resolved, such as those relating to ascertaining whether the weakening of religious belief and the development of state power are normal phenomena or not.[8]

Nevertheless this method should in no case be substituted for the previous one, nor even be the first one employed. Firstly it raises questions which require later discussion and which cannot be tackled save at an already fairly advanced stage of science. This is because, in short, it entails an almost comprehensive explanation of phenomena, since it presupposes that either their causes or their functions are determined. At the very beginning of our research it is important to be able to classify facts as normal or abnormal, except for a few exceptional cases, in order to assign physiology and pathology each to its proper domain. Next, it is in relation to the normal type that a fact must be found useful or necessary in order to be itself termed normal. Otherwise it could be demonstrated that sickness and health are indistinguishable, since the former necessarily derives from the organism suffering from it. It is only with the average organism that sickness does not sustain the same relationship. In the same way the application of a remedy, since it is useful to the sick organism, might pass for a normal phenomenon, although it is plainly abnormal, since only in abnormal circumstances does it possess this utility. This method can therefore only be used if the normal type has previously been constituted, which could only have occurred using a different procedure. Finally, and above all, if it is true that everything which is normal is useful without being necessary, it is untrue that everything which is useful is normal. We can indeed be certain that those states which have become generalised in the species are more useful than those which have continued to be exceptional. We cannot, however, be certain that they are the most useful that exist or can exist. We have no grounds for believing that all the possible combinations have been tried out in the course of the process; among those which have never been realised but are conceivable, there are perhaps some which are much more advantageous than those known to us. The notion of utility goes beyond that of the normal, and is to the normal what the genus is to the species. But it is impossible to deduce the greater from the lesser, the species from the genus, although we may discover the genus from the species, since it is contained within it. This is why, once the general nature of the phenomena has been ascertained, we

may confirm the results of the first method by demonstrating how it is useful.[9] We can then formulate the three following rules:

(1) A social fact is normal for a given social type, viewed at a given phase of its development, when it occurs in the average society of that species, considered at the corresponding phase of its evolution.
(2) The results of the preceding method can be verified by demonstrating that the general character of the phenomenon is related to the general conditions of collective life in the social type under consideration.
(3) This verification is necessary when this fact relates to a social species which has not yet gone through its complete evolution.

III

We are so accustomed to resolving glibly these difficult questions and to deciding rapidly, after cursory observation and by dint of syllogisms, whether a social fact is normal or not, that this procedure will perhaps be adjudged uselessly complicated. It seems unnecessary to have to go to such lengths to distinguish sickness from health. Do we not make these distinctions every day? This is true, but it remains to be seen whether we make them appositely. The difficulty of these problems is concealed because we see the biologist resolve them with comparative ease. Yet we forget that it is much easier for him than for the sociologist to see how each phenomenon affects the strength of the organism and thereby to determine its normal or abnormal charcter with an accuracy which is adequate for all practical purposes. In sociology the complexity and the much more changing nature of the facts constrain us to take many more precautions, as is proved by the conflicting judgements on the same phenomenon emitted by the different parties concerned. To show clearly how great this circumspection must be, we shall illustrate by a few examples to what errors we are exposed when we do not constrain ourselves in this way and in how different a light the most vital phenomena appear when they are dealt with methodically

If there is a fact whose pathological nature appears indisputable, it is crime. All criminologists agree on this score. Although they explain this pathology differently, they none the less unanimously

acknowledge it. However, the problem needs to be treated less summarily.

