally I close with some principles, lessons in political methodology, in the logic of that art, which, I believe, can be derived from the analysis of this major social experiment.

I hope to publish the whole work soon. Meanwhile allow me to detach in advance these pages and separate them from the array of evidence they presuppose; allow me to indicate the headings under which the full work will present that evidence.

The chapter titles will suffice to suggest the movement of the demonstration. I. Introduction; II. To What Extent Was the Bolshevik Experiment an Experiment? and, To What Extent Was it a Socialist Experiment? III. The Terrorist Phase; IV. The Moral Failure; V. The Economic Failure; VI. The New Phase: The New Economy; VII. The Political Success: Formation of a Modern Russian State; VIII. Conclusions (which are given here).

CONCLUSIONS

I Indications as to descriptive sociology and positive politics

En route, I have thus drawn several theoretical and practical lessons from this long study of Bolshevism in its first and second forms. Let me briefly recapitulate them, in no particular order, counterposing the principles illuminated both to the doctrines of Bolshevism and to various other political doctrines. Other conclusions will then be drawn in turn from this recapitulation.

I Despite all the appearances under which it seeks to lay claim to realism and empiricism, *Bolshevism is not 'an experiment'*. It is an event, a phase of the Russian Revolution, or, rather, following the Kerensky regime (the first phase), it constitutes its second, 'Communist' phase and its third phase, the 'New Stage'. This Revolution was an involuntary one. It was born of war, misery and of the fall of a regime. As a Social Revolution, it thus faced the worst possible conditions: the society it inherited was a bankrupt society. Worse still was the way it made the takeover. It was the work of a jacquerie of peasants and soldiers. But for a socialist regime to be practically and firmly founded, there must first of all be things to socialise, and there were none. The takeover must also be carried out in the maximum order, and there was none.

But above all the regime must be willed, the takeover must be conscious and organised in perfect clarity by considerable numbers, if not the unanimity or a very large majority of the enlightened citizenry. A regime, even a popular one, which is imposed on the nation, may be able to implant itself at first and then force its acceptance; it may eventually become socialist; but it is not so in its inmost heart because it has not been so from the outset. In fact, the tyranny of the workers and soldiers was not and is not necessarily and in essence more social and less anti-social than that of the aristocrats, officers and bourgeois.

Hence it can be said that a socialist society born out of a catastrophe comes into the world in unfavourable conditions and that a regime, even a socialist one, inspired by a minority will never be as good as any kind of regime which has been willed. *Socialism,* by definition, *must be the work of the 'general will' of the citizens.*

II *Every Social Revolution must take a national character*. This is proved by the serious disadvantages to the Soviets in, first, the repudiation of Russia's foreign debts and then the confiscation without compensation of the property of foreign nationals. The international blockade and boycott that followed were the consequences of these two serious mistakes.[o] Thus, if a state has the right to apply the laws it has adopted itself to its nationals and also to apply them to those foreigners who visit it or choose to reside within its territory, it is also bound, however, to avoid any appearance of injustice and infringement of those tacit international contracts: public and private international law. It follows that expropriations must cease at the frontier, and, in the interior, at the rights of foreign persons or legal entities insofar as they trade in the country by virtue of usages predating the Revolution.

Complete expropriation is only understandable in the event of a universal and simultaneous Social Revolution. Such a Revolution could indeed abolish everywhere and at once, for nations and for individuals, all international debts and credits, private or public. It may be argued that this observation proves both nationalism and internationalism. Whichever you wish, for there is no middle ground; *socialisations without compensation are only possible within the limits of the nation and can only be total if they are extended to the whole human race or, at least, to the most important nations that make it up*.

III *The second, Communist and Terrorist period of the Russian Revolution is not strictly speaking socialist.* Bolshevism has remained in certain respects sub-socialist; in others it has developed independently of socialism or gone beyond it; in others, finally, it has led to real regressions.

In the countryside it only put into practice an individualist revolution of the type of the French Revolution: all it did was to allow the peasants to share out the land. Either it simply restricted their appetites by ineffective and remote laws proclaiming the pre-eminent national ownership of the land;p or else it only added to this individualistic policy a state communism manifested in severe requisitions and exactions often even of a military nature; the latter were not understood by the peasants and discouraged them. These

two contradictory attitudes eventually led to a reduction in the area of cultivated land and the disappearance of stocks, and then to famine.

It is in their industrial legislation that the Soviets were most socialist, so long as they seriously attempted to transfer the ownership and management of the nationalised industries to professional groups.q But this period was quickly over. Subsequently, panic-stricken by the failure, they allowed big industries to dissolve to the advantage of small industry and the artisanate and, to this extent, the Russian economy has returned to outdated forms of industrial property and technique; —or else they have attempted to install via 'labour armies', 'national trusts', etc., a regime of production which is no longer socialist and syndicalist, but communist and statist: the producer being guaranteed all his consumption, but tied to a profession which he no longer organises himself.

This individualism and this statism were among the causes of the moral and material failure of the Soviets. They deprived themselves of the necessary moral instrument: they subjected the professional group to violence and terror; they almost destroyed it; they weakened the group which should par excellence be both the means of revolution, the real agent of production, and the real title-holder to property, and they thus missed their mark: the collective organisation of production.

Finally, their most serious error was to install communism and not socialism where consumption is concerned: for example, communism in housing, the object of individual consumption par excellence; for example, again, communism in the distribution of foodstuffs. Admittedly, rationing was imposed on them by the circumstances, blockade and famine. However, we should note that it is in general an economic device that European societies cannot tolerate.

In all this series of facts, socialism can only be held responsible for the abortive attempt at the management of factories by the workers' councils.

Everywhere else it was other systems, clear regressions to individualism or, more backward still, to communism, that are responsible for the errors made or the triumph of archaic economic forms.

IV Communism of consumption is absurd and should be proscribed from practice. *But what was even more absurd* is the fact that, in order to establish it, *it was necessary to destroy the essential constituent of the economy itself, i.e., the market.*

For, strictly speaking, it is conceivable that production be regulated up to the point goods reach the market, even including stocks; it is also even conceivable that it might be of value to set limits to consumption, allowing neither waste nor avarice. But a society without markets in inconceivable. By markets I do not mean the market places, exchanges and so on that are their external signs, I simply mean the economic fact that prices are publicly self-determining via alternative prices freely 'supplied and demanded' —in other words, the legal fact that everyone 'on the spot' has the right to buy what he wants in peace and with confidence in his title, and also that no one can be forced to buy what he does not want. This market system, which has grown up slowly in the economic history of mankind, currently governs a very large part of production and consumption. Of course, other systems of social facts contribute to the same function and further new ones are conceivable which could so contribute effectively, but freedom of the market is the absolutely necessary precondition of economic life. It may be a matter of regret, not only for doctrinaire socialists, the Communists, and distinguished economists such as Thornstein Veblen, but it must be admitted that the Soviets have not been able to 'escape from the price system'. It is thus not certain that any known society is equipped to take off for other spheres. For the moment and for as long as one can foresee, *socialism—communism— must seek its path in the organisation and not the suppression of the market.*

V *Most socialist doctrines predict,* rather abruptly and vaguely, *that the society of the future will be able to dispense with money. The Communist experiment has proved the opposite.* Even in a country where, per capita, capital and monetary circulation were as low as can be before the War, the attempt to do without them was futile; it was necessary to return to a gold-based currency. The equally striking examples of Mexico, Austria, then Germany and soon Poland prove and will prove that contemporary societies, whether they are as backward as Mexico and Russia or as highly civilised as Germany, have as yet no confidence in anything but gold, or credits representing gold, or commodities negotiable in gold. Gold and the various certificates that represent it are still the only guarantees the individual has of the freedom of his purchases.

Are the peoples who think in this way right or wrong? That is another question. As far as I am concerned, I do not think there can, for a long time, be a purely rational society. Neither our language nor our technology, not to speak of other social facts such as law or religion, are or for a long time will be cleared of irrationality and sentiment, prejudices and mere routine. Why should one expect the domain of the economy,

the domain of needs and tastes, to be one of pure reason? Why should one expect that a world with such crazy values, where a clown's buffoonery is worth as much as the patents of the finest inventions, why should one expect that world suddenly to abandon its scale of values, the instrument, however faulty, of its calculations *(ratio),* the element, however absurd, of its reason? Why should that world suddenly be governed by the fairy tale of the masses' intelligence or the intelligence imposed on them by the magic and force of a Communist élite?

Hence it is better to start from what currently exists and attempt to superimpose on it more and more reasonable forms: to order, restrict, suppress the privileges of the dealers in money, to transfer them to the collectivity, *to organise the latter so that it can be the main distributor of credit.* Moreover, at the moment the Soviets seem to be moving in this direction, with their state banks and savings banks.

VI Not only freedom of the market, but also *industrial and commercial freedom are an indispensable ambience for any modern economy.* Statism and bureaucracy, or the authoritarian direction of industry, the legislation of production, on the one hand, administrative rationing of consumption on the other, in a word, all of what Herbert Spencer would have called 'military' economics, are opposed to the 'exchangist nature' of modern man. The latter does not usually work for himself, but he still only works and exchanges in order to obtain the best product or service at the cheapest price, or to sell his goods or his labour at the highest price.