Let us in fact apply the rules previously laid down. Crime is not only observed in most societies of a particular species, but in all societies of all types. There is not one in which criminality does not exist, although it changes in form and the actions which are termed criminal are not everywhere the same. Yet everywhere and always there have been men who have conducted themselves in such a way as to bring down punishment upon their heads. If at least, as societies pass from lower to higher types, the crime rate (the relationship between the annual crime figures and population figures) tended to fall, we might believe that, although still remaining a normal phenomenon, crime tended to lose that character of normality. Yet there is no single ground for believing such a regression to be real. Many facts would rather seem to point to the existence of a movement in the opposite direction. From the beginning of the century statistics provide us with a means of following the progression of criminality. It has everywhere increased, and in France the increase is of the order of 300 per cent. Thus there is no phenomenon which represents more incontrovertibly all the symptoms of normality, since it appears to be closely bound up with the conditions of all collective life. To make crime a social illness would be to concede that sickness is not something accidental, but on the contrary derives in certain cases from the fundamental constitution of the living creature. This would be to erase any distinction between the physiological and the pathological. It can certainly happen that crime itself has normal forms; this is what happens, for instance, when it reaches an excessively high level. There is no doubt that this excessiveness is pathological in nature. What is normal is simply that criminality exists, provided that for each social type it does not reach or go beyond a certain level which it is perhaps not impossible to fix in conformity with the previous rules.[10]

We are faced with a conclusion which is apparently somewhat paradoxical. Let us make no mistake: to classify crime among the phenomena of normal sociology is not merely to declare that it is an inevitable though regrettable phenomenon arising from the incorrigible wickedness of men; it is to assert that it is a factor in public health, an integrative element in any healthy society. At first sight this result is so surprising that it disconcerted even

ourselves for a long time. However, once that first impression of surprise has been overcome it is not difficult to discover reasons to explain this normality and at the same time to confirm it

In the first place, crime is normal because it is completely impossible for any society entirely free of it to exist

Crime, as we have shown elsewhere, consists of an action which offends certain collective feelings which are especially strong and clear-cut. In any society, for actions regarded as criminal to cease, the feelings that they offend would need to be found in each individual consciousness without exception and in the degree of strength requisite to counteract the opposing feelings. Even supposing that this condition could effectively be fulfilled, crime would not thereby disappear; it would merely change in form, for the very cause which made the well-springs of criminality to dry up would immediately open up new ones.

Indeed, for the collective feelings, which the penal law of a people at a particular moment in its history protects, to penetrate individual consciousnesses that had hitherto remained closed to them, or to assume greater authority – whereas previously they had not possessed enough – they would have to acquire an intensity greater than they had had up to then. The community as a whole must feel them more keenly, for they cannot draw from any other source the additional force which enables them to bear down upon individuals who formerly were the most refractory. For murderers to disappear, the horror of bloodshed must increase in those strata of society from which murderers are recruited; but for this to happen the abhorrence must increase throughout society. Moreover, the very absence of crime would contribute directly to bringing about that result, for a sentiment appears much more respectable when it is always and uniformly respected. But we overlook the fact that these strong states of the common consciousness cannot be reinforced in this way without the weaker states, the violation of which previously gave rise to mere breaches of convention, being reinforced at the same time, for the weaker states are no more than the extension and attenuated form of the stronger ones. Thus, for example, theft and mere misappropriation of property offend the same altruistic sentiment, the respect for other people's possessions. However, this sentiment is offended less strongly by the latter action than the former. Moreover, since the average consciousness does not have suffi-

cient intensity of feeling to feel strongly about the lesser of these two offences, the latter is the object of greater tolerance. This is why the misappropriator is merely censured, while the thief is punished. But if this sentiment grows stronger, to such a degree that it extinguishes in the consciousness the tendency to theft that men possess, they will become more sensitive to these minor offences, which up to then had had only a marginal effect upon them. They will react with greater intensity against these lesser faults, which will become the object of severer condemnation, so that, from the mere moral errors that they were, some will pass into the category of crimes. For example, dishonest contracts or those fulfilled dishonestly, which only incur public censure or civil redress, will become crimes. Imagine a community of saints in an exemplary and perfect monastery. In it crime as such will be unknown, but faults that appear venial to the ordinary person will arouse the same scandal as does normal crime in ordinary consciences. If therefore that community has the power to judge and punish, it will term such acts criminal and deal with them as such. It is for the same reason that the completely honourable man judges his slightest moral failings with a severity that the mass of people reserves for acts that are truly criminal. In former times acts of violence against the person were more frequent than they are today because respect for individual dignity was weaker. As it has increased, such crimes have become less frequent, but many acts which offended against that sentiment have been incorporated into the penal code, which did not previously include them.[11]

In order to exhaust all the logically possible hypotheses, it will perhaps be asked why this unanimity should not cover all collective sentiments without exception, and why even the weakest sentiments should not evoke sufficient power to forestall any dissentient voice. The moral conscience of society would be found in its entirety in every individual, endowed with sufficient force to prevent the commission of any act offending against it, whether purely conventional failings or crimes. But such universal and absolute uniformity is utterly impossible, for the immediate physical environment in which each one of us is placed, our hereditary antecedents, the social influences upon which we depend, vary from one individual to another and consequently cause a diversity of consciences. It is impossible for everyone to be alike in this matter, by virtue of the fact that we each have our own

organic constitution and occupy different areas in space. This is why, even among lower peoples where individual originality is very little developed, such originality does however exist. Thus, since there cannot be a society in which individuals do not diverge to some extent from the collective type, it is also inevitable that among these deviations some assume a criminal character. What confers upon them this character is not the intrinsic importance of the acts but the importance which the common consciousness ascribes to them. Thus if the latter is stronger and possesses sufficient authority to make these divergences very weak in absolute terms, it will also be more sensitive and exacting. By reacting against the slightest deviations with an energy which it elsewhere employs against those what are more weighty, it endues them with the same gravity and will brand them as criminal.

Thus crime is necessary. It is linked to the basic conditions of social life, but on this very account is useful, for the conditions to which it is bound are themselves indispensable to the normal evolution of morality and law.

Indeed today we can no longer dispute the fact that not only do law and morality vary from one social type to another, but they even change within the same type if the conditions of collective existence are modified. Yet for these transformations to be made possible, the collective sentiments at the basis of morality should not prove unyielding to change, and consequently should be only moderately intense. If they were too strong, they would no longer be malleable. Any arrangement is indeed an obstacle to a new arrangement; this is even more the case the more deep-seated the original arrangement. The more strongly a structure is articulated, the more it resists modification; this is as true for functional as for anatomical patterns. If there were no crimes, this condition would not be fulfilled, for such a hypothesis presumes that collective sentiments would have attained a degree of intensity unparalleled in history. Nothing is good indefinitely and without limits. The authority which the moral consciousness enjoys must not be excessive, for otherwise no one would dare to attack it and it would petrify too easily into an immutable form. For it to evolve, individual originality must be allowed to manifest itself. But so that the originality of the idealist who dreams of transcending his era may display itself, that of the criminal, which falls short of the age, must also be possible. One does not go without the other.

Nor is this all. Beyond this indirect utility, crime itself may play a useful part in this evolution. Not only does it imply that the way to necessary changes remains open, but in certain cases it also directly prepares for these changes. Where crime exists, collective sentiments are not only in the state of plasticity necessary to assume a new form, but sometimes it even contributes to determining beforehand the shape they will take on. Indeed, how often is it only an anticipation of the morality to come, a progression towards what will be! According to Athenian law, Socrates was a criminal and his condemnation was entirely just. However, his crime – his independence of thought – was useful not only for humanity but for his country. It served to prepare a way for a new morality and a new faith, which the Athenians then needed because the traditions by which they had hitherto lived no longer corresponded to the conditions of their existence. Socrates's case is not an isloated one, for it recurs periodically in history. The freedom of thought that we at present enjoy could never have been asserted if the rules that forbade it had not been violated before they were solemnly abrogated. However, at the time the violation was a crime, since it was an offence against sentiments still keenly felt in the average consciousness. Yet this crime was useful since it was the prelude to changes which were daily becoming more necessary, Liberal philosophy has had as its precursors heretics of all kinds whom the secular arm rightly punished throught the Middle Ages and has continued to do so almost up to the present day.