The market, production (remember that I always include circulation in this term) and consumption can regulated and are already regulated in the West: by private contracts, trusts and workers' unions and employers' associations; or by agreement among consumers (co-operatives); or by agreement between industrialists, financiers and traders; or by public law and regulation; or by organisations combining cartelised capitalism and statism.[1]

But there are limits beyond which even a socialist society cannot go. These are reached when the services or wealth provided, instead of being paid for after negotiation, are required; and when the kind, quantity and quality of the objects of consumption supplied to the public are determined sovereignly by others than individuals or their freely constituted associations (consumption co-operatives, for example).

Hence socialist societies can only be built up beyond and alongside a certain amount of individualism and liberalism, especially where economic affairs are concerned. This thesis will not surprise the Proudhonians and even among Marxists it will shock only those mad enough to extend to consumption the notion of collective appropriation. This limit is

respected even by the summary 'shibboleths' of the Parties. The latter only predict the 'socialisation of the means of production and exchange'; and, on the other hand, 'collective appropriation' does not necessarily mean appropriation by the state, or state tyranny, or the tyranny of the collective *vis-à-vis* smaller collectivities which have not been constituted as proprietors. Inversely, alongside and in addition to the freedom of individuals—freedom to change co-operative or trade, to administer one's own consumption, etc. — there is room for a further commercial and industrial freedom: that of the collectivities themselves, co-operatives, professional groups, etc. Here again, the terms 'freedom' and 'collective control' are not contradictory.

VII *To respect those intermediary collectivities and to develop those institutions* already present in most Western societies, *these are thus essential*, or at least wise and prudent concerns *in any epoch of transition* to a socialist regime. Perhaps it will be necessary to preserve them. In particular, Durkheim's hypotheses about the moral and economic value of the professional group emerge further confirmed from the Bolshevik test. The Soviets failed precisely because they undermined and destroyed this primordial organisational element.

Of course, it is not absolutely certain that what Durkheim, long before anyone else, called 'institutional socialism', is the necessary and sufficent form of all socialism. Even the Bolshevik failure by no means proves that one must necessarily wait until these groups are very strong and their possible and complete evolution has come to an end, in order to attempt a social reform. But at any rate, there is a serious danger in neglecting these institutions.

Above all, it is certain that socialisations must no longer be conceived in a single form: that of the state or that of the profession. Lenin has admitted that he was wrong about co-operation.[2] The hopes he now pins on the latter prove how wrong it is to combat free competition in the name of communism—or obligatory co-operation.

The way all free institutions have been fought and all management administrations have been destroyed is also an error.

VIII *The New Economic Policy in Russia today is leading to a mixture of capitalism, statism, administrative socialism, free collectivities and even individualism.*

Russian Communism has shifted from the attack to the defensive. All its efforts are now devoted to combatting the artisanal and peasant petty bourgeoisie it has created in its own despite. It would like to be able to hang on to the state's rights, to defend collective industrial property and the industrial workers against the foreign capitalism to which it

appeals in vain or with which is associates whenever it can. A task in which it is to a certain extent successful.

In the end, socialism over there is simply superimposed onto a modern society which is coming into being…at last, with its usual mechanisms: money, credit, state; with individual ownership by individual producers: artisans and peasants; with state ownership, collective or semi-collective ownership of big industry; finally with true public services.

In its latest form, the Communist regime has thus returned to what I would regard as the socialist norm. On the one hand, it super-adds a form of property to the other forms; on the other, legitimately, I believe, it 'sub-adds' —if I am permitted the neologism —it underpins individual possession, even that of the peasantry, with a pre-eminent right of the nation. Broadly speaking this is the fictional right found especially in England, where all tenure is held from the King, and this should be the rule elsewhere, and not just fictional either.

I need not repeat that there was no need to revolutionise Russia to such an extent to reach this position, and that our Western societies can easily be perfected in the same sense. Let me conclude: there as here, *Socialism should not consist in the suppression of all the forms of property, replacing them with one alone, but in the addition to the rest of a certain number of rights: those of the professional group, those of the local group, those of the nation, etc.* Naturally, rights which contradict the new ones will have to have an effect on the system of rights; for, obviously the perpetual right of inheritance or the individual right to the incremental value of land, for example, cannot co-exist with any kind of socialism. Besides, those additions and suppressions actually achieved by the Soviets doubtless constitute the most solid part of their work. Would to God they had done nothing else!

Thus, to follow the excellent formulation proposed by Emmanuel Lévy, but deriving from Lassalle: 'Socialism is Capitalism minus established rights'.[3]

II Conclusions as to general politics

But, over and above questions about socialism, there are others of general politics for which the events of Bolshevism bring us new evidence, if not new light; questions of principle debated at length since the establishment of the political sciences and of the art of politics, of rational morals and social science, questions which are still at stake in the most recent social doctrines: the

question of the use of force and violence, the question of the power of decrees and laws.

I *The Dangers of Violence*. Elsewhere[4] I have set out at length the observations that can be drawn from the systematic use that the Bolsheviks have made of violence. All I have to add to this here is to note its failure. The Communists, here followers of Georges Sorel,[5] have turned it into a true political 'myth', an article of faith. Not only does the whole Third International regard it as the revolutionary means par excellence; not only do the Communists advocate it as the means of conclusively establishing the Revolution that has already been made and of applying the laws laid down by a dictator proletariat, it has also become for them a kind of end in itself. They have set up a kind of fetish figure in honour of force, the 'midwife of societies' (Marx).[r] As the Communists seized power violently, as they exercise it violently, as anyway it was always part of the Bolshevik programme and not an improvisation, they have made the exercise of violence the infallible sign of proletarian power and of the Revolution. They only recognise Communism where they see violence and terror.

They have confused the midwife and the baby. In the end these big words are just a defence of their own governmental device. Even this device is not specifically Communist, rather specifically Russian, Byzantine and ancient. Their acts of violence, their will, their intrigues having triumphed, having then maintained themselves in power by terror, police and spying, they think their theories have been verified and have taken their violence as a manifestation and a thaumaturgy of the new and powerful Social Republic; they believe that it was that violence that inaugurated a new society; they therefore recommend it to their Third International.

Rarely in history have a party and the theoreticians of a party been so mistaken about themselves. In fact, what violence has created in Russia is only a new political form. What the Bolsheviks imposed on the Russian people is not a new society, it is a modern state, a Russian state. And it is indeed understandable that a government, a minority should impose itself by force and violence. To this extent violence is a normal device which has succeeded elsewhere as it has succeeded for them, and I would not claim that its employment has been totally disastrous.

But Bolshevik violence, inevitable counterpart to the old violence of the Tsars, was only beneficial to the extent that it destroyed the old evil. For, while it was tearing all sorts of rottenness from the social fabric, it

also removed whole chunks of that fabric and crushed masses of ideas beneath the debris. It killed the living as well.

In vain would one seek for anything created by Bolshevik violence outside the political domain. On the contrary, it can be said with some certainty that it was that violence that led the Soviets to ruin. If we accept that the violence used against counter-revolutionaries can be justified, the Bolsheviks' crime was to use it against the whole nation. Consider the violence thanks to which obedience was to be extracted from the workers, manual and intellectual, those of the towns and those of the countryside. Its only effect went entirely against what was hoped for from it. Instead of bringing into being a new world, a new economy, it hindered its arrival. First, in sectarian spirit, the Bolsheviks persecuted, massacred, exiled and are still exiling all those socialists they are pleased to regard as moderate in comparison with themselves. They thus deprived themselves of their natural auxiliaries. A Social Revolution can never have too many supporters. Secondly, the discipline they inflicted on proletarians and peasants was really stupid. Ill will at work and in exchange, often dishonesty, that is what they conjured up. Good work is not done to order, except in the face of an enemy …and even then! 'Labour is a friend only of peace' runs an old adage; let us add of freedom, for slavery and serfdom never produce high yields. Peremptory commands and violence to ensure that they are carried out anger, frighten and encourage duplicity among the weak who attempt to skive, or else they encourage passive resistance and laziness among those who know they can only be pushed about so far, and who hope to wear down their masters, no matter how much the latter may be in the right. The Bolsheviks' violence led to a general retraction of the nation, of the productive forces and creativity of the country.

In contrast with this, the Communists' 'New Economic Policy' has led them, on the contrary, as we have seen, to a certain success. Slowly, after the terror, the Russian Revolutionaries are gradually allowing the people to work out their customs *(moeurs)* and their laws. They are establishing a 'New Stage' whether they recognise it or not, they are in a third phase of the Revolution, one in which violence is only used to defend the regime and in which that regime is left to create itself. I am well aware of the fact that as I write Moscow's internal politics is still torn between a variety of tendencies and cliques. But, let us hope, let us devoutly augur, they will perhaps arrive at a fourth phase, one in which they will no longer use violence for its own sake, but only for the sanctity of the laws. In November 1923 there are to be elections for the local Soviets in anticipation of

the forthcoming All-Russian Congress and the formation of the new dual Executive Committee, that of the Russian Soviets and that of the Federation of Soviet Republics.[5] It seems that the 'Communist Party' has allowed a small number of places to 'non-party' delegates. Will it continue in this direction? It might gradually restore to the people the responsibility to run their affairs in peace via the Soviets or in some other way that they choose. In this milder political climate, in this infinitely less violent and tyrannical phase, in this 'New Policy', a real Russian renaissance has begun. It can be said that Russia is returning to life precisely insofar as peace, order and confidence flourish anew in it.

This opposition suggests a morality of mildness and legalism; I should say: *Violence is only legitimate via the law, via the legal order whose reign it supports: it is not itself order, still less faith.* On the one hand, in a proper politics there must be no constraint other than that of the laws, and force must only be used in the application of sanctions; and, on the other, a new social order can only be set up in order and enthusiasm. The builders of future societies will thus be well advised to resort to violence only in the last extremity. It is the enemy of labour, the destroyer of hope, of belief in oneself and others, i.e., of all that which, alongside need, makes men work. There are very many invisible bonds that tie individuals together into societies, which bind contracts, confidences, credits, *res et rationes contractae*. This is the humus in which germinates the desire to satisfy others, growing as one's confidence in them grows.

All Russian life in the last six years proves it; terror does not bind, terror does not encourage; it makes people keep their heads down, withdraw into themselves, shun the terrorists and each other, panic and not work: *Metus ac terror sunt infirma vincla caritatis,* 'Fear and terror are weak links of friendship', as Tacitus has it,[6] a formula that should be repeated *vis-à-vis* the first Socialist government in history. Strictly speaking they do keep states and tyrannies going; but they create neither human charity nor love, or, if you prefer, ultimately, devotion. But no society is more in need of inspiring positive sentiments than one claiming to be a society of workers each devoting himself to all the others.

Societies of this form will never be built on material force alone. At the risk of seeming old-fashioned and a purveyor of commonplaces, let me appeal once again to the old Greek and Latin concepts *of caritas*, for which the modern 'charity' is such a poor translation, and of the and ,[7]

the necessary 'friendship', the 'community' that constitute the delicate essence of the City.

II *Dangers of the fetishism of politics, weak effectivity of laws.*

Not only was violence merely destructive in itself alone, even when it accompanied the law the two of them together were often inadequate; indeed, in many cases the Bolsheviks only used violence quite legally, in the service of the law, of their laws. But it is certain that, even when backed up by violence, law proved powerless when it was not supported by customs or modelled on sufficiently strong or sufficiently traditional social practices.

Thus it was the Bolsheviks' fetishism of politics even more than their violence that led to their defeat. Their adventure provides striking proof of this other moral lesson in politics. They did indeed make laws: *'prikazy', 'ukazy*', decrees or orders of the People's Commissars or of the TsIK (Executive Committee), or laws of the Congress of Soviets; the precise name Russian public law gives to its enactments is unimportant, but it is certain that the Bolsheviks promulgated and even codified social rules worthy of the name laws. If I have my reservations as to their legislative capacity and consistency, I have none as to their status as legislators, legal organs of national sovereignty. For the last six years there has been no other state in Russia than the Communists' state; they have acted as the regular government of their country; it might even be said that they have only too slavishly followed the old traditions Byzantium directly passed on to the Russian autocracy, according to which the law is simply 'the Prince's word'. They have even been supported, at least for three out of the six years, by the regular, elected authority of the All-Russian Congress of Soviets. The opposite has been maintained, but only hypocritically. European and American polemicists, whose countries manipulate plebiscites or are notorious for rigged elections, are in no position to treat all Russian elections as a joke. They are more genuine than the elections of...The All-Russian Congress and the Executive Committee of the Soviets are hardly more machines of tyranny or the expression of class interests than were the parliaments elected by property-owners of constitutions before the introduction of universal suffrage. When primary elections are secret and free; when the bonus of three-quarters of the seats is no longer given to urban Soviets as opposed to rural ones; ' when the Commissars of the gubernias, the towns and the people, when the Communists

have renounced practices worthy of Spanish caciques and Fascist ras; when freedom of assembly and the press have been restored, the constitution and legislative authority of the Soviets will be no worse than many others. They are already as good as those of most nations that have not reached the level of maturity of ours.

But it is very remarkable that even these legitimately applied laws have been relatively powerless to create a communist society. First, those that were obeyed were almost all laws of prohibition and not laws of administration or regulations of the practice of production. In most cases it was more the fear of violence and severe sanctions that really prevented actions contrary to the law; in others it was relatively easy to observe the law, because it did not consist in doing something but rather in not doing it. Laws positively expressed may only be negative in effect: e.g., the laws of socialisation. They were observed in Russia because they had the effect rather of destroying one ownership or one form of trade and contract than of creating new ones, and because the defenders of those legal forms had been defeated in the class war. It is always easier not to do than to do. These decisions run along a line of least resistance. For example, the decrees of the Soviets applying the great principle 'He who does not work, neither shall he eat', are really quite simple: they consist in giving smaller rations or none at all to former bourgeois; laws of this kind can be imposed even with rather little moral authority, but only on condition they are purely negatory.

On the contrary, where the law was supposed to cause things to be done, above all in administration, management, it has been powerless. Workers' councils, national trusts, Soviet administration at all levels, especially that of the towns; consumers' communes; the Economic Council of People's Commissars, all these various economic institutions have failed in their functions. Labour bonds, consumption bonds, three successive kinds of paper ruble in all their issues and more, all these liberating instruments have one after another fallen to the lowest possible value, until at last the 'chernovets', a gold-based currency energetically defended by the Soviets, has of late avoided this *reductio ad absurdum*.[u] Promises of education, art, medical aid, food, machines and technical leadership have proved empty. The number of things that the Soviets or Communists had to do, imagined they had to do, believed they were doing or believed they had done and which were not done and in some cases had

not even been attempted, is legion. The number of their velleities is still frightening.

Admittedly, there is something specifically Russian in all this enormous impotence, for organisation and realisation are hardly our friends' most brilliant aptitudes. But it has to be observed that, although most of the ends proposed have been very creditable, both all together and taken singly, and some of them seemed, to my eyes at least, perfectly attainable, the laws by which the People's Commissars thought to attain them were inapplicable and unapplied. They ran up against the incompetence of some and the ill will of others. What could be finer than workers' control? The body of workers must also be capable of exercising it. What could be simpler and more rational than the consumers' commune, a kind of obligatory consumers' cooperative? It must also be managed and supplied; it also needs competent staff and the faithful clientele who, although they may be obliged to come to it, will perhaps not come to it for all their provisions. Could anything be more democratic and juster than to give a complete education to every child according to its merit? But where were the teachers, the buildings, what were the curricula? which were the children, even? They were nearly all recruited in the towns and from that false proletariat, the Communist Party; so finally almost nothing was achieved.

Naive sociologists, the Communists believed that the order of sovereignty, the law, can create, like the Word of God, from nothing, *ex nihilo*. Transfixed by revolutionary dreams, they thought they could remould all human society, seeing themselves as copying the Constituents and Conventionals. They were greatly mistaken. The French revolutionaries never went beyond what was possible, and they were ready for the task: Pothier had taught them about the law; Condorcet had initiated them into education; Carnot and Monge guided them in industry, arts and crafts. They did not build a society from scratch or in the air; they had the material capital and moral strength required; they possessed all the necessary leading personnel, and they were fervently supported by a patriotic people, sensible, already rich, enlightened and policed.

The Communists did not have the capital, nor the morality and the human knowhow required. That is why, despite their violence, despite their strength, despite their energy and their daring, despite their power, political power, they failed.

Once again, it must be repeated, law does not create, it sanctions. The decree may prescribe forms to action, it cannot either induce it or even easily provide incentives for it. The state and the law constrain and limit more than they encourage. Sometimes the law can express and sanction and inspire respect for, it can enhance, social practice. Only very rarely does it create it, in pure politics, the decision as to who is to be sovereign…and even then there are exceptions. In fact, most precepts of public or administrative law consist in prohibiting or at most designating the executive agent or the form to be taken by the carrying out of something, they do not consist in strictly commanding the necessity for an action. The latter is the prerogative of individuals; be they ministers, commissars, officials or soldiers, they are no more than the servants of the public or the guardians of the law. Action, whether economic, moral or otherwise, is not prescribed or is badly prescribed; it is done, and it is from practice that the rule is derived. That is why the finest laws have proved fruitless when they had not developed of themselves out of actions. That is why the law is only active when behind it there is a morality that it sanctions and a mentality that it translates; when a completely living society comes to express in its rhythms the hopes, expectations, strength, moral wisdom, practical knowhow and technique that it possesses.

'Labour bonds' cannot be imposed on a society that believes only in gold; some particular skill is useless to people who are miserable, or uneducated or isolated in remote villages, and here I am citing only examples of the bankruptcy of the Communist regime. Laws can only be reformed along with customs, and even customs can only be reformed insofar as technical and aesthetic habits, the tastes for labour and, *a fortiori,* needs have themselves been transformed. It may even be the case that to proceed by law and on the basis of law and morality is to proceed less quickly and less surely than to let time and things act of themselves. Most laws must therefore lag behind customs. When a few are ahead of them they can only create the environment in which new generations, breaking with old practices, will work out new forms of action. In these cases, the laws are simply long-term ones; they must leave a long time for action to produce their fruits. Hence we should cease to believe in the omnipotence of the state and of laws; legislative miracles must be banished from politics in our modern societies. This art has as yet no experience of the wonder

cures and the astounding surgical operations our practitioners are already able to carry out on the living body.

We should therefore cease repeating that the 'political seizure of power' is a panacea for all ills. 'Seizure of power': around 1846, Proudhon and Marx himself meant by that simply universal suffrage and popular legislation. Later Marxists agreed that the latter was only an instrument, the best available. But the Social Democrats have lived for sixty years on the illusion that the working classes, armed with that suffrage and at last convinced, will conquer power and, from those exalted heights, will dictate the laws of the Workers' Socialist Republic. The Bolsheviks, as romantic Marxists, simply shared in this socialist error; they were too enslaved by the old doctrine; they thought that political power, the law, the decree, so long as it was they who promulgated them, could forge the new society. Profound mistake! Political power is and will remain necessary to the workers who as a body wish to form the nation; but it is not sufficient: the workers themselves must be ready and they must have at least some idea of their institutions, above all they must have an adequate mentality. For, as we can see…, even a state as strong as the Bolshevik state has not been able to force a society as morally and mentally weak as Russia to obey its laws.