From this viewpoint the fundamental facts of criminology appear to us in an entirely new light. Contrary to current ideas, the criminal no longer appears as an utterly unsociable creature, a sort of parasitic element, a foreign, unassimilable body introduced into the bosom of society.[12] He plays a normal role in social life. For its part, crime must no longer be conceived of as an evil which cannot be circumscribed closely enough. Far from there being cause for congratulation when it drops too noticeably below the normal level, this apparent progress assuredly coincides with and is linked to some social disturbance. Thus the number of crimes of assault never falls so low as it does in times of scarcity.[13] Consequently, at the same time, and as a reaction, the theory of punishment is revised, or rather should be revised. If in fact crime is a sickness, punishment is the cure for it and cannot be conceived of otherwise;

thus all the discussion aroused revolves round knowing what punishment should be to fulfil its role as a remedy. But if crime is in no way pathological, the object of punishment cannot be to cure it and its true function must be sought elsewhere.

Thus the rules previously enunciated are far from having as their sole reason to satisfy a logical formalism which lacks any great utility. This is because, on the contrary, according to whether they are applied or not, the most essential social facts totally change their character. If the example quoted is particularly cogent – and this is why we thought we should dwell upon it – there are nevertheless many others which could usefully be cited. There is no society where it is not the rule that the punishment should fit the crime – and yet for the Italian school of thought this principle is a mere invention of legal theoreticians devoid of any solid basis.[14] For these criminologists the whole institution of punishment, as it has functioned up to the present among all known peoples, is a phenomenon which goes against nature. We have already seen that for Garofalo the criminality peculiar to the lower forms of society has nothing natural about it. For the socialists it is capitalist organisation, despite its widespread nature, which constitutes a deviation from the normal state and is an organisation brought about by violence and trickery. On the other hand for Spencer it is our administrative centralisation and the extension of governmental power which are the radical vices of our societies, in spite of the fact that both have developed entirely regularly and universally over the course of history. The belief is that one is never obliged systematically to decide on the normal or abnormal character of social facts according to their degree of generality. It is always by a great display of dialectic that these questions are resolved.

However, by laying this criterion on one side, not only is one exposed to confusion and partial errors like those just discussed, but science itself becomes impossible. Indeed its immediate object is the study of the normal type, but if the most general facts can be pathological, it may well be that the normal type has never really existed. Hence what use is it to study facts? They can only confirm our prejudices and root us more deeply in our errors, since they spring from them. If punishment and responsibility, as they exist in history, are merely a product of ignorance and barbarism, what use is it to strive to know them in order to determine their normal forms? Thus the mind is led to turn away from a reality which from

then on lacks interest for us, turning in upon itself to seek the materials necessary to reconstruct that reality. For sociology to deal with facts as things, the sociologist must feel a need to learn from them. The principal purpose of any science of life, whether individual or social, is in the end to define and explain the normal state and distinguish it from the abnormal. If normality does not inhere in the things themselves, if on the contrary it is a characteristic which we impose upon them externally or, for whatever reason, refuse to do so, this salutary state of dependence on things is lost. The mind complacently faces a reality that has not much to teach it. It is no longer contained by the subject matter to which it applies itself, since in some respects it determines that subject matter. The different rules that we have established up to now are therefore closely linked. For sociology really to be a science of things, the generality of phenomena must be taken as the criterion of their normality.