Philosophers, moralists and politicians should examine this fact for itself, as well as sociologists. Powerful in its own domains of legislation, pure administration, politics; able to create a state and even to define certain rights; having managed to abolish inheritance and to proclaim that land can only be held in tenure—the law of the Soviets revealed itself to be powerless: to suppress gold-based currency or to establish some other kind; to organise a collective system of production where only an individual one had hitherto been achieved; to replace institutions of free association like co-operatives with obligatory organisations; to close down the market. Either too firmly ingrained habits had prevailed, or material, technical impossibilities had revealed themselves. There is no point in giving a village a motor if it is not also given petrol and a mechanic. What does this mean if not that the domain of the economy and of technique is, of all social domains, precisely the one that most easily, most completely and even most violently, escapes the grip of Politics, and even that of Morality? Not that the economic is dominant, confused in this jargon with technique; I have already denounced this error. But they are different domains,

independent of the domain of the law. In those domains, it can only sanction states of fact and regulate rights; it cannot force anything: neither money, nor credit, nor savings can be imposed; nor can the collective association of individual effort; a *corvée* is the opposite of enthusiastically, or even economically accepted work. In the Economic as in the Technical, the law can destroy only for a time, and not even a very long time: and it cannot invent. It can prohibit the use of a currency, it cannot provide one that will be acceptable; it can proscribe the use of an instrument; it cannot manufacture one in advance, or even often procure one. That is why the law must not precede but only follow customs, and even more so economy and technique.

III Conclusions as to political method

The student of Politics should thus foster a certain scepticism *vis-à-vis* the art for which he is attempting to construct a theory. More even than medicine, it is confined within very close limits. In thousands of cases, the statesman is powerless because he is ignorant; he may even on occasion, when he is clearly aware of the causesor when his grasp of the facts is accurate, know and feel his powerlessness. In every case, it is essential that the politician and the theoretician resign themselves, even at the price of unpopularity, to the frequent proclamation of their weakness and their physical, intellectual or moral incompetence. There is nothing more dishonest than the advertisements in which all parties proclaim their ability to bestow happiness upon the nation. For example, as we can now see by hindsight, too late, nothing could have prevented the bankruptcy of Russia. It is not the least of the errors of the Bolsheviks, the liquidators of the Russian crash, that they believed, or claimed and fostered the belief that, in that infinity of wretchedness and by means of their civil war, they would create wealth, when the latter can only be born of years, labour and peace….

Another lesson. Few doctrines have emerged from the terrible events of the last decade more tattered than that of 'historical materialism'. But this was because it had an initial failing, one that it shared, moreover, with other political doctrines. One should always be on one's guard against the sophistry of according primacy to one or other series of social phenomena. Neither political matters nor moral matters nor economic matters are in any sense dominant in any society, still less the arts applied to

them. In the end all these things are no more than the concepts and categories of our social sciences, which are still in their infancy, and only logomachies distinguish between them. A currency, something economic, is issued by a nation, something political, and it is trusted, it inspires faith and credit, a phenomenon that is both economic and moral, or rather a mental, habitual and traditional phenomenon. Each society is one, with its morals, its technique, its economy, etc. Politics, Morals, Economics are simply elements of the social art, the art of living together. Once you see this, all those contradictions between ideas and dissertations about words become pointless. Social practice, that is the only material provided for the convergent action of the moralist, the economist and the legislator. Or rather, there is no room for three kinds of technician in this art. Those who wish to be expert in it must not allow customs to be outstripped by laws, or the technical, economic and mental habits of a people to be criticised in the name of a universal morals or a pure practical reason. Those habits can only be rectified by replacing them with other habits inspired by other ideas and sentiments, especially by other actions whose success allows them to function as precedents. An art of arts: **τεχνὴ τεχνῆς ὑπερφεροῦσα,** said Sophocles of tyranny; ['skill surpassing skill', *Oedipus Rex,* 380–81]; Politics in the highest sense of the word should thus not just remain very modest, it must never cut itself off from its sisters, Morals and Economics, for in the end it is identical with them.

The old dream of Socrates, of the citizen, wise, thrifty, virtuous and guardian of the law, above all prudent and just, thus still provides the model for the man of action. If he conforms to it, the responsible politician will be far closer to practical truth than if he abandons himself to the fits of cynicism and materialism, the abuses of lies and violence that are applauded by too many empty people, reactionaries or revolutionaries according to the time and place. For the moment, in Russia, in Italy, in Spain, perhaps tomorrow in Germany, coups d'état, acts of force and authority, of political violence, are apparently successful, but they are no more than shocks, tremors, fevers and symptoms of serious diseases of the body social. The future is not with these unhappy peoples; it is with nations whose enlightened citizens manage to make an effective choice of able, honest and strong delegates, and then nevertheless to keep them in check all the time. For no one knows better than the people, if it is wise, what its interests and its ideas are.

All these political moralisings of a sociologist will perhaps seem either too particular or too remote; some of them will seem, on the one hand, to say too precisely what it is possible and impossible to do in our modern nations; the rest will seem too broadly and too generously to preach mildness, peace and foresight to socialists and the various progressive parties.

Let there be no mistake, however. Precisely such considerations are appropriate here: the Russian Communist experiment will have served at least one purpose–to teach nations who want to reform how they should go about it and how they should not go about it. They must retain the market and money; they must develop all possible collective institutions; they must avoid incompatibilities between free associations and collectivism, and between the right of association, including the right of the majority, and individualism. Hence this 'sociological assessment' has the dual value I wish to attribute to it: a scientific value, because it is a description of our modern societies and in one of them it reveals the essential components that none today can do without; a practical value, because it helps to purge socialist doctrines of a certain number of peremptory aphoristic formulae, a certain number of utopian views and illusions as to the omnipotence of parties and classes.

In addition, these appeals to prudence are by no means intended to edulcorate or slow down action. There must be a force put to work in the service of the law; perhaps it should, certainly it should be used; for, no more than religious laws are civil laws felt by all to the same extent. Social democracies, i.e., those that wish to control their economies in the name of their law and their interests, will not be flocks of sheep whose shepherds know how to shear them and choose which of them will be eaten. Moreover, their action will neither be necessarily slow nor free of violence. I shall not attempt to prophesy. Prudence also often counsels speed, leaping over obstacles, breaking resistance while there is still time, just as often as it may counsel temporisation, waiting until the forms of social life that the law must sanction have grown to maturity. What I mean is that, if necessary, political power is not of itself sufficient, violence can only be the 'last reason of the laws'.

IV Conclusions as to political logic

But, I shall be told, these conclusions as to social policies and other kinds of policies are just what we would expect from a sociologist. They do not prejudge the question everyone is asking:

'Does socialism emerge from the Bolshevik experiment proved or disproved?' I shall be told: 'Here is an important doctrine, socialism, communism if you like, tested against the facts; you tell us how it can be purified, you do not tell us whether it is true or false. Do you, like the Communists, see it as having triumphed, or as defeated, like liberal or reactionary doctrinaires?'

My answer, notwithstanding that my candour may seem naive, empty or too detached from the factional struggle, is as follows: 'The Russian events neither confirm nor contradict socialism.'

Suppose that the Communists had managed to impose the Social Republic of their dreams—which they failed to do—what would it prove? That, in a nation hardly awakened to public life and industrial life, it is possible to establish a socialist regime, or rather, take such precautions against a capitalist regime as to make the latter impossible. Or else that success would show that, after a national social revolution—and a certain dose of capitalism coming from abroad, the latter necessary until the time of the universal revolution—a strong Socialist Government can reduce the dangers of it to a minimal level. This is more or less what the NEP (New Economic Policy) is attempting at present. Or else, again: observing that foreign intervention and civil war, followed by blockade and communism, had, by December 1921, reduced Russia economically to what can be called a zero point, if one drew a graph of its national wealth; secondly, granting rather generously that this Russia will be reborn to a full life and full strength; imagining also that this resurrection will take place entirely under the aegis of Communism, I could conclude that, strictly speaking, in making a *tabula rasa* of everything: the economy, law, political conditions; after ruining everything, and starting again from the zero point—this in a country extending across an entire continent, endowed by nature with limitless and complete resources, and populated by a myriad people, though sparsely—in these extraordinary conditions, in other words, it might be concluded that a young and potentially fabulously wealthy society can indulge itself in ruin followed by a Communist regime.

The success of socialism, or rather of Communism, in Moscow would prove nothing in favour of socialism here. Old industrial democracies with powerful capitalisms, big bourgeoisies in control of public opinion and making the necessary concessions from time to time; with a numerous petty bourgeoisie; with a peasantry

which is often rich and mostly property-owning; with a respectable working class inspired by thoroughly bourgeois notions of respectability— such democracies are disposed neither to a dictatorship nor to a communism. Above all they are not disposed to return to an elementary and simple life as, in a variety of guises, the Russian Revolution more or less did, with the peasantry triumphant and a collapse of the refined and decadent edifice of the rich aristocracy and the feeble capitalism of the old regime.

Nor are our great nations of Europe and America disposed to engage in such risky adventures as these: to ruin the City so as to be able to build it anew. This was only possible in Russia. None would gaily confront, as Russia did courageously, the horrors of blockade and famine in order to resist foreign invasion and reactionary insurgents. They regard socialism as conserving the national wealth, as a better administrator of goods to be preserved, not as an architect of the land of Cockaigne.

And vice versa, the relative failure of Communism in Russia proves nothing either for or against socialism in our Western societies. First of all, if socialism one day adds its superstructures or modifies simply by its presence the arrangement of our societies, it will not do so either by violence or in the course of a catastrophe, either of which would simply be accidents. What it will construct will be built by the clear, conscious action of the citizens. Second, these citizens will belong not only to the class of industrial workers, even when that class is in the majority, although still partly unconscious; they will belong to all the other non-parasitic classes who will bring their concerted assistance to the workers. Thus, what was impossible for the unfortunate muzhiks and the Russian 'comrades' will perhaps be manageable for the educated and wise members of our unions, our cooperatives, even our quite modest local government councils. This argument is often used by our Western Communists, who promise the 'masses' supposedly following them a better and easier revolution than the Russian one. It is no less accurate for serving as cover for a failing and as an admission that the whole Russian action was premature. It remains true: nothing in the Russian experiment allows it to prove that tomorrow the British Labour Party, a legal political party emanating from a numerous, organised and educated democracy, will not be able to put its programme into practice, in part, perhaps victoriously. When it takes place, this example will doubtless be more contagious and more useful than the adventure into which

the Russian Communists for a time led the whole nation that they govern.

Not only are the personnel of our nations different from those of the Russian, but those personnel are becoming day by day more capable of organising social and industrial democracy as well as political democracy. Not only do they have an indisputable juridical maturity, they have already reached a quite different stage of economic and mental evolution, and they will be able to start from this stage to achieve things impossible for the Russians. It may even be that they are closer to the goal than the Russians yet are, despite the latter having taken the supposedly short, straight, direct and easy path of Revolution, which is really a dangerous, vertiginous road, ending perhaps in the abyss. Socialism, if I have correctly conceived it, will consist in the organisation of the market, of credit, of circulation and later, not in principle, not straight away, of production. One proof of this thesis is provided by the Russian experiment itself. The Communists of the New Economy are themselves coming round to it with their *org* (organisations),[8] organisations at every level and of all kinds of national trusts, with their state banks, their people's banks, etc., etc. Hence I shall say: 'A society like Great Britain, with the gigantic wealth of its state and public corporations, where municipal and adminstrative socialism have been in vogue for a long time, where the movements of funds in the various forms of social and private insurance exceed those of the whole economy of the Republic of Soviets, where trusts are organised and organise industry, where the working class and the public are already so prepared for the industrialised nationalisation of the mines that the latter has been proposed in a national arbitration,[9] such a nation has far more possibilities of socialism than poor, agricultural Russia.' Even in England it will easily be possible to nationalise a large part of the land because in many cases it will only involve the suppression of the tenure of the nobility, the churches and the corporations, clearly precarious from a moral standpoint, so as to realise fully the pre-eminent but entirely legal ownership of the King. In a country such as this it will easily be possible to nationalise the mines as well as the land, to which they are attached in the island's law; it will easily be possible to nationalise the railways, which the state already controls, while keeping them industrialised. It will perhaps be possible to group other industries conveniently together, to organise them nationally as enlightened industrialists and civil servants are already

suggesting, against unemployment, crises, etc.[10] And the difference between this organisation and a socialist organisation will become very slight.

Let me dream for a moment. If Germany…where would it not be? Its state socialism, its municipal, provincial and state corporations, its insurance systems, its vertical and horizontal capitalist organisations, 'cartels', 'trusts' and 'Konzernen', its trade unions, its co-operatives, which are still afloat in the midst of unspeakable chaos, everything in Germany tended towards organisation.

Who can yet say what effect on a society the suppression or restriction in time and degree of kinship of the right of inheritance will have? Who can say what results might not be achieved by other reforms, so-called, although they will be the Revolution itself, i.e., the ruthless correction of unjustly established rights?

Thus, the Russian Revolution should neither be proposed as an example to be followed nor set up as a bugaboo. Everything that happens over there does so on quite other planes than the ones we occupy here, in the West. Very few events that take place over there disconfirm or confirm anything about the doctrines that among us group the various interests and various and changing opinions of our citizens.

Finally, this assessment of Bolshevism must close with a warning from the sociologist to the public. This time it is a mere lesson in logic and common sense that I want to draw.

Of all arguments, those of politics are the most populated by the idols of the tribe, the market-place, the most impregnated with 'ethos and pathos', with prejudices and passions that vitiate them entirely. Moreover, they are usually, like lawyers' pleas, constructed on the basis of a 'brief', not from facts or reasons. Thus, in politics debates consist of a constant sophistry, mingling right and fact, as if in a courtroom.

But among the arguments constantly used both in the Soviets and in Parliaments and Congresses, there is one which should most especially be proscribed, and that is the argument from historical or political analogy. Generally, the argument moves from one precedent to the other. Doctors do the same, and thus they often make mistakes, but they have no other way to calculate until the biological and pathological sciences have finally given them the light. But in politics there are few excuses for the error. In it one is not allowed to argue only *de homine ad hominem*. But a question of the sort I have been asked postulates the possibility

of concluding from one collective individual to another collective individual, from Russia to France, for example, and vice versa. There is a vague notion that societies are not individuals and that generally applicable precepts can be laid down on the basis of one precedent that will serve for the members of another society. To do so is to deceive oneself. Societies are individuals, often by no means amorphous ones, with great resistance. Thus those formed by the Jews around the Temple, or those unfortunate Polynesian natives of the Chatham Islands who allowed themselves to perish rather than renounce their taboos. Few collectivities, few civilisations are even more strangely individualised, have a character more heterogeneous to that of other peoples than the immense, homogeneous, very old yet still very youthful mass of the Great Russians. What is possible and what impossible are different for them from what they are for us. Only when there is a certain uniformity of material progress, a certain unity of mentality and thought, and above all a certain equality of age, amongst a number of different nations can one attempt to transport, as the Romans and Napoleon did, institutions from one country to another. Let us therefore avoid abusing historical and political argument. The very prevalent and highly inaccurate erudition of journalists is illusory; that of diplomats, politicians and jurists is just as dangerous; it is rotten with history and stuffed with too many precedents.

What is needed, however, is to habituate ourselves to no longer reasoning in the past and missing the present, to attempt to reason about each question as if it were posed alone, and to try to find its practical solution directly, by a sense of the social.

In another respect, vulgar political reasoning is no less at fault. Most often it is still inspired by the intemperate rationalism of the last few centuries, uncorrected in this domain by an appropriate experimental method. Scholasticism, still finding refuge today in the Law Faculties and in party-political argument, claims to derive everything in social and political matters by deduction. For it, as societies are only ideal objects, the ideas of individuals, they must themselves be based on Ideas and Principles. These principles are known and translated metaphysically into words ending in '-ism': capitalism, socialism, individualism, egalitarianism, nationalism, and so on: as many can be constructed as are desired. Societies' only occupation is to apply these principles, and their laws' only *raison d'être* is to

realise those ideas and systems. Even more remarkably, they are supposed to be able to change their principles. So we are taught in universities and so are matters discussed in parliaments, the learned journals and popular meetings. Sophists of every party indulge themselves to their hearts' content contrasting principle with principle, '-ism' word with '-ism' word, and this serves as a cover for the interests at stake. Few errors have wreaked such damage, and if this little book was so useful as to warn honest people once again against these forms of argument, it would have achieved its aim. No, there are no exclusively capitalist societies and there will no doubt be no exclusively socialist ones. There have been no societies that were only feudal, or only monarchic, or only republican. There are only societies which have a regime, or rather—what is even more complicated—systems of regimes, which are more or less characterised, regimes and systems of regimes of their economies, of their political organisations; they have customs and mentalities that can be more or less arbitrarily defined by the predominance of one or other of these systems or institutions. That is all. Just as one can, for example, define someone's character by saying he is bilious; but this does not mean his heart does not work like everyone else's. Even in normal circumstances; a society an entity with a thousand dimensions, an environment of living and thinking environments, is agitated by all sorts of currents, often contradictory ones, and in all directions: some still well up from the depths of the past, even the prehistoric past; others correspond to events slowly working themselves out, unbeknownst even to those who will tomorrow be their agents or patients, beneficiaries or victims. Nothing happens in societies as it does in a jurist's sorites or in a forum sophism. That is enough: these disputes about '-ism' terms are only plays on words and between parties. Once there were wars between Empires and Churches for a *que* to add to a *filio*. The struggle between the dogmas was only the appearance, the accident: the essential, the fact, the aim was the battle. Now these social dogmas constitute the site of struggles between dethroned regimes, parasitic classes reliant on heredity, money interests and the routinised mass on the one hand, on the other wretched proletariats or those which, already better endowed, wish to rise to better things yet, democratic and independent peoples or peoples still subjugated and tyrannised. It is already an advance that public affairs, are no longer discussed in other terms than

those of public affairs, and metaphysics and religion are not involved, as they still were not so very long ago. But this advance is not enough; another one must be made. Politics will not become a rational art until the day it detaches itself from this metaphysics, until it abandons as far as is necessarily these '-ism' words: capitalism, liberalism and so on, and the whole attendant hair-splitting substantialism. It will then in its turn escape all systems. Then once again, no doubt, it will be able to apply or attempt to apply to each problem—as the engineer (the ingenious one) does—the solution inspired by a precise awareness of the facts and an inkling, if not the certainty, of the laws governing them.

Besides, this childish and dangerous dogmatism will perhaps be obliterated earlier than one might think. Almost all the current political schools are excessively boastful of their realism. The school of the Russian New Economics is not so very far from the 'socialism without doctrines' that is perhaps the best socialism of all.

At any rate, the philosopher, the sociologist, the moralist must abandon to others responsibility for those peremptory and categoric formulae and those ill-made concepts overloaded with passion which so often lead societies astray. Their role is to accustom others to think, modestly and practically, without system, without prejudice, without sentiment. The thinkers must educate the people to make use of their ordinary common sense which, in particular where politics is concerned, is also their sense of the social, in other words, of the just.

A modest conclusion, it will be said, too logical and academic. Politicians will scent ideology in that word justice. But it is they who make use of big words; they who construct hasty generalisations into systems. They are bad ideologists. Let them therefore learn to 'think properly'. The example of Russia frightens them! Let us hope it will encourage them to make an effort at logic and sound social practice.

NOTES

(The letter-indicated notes are on pp. 216–20.)

*Originally published as 'Appréciation sociologique du bolchévisme' in *Revue de Métaphysique et de Morale,* Vol. 31 No. 1, 1924, pp. 103–132.

1 Examples of organisations of this kind: the pre-war German laws regulating the production and the prices of potash, to the mutual advantage of the state and the potash trust; similarly the Chilean laws and the Chilean companies in the exploitation of the nitrate deposits; lastly those mixed companies of states and capitalists which ensured the production and fixing of the prices of petrol in England (the Anglo-Persian Oil Company, which is in the process of dissolution, it is true). In France the recent unworkable and quasi-Bolshevik regulation of the nation's fuel combines the state, the oil industry and the alcohol distillers, fixes the prices and ruthlessly forces technicians and consumers to use a 'national' product!
2 Cf. his letter of March 1923, reproduced in the *Correspondance Internationale*.[v]
3 Capital et Travail', *Cahiers du Socialiste*.
4 Observations sur la Violence', *La Vie Socialiste,* 4[e] Année, N.S. 1923.
5 *Reflections on Violence*.
6 *Life of Agricola,* 32, spoken by the British chieftan Calgacus.
7 '. . . **τὸ φίλον ἀπώλεσαν καί τὸ κοίνον ἐν τῇ πόλει**' ['the bonds of friendliness and fellowship in the state'] (Plato: *Leges* 697c).
8 They had to resort to a French word to designate this. For example, *vneshtorg,* organisation for foreign trade, *optorg,* etc.[w]
9 Judge Sankey's arbitration, 1920.
10 Sir Lynden Macassey, M.Pybus, among others.

Appendix to Chapter 7

Letters on communism, fascism and nazism*

Marcel Mauss

From Mauss to Elie Halévy
[November 1936]

I am in complete agreement with all the points you make in your communication.x I should just like to add a few things of which I was a direct witness.

Your deduction of the Italian and German tyrannies from Bolshevism is completely right, but perhaps you did not have room to include the two other characteristics I mention here.

The basic doctrine from which all of this is deduced is that of 'active minorities', as it was called in Parisian anarcho-syndicalist circles, and particularly as it was developed by Sorel at the time I resigned from *Mouvement Socialiste* rather than take part in his campaign. The same doctrine of the minority, of violence, and the same corporatism, have spread in my lifetime, from Sorel to Lenin and Mussolini. All three recognise it. Let me add that Sorel's corporatism was halfway between that of Pouget and that of Durkheim, and eventually came for Sorel to correspond to a reactionary view of the past of our societies.

Austrian Christian-Social corporatism, which grew into that of Hitler, was originally of a different kind; but eventually, copying Mussolini, it became of the same kind.

But now for my second point.

I would make more than you do of the basic fact of secrecy and conspiracy. For a long time I moved in active Russian SR Party circles; I was less close to the Social Democrats, but I did know the Bolsheviks of Parc Montsouris, and was eventually in touch with them in Russia. The active minority was a reality over there; it was a perpetual conspiracy. This conspiracy lasted through the War, the Kerensky government and was finally victorious. But the formation of the

Communist Party has remained that of a secret sect, and its essential organism the GPU, has remained the fighting organisation of a secret organisation. The Communist Party itself is still an armed camp in the midst of Russia, just as the Fascist Party and the Hitlerite Party are in their countries, without artillery and without a fleet, but with all the police apparatus.

In this I easily recognise events such as often occurred in Greece and are brilliantly described by Aristotle, but are especially characteristic of archaic societies and perhaps throughout the world. It is the 'Men's Society' with its public and secret confraternities, and, within the men's society, it is the society of young men that is active.

Sociologically, even, this is perhaps a necessary form of action, but it is a backward one. That is no reason why it cannot be the fashion. It satisfies the need for secrecy, for influence, for action, for young people and often for tradition. I should add that one might also refer to Aristotle's writings on the way tyranny is normally linked with war and with democracy itself. It is as if we had returned to the period of the young men of Megara, who swore a secret oath that they would not stop until they had destroyed its famous constitution. We can see this beginning all over again, the sequences are identical.

From Mauss to S.Ranulf
(Paris, November 6th 1936)

Dear Ranulf,

I have indeed received your offprint from *Theoria,* and I have read it very carefully. I find many interesting things in it. I think you don't, as I do, have sufficiently the sense of tragic irony.

Durkheim, and, following him, we here, were, I think, the founders of the theory of the authority of collective representation. That great modern societies, and ones that had more or less emerged from the middle ages, could be subject to suggestion as Australians are by their dances, and made to turn around like children in a ring, is something we had not really foreseen. We did not put our minds to this return to primitivism. We were satisfied with a few allusions to crowd states, when something quite different was at stake.

We were also satisfied to be able to demonstrate that it was in the collective mind that the individual could find the basis and sustenance for his freedom, his independence, his personality and his critical faculties. In the end we left out of account the extraordinary new means.

Lévy-Bruhl has told me how things are with you. I am sorry to hear that your country, always ungrateful to its sons—as every country is, besides—has not accorded you the position you deserve. I imagine you will escape all these troubles one day, but it pains me to see that it is already very late.

At any rate, my best wishes for your health and that of all yours.

Please remember me to my friends in Copenhagen.

My affectionate greetings.

May 8th 1939 [extract]

I think all this is a real tragedy for us, an unwelcome verification of the things we had been suggesting and the proof that we should perhaps have expected this verification in the bad case rather than a verification in the good.

* Translated from 'Lettres sur le communisme, le fascisme et le nazisme' in *Etudes Durkheimiennes, Bulletin d'Information,* Supplement to *M.S.H. Informations,* No. 8, February 1983, pp. 2–4.

Translated by Ben Brewster

Translator's notes to Chapter 7

Ben Brewster

The following notes and name index do not aim to be comprehensive; they do not include points or names with which the readers *of Economy and Society* can be assumed to be familiar or to have easy access to reference material on.

a Russian Communists, and Lenin in particular, never regarded Jaurès as anything but a revisionist socialist, although they commended his commitment to internationalism right up to his assassination in 1914. French Communists, eager to insist on their continuity with French socialist traditions after the Congress of Tours in 1920, and on the inheritance of the founder of *L'Humanité,* are probably Mauss's real targets here.

b Both the only two references to Sorel in Lenin's published writings are dismissive, suggesting no influence, let alone admitting it. In 'Pour Lénine', the defence of the October Revolution added to the fourth edition of *Réflexions sur la violence* in 1919, Sorel says he *would* have been uncommonly proud if Lenin had used his ideas, but he has no reason for believing this to be thecase (see *Reflections on Violence,* trans. T.E. Hulme and J.Roth, Collier Books, New York, 1961, p. 279). Sorel died in 1922.

c According to his own confession, Protopopov, returning from a visit as head of a Russian parliamentary delegation to England in the summer of 1916, agreed to meet the brother of the German banker Warburg in Stockholm to discuss the possibility of a separate peace with Germany, Stürmer was not a party to this interview, being in Russia at the time.

d In the summer of 1917, two independent attempts were made to organise a conference in Stockholm of representatives of the Socialist Parties of all the belligerent powers, with a view to working out mutually acceptable peace terms. The Executive Committee of the Petrograd Soviet agreed to participate (though the Bolsheviks did not), but the proposals foundered on the refusal of the British and French governments to grant visas to Socialists in their countries to attend the conference.

e Order Number 1 and Order Number 2, issued by the Petrograd Soviet, not the Provisional Government, in March 1917, provided for the election

of soldiers' committees, confirmed the election of officers elected by soldiers' committees (but did not allow for the election of further officers) and subordinated military orders to Soviet decisions where the two conflicted.

f Two Left SRs assassinated W.von Mirbach, the German Ambassador in Moscow, on July 6th 1918, as a first shot in their abortive revolt of that month.

g In April 1920, the government of Azerbaidjan installed by retiring British troops and recognised by the Allies in January 1920, was overthrown by a Bolshevik rising in Baku and Soviet occupation. Armenia was occupied by Soviet troops and an Armenian Socialist Republic proclaimed in November 1920; this had to be re-established by force in March 1921. The Georgian Republic, recognised by the RSFSR in May 1920, was invaded and a Georgian SSR established in February 1921. A Soviet government was established in Tashkent before October 1917, and survived, cut off from Soviet Russia, until the end of the Civil War, when the regime was reunited with the RSFSR. Outlying regions of Turkestan, including Ferghana, in revolt against the Russian chauvinism of the Soviet regime, were not restored to the Soviet Union until after the death of Enver Pasha in August 1922.

h When the Czech Legion revolted in Western Siberia in May 1918, a government was established in Samara under Czech auspices on June 8th, consisting of former SR members of the Constituent Assembly; a similar 'West Siberian Commissariat', initially SR dominated, later more right wing in complexion, was established at Omsk, also in June. Representatives of both groups met at Ufa in September 1918 and established a five-man Directory dominated by the Omsk group (Samara had meanwhile been recaptured by the Soviets), which set up a government in Omsk on November 3rd; this was overthrown by its Minister of War, Kolchak, on November 18th.

i The Provisional government established in Arkhangel and Murmansk as a result of the British occupation was dominated by a series of military men after a coup in September 1918. After the evacuation of British troops in September and October 1918, local White forces held out until February 1920, when the last leader, Evgeny Miller, fled to Norway. Bol'shevik and Menshevik can, in fact, only mean Majoritarian and Minoritarian, not Maximalist and Minimalist.

k According to the Theses on 'The Communist International and the Red International of Trade Unions' adopted on July 12th 1921 at the Third Congress of the Communist International, 'The French Communist Party must seek to co-operate in a friendly fashion with the most politically advanced of the revolutionary syndicalists', and, according to the Theses 'On Tactics' adopted the same day, 'The fusion of the revolutionary syndicalist and Communist organisations is essential if the French proletariat is to engage in serious struggle'. Similar injunctions on co-operation with revolutionary syndicalists in trade-union work were addressed to the Parties of Italy, Spain and the USA. On the other hand, it should be noted that Lenin's pamphlet '"Left-Wing" Communism, an Infantile Disorder' was written for the Second Congress of the Comintern a year earlier and is

directed against, not anarchism, but sectarian purist Communism, which continued to be attacked in even harsher terms at the Third Congress.

l To be precise: 'Ich…kokettierte sogar hier und da…mit der ihm eigenthümlichen Ausdrucksweise', Karl Marx & Friedrich Engels: *Werke* Band 23, *Das Kapital* Bd.I. Berlin, 1965, p. 27.

m In June and July 1922, 34 members of the Socialist Revolutionary Party were tried in Moscow for their participation in terrorist acts, 14 were sentenced to death, two reprieved, and the rest had their sentences suspended by VTsIK in August 1922. Deputy People's Commissar for Justice Krylenko was the Prosecutor at the trial.

n Northern Sakhalin was returned to the USSR in 1925, although the Japanese retained economic concessions there until 1944.

o Before October 1917, Bolshevik policy had always demanded the repudiation of the financial obligations of previous governments, and a decre of January 28th (February 10th) 1918 unconditionally annulled all foreign loans (which the Soviet government was in no position to honour, anyway) Before Brest-Litovsk, nationalisation of industries was carried out enterprise by enterprise, usually for punitive reasons; after the German occupation of Southern Russia, fearing a loss of all capital to occupying forces, the Soviet government decreed the nationalisation of almost all industry on June 28th 1918, including, of course, foreign-owned enterprises. Both matters remained points of contention between the RSFSR, later the USSR, and foreign powers, although the Soviet government expressed its willingness to negotiate compensation on a number of occasions after February 1919. In general, however, when the USSR eventually obtained recognition from most Western powers in 1923, this was on the basis of a mutual waiving of liabilities.

p The decree of October 26th (November 11th) 1917 'On Land' abolished private property in land and granted rural Land Committees and local Soviets powers to redistribute the land of landlords and large landowners; small holdings were exempted from this power of confiscation. The more elaborate decree 'On the Socialisation of the Land' of February 19th 1918 confirmed these provisions, restricting the power of redistribution to local Soviets, Land Committees generally being controlled by Right SRs.

q From June 1917, Bolshevik policy advocated the direct democratic administration of enterprises by councils of their workers, but also insisted on the need for central national co-ordination of the economy. A decree of November 14th (27th) 1917 provided for the latter by proposing a hierarchy of councils on the model of the Soviets, but this was never implemented. Instead, until the Spring of 1918, workers' councils in many enterprises controlled them *de facto* but there was little central co-ordination. In December 1917, Vesenkha, the Supreme Council for the Economy, was established, and by a decree of March 3rd 1918, Vesenkha set up a central direction *(glavk)* for each industry which in turn was to appoint a three-man directory to control each enterprise under the supervision of a council including representatives of the workers in the enterprise. When almost all industry was nationalised in June 1918, a measure introduced in the defence of national property rather than on behalf of the workers in each enterprise, this became the typical organisation of the state trusts thus established.

The demand for more direct forms of workers' control then became the stock-in-trade of the Left opposition of the Spring of 1918, and the Workers' Opposition of 1921.

r 'Force is the midwife of every old society pregnant with a new one', *Capital* Vol. 1 (Lawrence & Wishart, London 1961), p. 751.

s In 1923, VTsIK (the All-Russian Central Executive Committee of the Soviet) appointed a commission to draft a constitution for a Union of Soviet Socialist Republics, and such a constitution was eventually adopted by the Second All-Union Congress of Soviets in January 1924. Mauss is presumably talking about the elections to the Soviets for the individual Republics (the RSFSR, Ukrainian SSR, Transcaucasian SSR and White Russian SSR), which in turn appointed representatives to the Council of Nationalities of the Union; delegates elected by local Soviets to an All-Union Congress of Soviets appointed representatives to a Council of the Union, and the two Councils functioned as a bi-cameral executive committee.

t The constitution of the RSFSR adopted in July 1918 provided that, in the cities, there should be one delegate to the All-Russian Congress of Soviets of Workers', Soldiers' and Peasants' Deputies for each 25,000 electors, in the country, one for each 125,000 inhabitants (electors excluded all employers, private businessmen, monks and priests, criminals and imbeciles).

u The *chernovets* was a note series (1 chernovets = 10 gold rubles) first issued in November 1922, redeemable 25% in precious metals, 75% in liquid assets, circulating alongside the paper ruble for 15 months, then made sole legal tender. Mauss's other terms are more obscure. By 'labour bond' he might mean the *tred,* or labour unit, which was never a currency, but a rather half hearted attempt to establish a unit for national accounting in the largely demonetarised economy of the Civil-War period. 'Consumption bonds' might be the indexed moneys known as 'goods notes' culminating in the bonds issued in the summer of 1922 redeemable in cash (eventually gold) to the current monetary value of 100 puds of rye, or at par for the payment of the tax in kind. These were essentially savings certificates, and as such were highly successful, 85% of the 100 million puds-worth issue being taken up by October; in fact, they paved the way for the chernovets, which was originally issued in large-denomination notes only, and hence functioned largely as a savings certificate, though it also became the standard money of account. In general, Soviet monetary policy was much more orthodox and much less ideologically dictated than Mauss suggests, and the inflation of the Civil-War period can hardly be seen as a consequence either of an excessive belief in the power of decree on the part of the state, or of an irrational attachment to gold on the part of the ordinary Soviet citizen. There was, in this field as in many others, a tendency to rationalise the makeshifts forced on the Party and the state by the vicissitudes of the war as anticipations of a communist mode of production (distribution according to use-values rather than exchange-values expressed in money, etc.), which was no doubt much in evidence in Mauss's sources on economic developments in Russia. For financial policy in this period, see E.H. Carr: *A History of Soviet Russia: The Bolshevik Revolution 1917–1923,* Vol. 2, London, 1952.

v Mauss is presumably referring to 'On Co-operation', *Collected Works,* Vol. 33, written in January 1923 and first published in *Pravda* in May of that year, though this was not a letter.

w *Vneshtorg: Ministerstvo vneshnej torgovil SSSR,* i.e., Ministry of Foreign Trade of the USSR. *Optorg: optovaya torgovlya,* i.e., wholesale trade. As can be seen, in neither of these acronyms does the 'org' derive from some Gallicising *'organisatsiya',* but from the Russian (and Slavic) root *'torg-'*, meaning 'trade'.

x Elie Halévy: 'The Era of Tyrannies', a Communication to the Société Francaise de Philosophie, November 28th 1936, published in the *Bulletin de la Société Française de Philosophie,* 1936, pp. 181–253, translated in Elie Halévy: *The Era of Tyrannies: Essays on Socialism and War,* translated by R.K.Webb, Allen Lane, London 1967.

Annotated name index and notes to chapter 7

Ben Brewster

Brusilov, Aleksej Alekseevich
1853–1926, Russian Commander-in-Chief of the South-Western Front during the First World War and leader of a successful breakthrough in 1916, he failed, in an offensive on the same front in June 1917, and was replaced by Kornilov. After October he remained neutral for several years, but then called on former Tsarist officers to enlist in the Red Army during the War against Poland in 1920. He was Inspector of Cavalry for the Red Army until 1924.

Carnot, Lazare
1753–1823, French military engineer, organiser of recruitment and military supplies during the Terror.

Condorcet, Marie-Jean-Antoine-Nicolas de Cantat, marquis de
1743–94, French philosopher and educationalist.

Denikin, Anton Ivanovich
1872–1947, General in the Russian Army, conquered most of the Ukraine and Southern Russia for the Whites in 1919, defeated by the Red Army early in 1920 and driven back to the Crimea, he resigned his command to Wrangel and went into exile.

Durnovo, Pyotr Nikolaevich
1845–1915, leader of the Rights in the Russian Council of State during the period of the Third Duma (1907–12).

Dzerzhinskij, Feliks Edmundovich
1877–1926, member of the Polish Social-Democratic Party until 1917, member of the Military-Revolutionary Committee of the Petrograd Soviet 1917, Chairman of the Collegium of the All-Russian Extraordinary Commission (Vecheka) from its establishment in December 1917 to his death, except for a short period in August 1918.

Gotz, Abram Rafailovich
1882–1940, leader of the Right SRs in the Petrograd Soviet 1917, member of the Central Executive Committee of the Soviets until October. Tried for treason and condemned with other Right SRs in 1922.

Halévy, Elie
1870–1937, teacher at the Ecole Libre des Sciences Politiques, Paris.

Huysmans, Camille
1871–1968, Belgian Social-Democrat, Secretary of the International Bureau of the Second International 1905–21, Parliamentary representative for the Belgian Socialist Party until 1965, Prime Minister 1946–7.

Janin, Pierre Thiébault Charles Maurice
1863–?, French General sent by Clémenceau in August 1918 to command the Czech Legion, and Russian Allied troops in Western Siberia. He did not reach the front until after Kolchak's coup of November 1918 and accepted the position of commander of Allied troops only, essentially of the Czechs. In January 1920, Czech troops nominally under his command at Nizhne-Udinsk offered to escort the defeated Kolchak to Vladivostok, but then allowed him to be arrested by the government of the Political Centre at Irkutsk. Janin was recalled by Millerand in June 1920.

Jaurès, Jean
1859–1914, leader of the Parti Socialiste Français, the most right-wing of the French Socialist Parties in the 1890's, he nevertheless supported the use of the mass strike as a weapon against war. He was assassinated by a right-wing fanatic in the summer of 1914.

Kerensky, Aleksandr Fyodorovich
1881–1970, leader of the Trudovik group of Socialist Revolutionaries in the Fourth Duma, Minister of War in the Provisional Government from May 1917, head of that Government from July to October 1917, he emigrated shortly after the October Revolution

Kolchak, Aleksandr Vasil'evich
1874–1920, Russian Admiral, Minister of War in the Government established in Omsk in November 1918 after the Ufa Conference, he overthrew that Government on November 18th and proclaimed himself Supreme Ruler of Russia and Commander-in-Chief of all White troops, a position eventually recognised by Denikin, Miller (the commander of the Whites in Arkhangelsk) and Yudenich. Despite military successes in the summer of 1919, he was unable to unite with the White forces to the North or South of Soviet-controlled regions, and alienated the Czechs and their French advisors. His armies were destroyed at Petropavlovsk in October 1919, and he retreated Eastwards, entrusting himself to the Czechs in January 1920 and assigning supreme command to Semyonov. At Irkutsk, the Czechs handed him over to the Government of the Political Centre, which was shortly replaced by a Bolshevik-dominated group which became the core of the government of the Far Eastern Republic 1921–2; despite a request from Moscow that he be sent there for trial, he was shot in Irkutsk in anticipation of a raid to rescue him by his rearguard, commanded by Kappel until his death in January 1920, as it fought its way past Irkutsk to join Semyonov in Trans-Baikalia.

Krylenko, Nikolaj Vasil'evich
1885–1938, Bolshevik from 1904, member of the Council of People's Commissars from November 1917, Deputy People's Commissar for Justice 1922–8.

Lévy, Emmanual
1871-?, French jurist and Socialist from 1894, member of SFIO and editor of *Cahiers du Socialiste* from 1911.

L'vov, Prince Georgij Evgen'evich
1861–1925, head of the Provisional Government from March to July 1917.

Macassey, Sir Lynden Livingstone
1876–1963, British lawyer, arbitrator for the Board of Trade in the shipbuilding and engineering industries 1914–16, reported with A.J.Balfour on grievances of the munitions workers 1915, Dilution Commissioner 1916, Labour Assessor at the International Court at The Hague from 1919.

Masaryk, Tomáš Garrigue
1850–1937, first President of Czechoslovakia from November 1918; in May 1917, he arrived in Russia to negotiate with the Provisional Government on behalf of the Allies the formation of a Czech Legion under French command from Czech prisoners-of-war. He was in Kiev while this army was being formed, then, in March 1918, went to Moscow to negotiate its transfer via Vladivostok to the Western Front; while there he had talks with Savinkov about financing terror against the Bolsheviks. He left Russia via Vladivostok on April 1st.

Milyukov, Pavel Nikolaevich
1859–1943, founder and leader of the Constitutional-Democratic Party (Cadets) 1905–17, Minister of Foreign Affairs in the Provisional Government March to May 1917.

Monge, Gaspard, comte de Péluse
1746–1818, French mathematician, member of the commission which established the Metric System 1791, Minister for Navy and Colonies 1793–4, accompanied Napoleon to Egypt.

Peters, Jakov Khristoforovich
1886–1938, Latvian Social-Democrat from 1904, émigré in London 1909–17, returned to Russia in April, member of the Military Revolutionary Committee of the Petrograd Soviet, founder member of the Presidium of the All-Russian Extraordinary Commission (Vecheka), its Chairman in August 1918, Commander of Petrograd, then Kiev Fortified Regions in 1919, member of the Turkestan Bureau of the Central Committee of the CPSU(B) 1920–22, member of the Central Control Commission and the Workers' and Peasants' Inspection from 1923. Arrested and tried in 1937. Mauss's reference to bank robbery in America is presumably a garbled version of the story that he was involved in the Sidney Street Siege in London in 1910.

Pothier, Robert Joseph
1699–1772, French jurist.

Pouget, Emile
1860–1932, French revolutionary syndicalist, anarchist editor of *Le Père Peignaud* in the 1890's, after 1900 one of the leaders of the Confédération Générale de Travail and editor of its Journal *La Voix du Peuple*.

Protopopov, Aleksandr Dmitrievich
1866–1917, Vice-President of the Fourth Duma and Minister of the Interior September 1916 to February 1917, executed by the Bolsheviks in December 1917.

Pybus, M.
I am unable to trace this name, or even say whether the M. is an initial or just stands for 'Monsieur'.

Radek, Karl Berngardovich (Sabel'zon)
1885–1939, Polish and German Social-Democrat from 1901, in Petrograd after October 1917, member of Soviet delegation at Brest-Litovsk, worked in Commissariat for Foreign Affairs 1918, Communist International 1919, associated with the Left Opposition, expelled from the CPSU(B) 1927, re-admitted 1930, sentenced to ten years imprisonment at the 1936 trial of the Trotskyite Centre.

Rakovskij, Khristian Georgievich
1873–1941, Rumanian-Bulgarian by birth, Social Democrat, mostly in the German Party, from 1889, after 1917 worked in the Soviet Commissariat for Foreign Affairs, head of the Ukrainian Soviet Government 1919, then Ambassador to Britain 1923–5, France 1925–7. Associated with the Left Opposition, he was expelled from the CPSU(B) in 1927, recanted in 1934, sentenced to twenty years imprisonment at the March 1938 trial of the Anti-Soviet Bloc of Rights and Trotskyites.

Renouvier, Charles
1815–1903, French 'Neo-Criticist', i.e., Neo-Kantian, philosopher.

Sankey, Viscount John
1866–1948, British judge, chaired 1919 Commission of Inquiry into the Coal Industry which recommended nationalisation, Chancellor in the second Labour Government 1929, Viscount 1932, remained in the National Government until 1935.

Savinkov, Boris Viktorovich
1879–1925, Right Socialist Revolutionary, served in the French Army during the First World War, counter-revolutionary activity in Russia in 1918, member of the Russian Political Committee in Warsaw in 1920, returned to Russia as a spy after 1921, arrested and sentenced to ten years imprisonment 1924.

Semyonov, Grigorij Mikhailovich
1890–1946, Transbaikalian Russian Army Officer, recruiter of Buryats for the Provisional Government in Manchuria, fought Bolsheviks in Far East from January 1918, where he established an independent power base at Chita. After Kolchak's death he became supreme commander of the White forces in Siberia. He was driven from Chita by the forces of the Far Eastern Republic in October 1920 and retreated to Vladivostok, whence he emigrated in April 1921 to Japan. Captured by Soviet forces in Manchuria in 1945, he was tried and executed.

Skoropadskij, Pavel Petrovich
1873–1945, Russian general, commander of Ukrainian corps 1917, sponsored by Germans as Hetman of the Ukraine 1918, defeated by Petlyura he fled to Germany at the end of that year.

Stolypin, Pyotr Arkad'evich
1862–1911, Chairman of the Russian Council of Ministers and Minister of the Interior 1906–11, architect of the limited and centrally manipulated democracy of the Third and Fourth Dumas.

Stürmer (Shturmer), Boris Vladimirovich
1845–1917, Russian Minister-President February 1916-February 1917.

Wrangel (Vrangel'), Pyotr Nikolaevich
1878–1928, Russian General, Denikin's Deputy in South Russian White forces, replaced him in command in April 1920, driven out of the Crimea in the autumn of that year.

Yudenich, Nikolaj Nikolaevich
1862–1933, Russian general, leader of the White forces in the North West, twice unsuccessfully attempted to seize Petrograd in 1919.

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