Moreover, our method has the advantage of regulating action at the same time as thought. If what is deemed desirable is not the object of observation, but can and must be determined by some sort of mental calculus, no limit, in a manner of speaking, can be laid down to the free inventions of the imagination in their search for the best. For how can one assign to perfection bounds that it cannot exceed? By definition it escapes all limitations. The goal of humanity thus recedes to infinity, discouraging not a few by its very remoteness, arousing and exciting others, on the other hand, who, so as to draw a little nearer to it, hasten their steps and throw themselves into revolutionary activity. This practical dilemma is avoided if what is desirable is declared to be what is healthy, and if the state of health is something definite, inherent in things, for at the same time the extent of our effort is given and defined. There is no longer need to pursue desperately an end which recedes as we move forward; we need only to work steadily and persistently to maintain the normal state, to re-establish it if it is disturbed, and to rediscover the conditions of normality if they happen to change. The duty of the statesman is no longer to propel societies violently towards an ideal which appears attractive to him. His role is rather that of the doctor: he forestalls the outbreak of sickness by maintaining good hygiene, or when it does break out, seeks to cure it.[15]

Notes

1. Through this we can distinguish the case of sickness from monstrosity. The second is an exception only in space; it is not met with in the average member of the species, but it lasts the whole lifetime of the individuals in which it is to be found. Yet it is clear that these two orders of facts differ only in degree and basically are of the same nature. The boundaries drawn between them are very imprecise, for sickness can also have a lasting character and abnormality can evolve. Thus in defining them we can hardly separate them rigidly. The distinction between them cannot be more categorical than that between the morphological and the physiological, since after all morbidity is abnormal in the physiological order just as monstrosity is in the anatomical order.
2. For example, the savage who had the reduced digestive tube and developed nervous system of the civilised healthy being would be considered sick in relationship to his environment.
3. This section of our argument is abridged, for we can only reiterate here regarding social facts in general what we have said elsewhere concerning the division of moral facts into the normal and abnormal. (Cf. *Division du travail social*, pp.33-9.)
4. It is true that Garofalo has attempted to distinguish the sick from the abnormal (*Criminologie*, pp.109, 110). But the sole two arguments on which he relies to make this distinction are:
   (1) The word 'sickness' always signifies something which tends to the total or partial destruction of the organism. If there is not destruction, there is a cure, but never stability, such as exists in several abnormalities. But we have just seen that the abnormal is also, in the average case, a threat to the living creature. It is true that this is not always so, but the dangers that sickness entails likewise exist only in average circumstances. As for the absence of stability allegedly distinctive of the morbid, this leaves out of account chronic illnesses and is to divide the study of monstrosities from that of the pathological. The monstrosities are permanent.
   (2) It is stated that the normal and abnormal vary according to different races, while the distinction between the physiological and the pathological is valid for all the human race. On the contrary, we have shown that what is morbid for the savage is not so for the civilised person. The conditions of physical health vary according to different environments.
5. It is true that one may speculate whether, when a phenomenon derives necessarily from the general conditions of life, this very fact does not make it useful. We cannot deal with this philosophical question, although we touch upon it a little later.
6. Cf. on this point a note we published in the *Revue philosophique* (November 1893) on 'La définition du socialisme'.

7. Segmentary societies, particularly those which have a territorial basis, are ones whose essential components correspond to territorial divisions (cf. *Division du travail social,* pp. 189 – 210).
8. In certain cases one may proceed somewhat differently and demonstrate whether a fact whose normal character is suspect justifies this suspicion by showing whether it is closely linked to the previous development of the social type under consideration, and even to the totality of social evolution in general; or on the other hand whether it contradicts both. By this means we have been able to show that the present weakening of religious beliefs and, more generally, of collective sentiments towards collective objects, is utterly normal; we have proved that such weakening becomes increasingly marked as societies evolve towards our present type, and that this type, in turn, is more developed (cf. *Division du travail social* pp.73 – 182). But basically this method is only a special case of the preceding one. For if the normality of the phenomenon has been established in this way, it is because at the same time it has been linked to the most general conditions of our collective existence. Indeed, on the one hand, if this regression of religious consciousness is more apparent as the structure of our societies becomes more precisely determinate, it is because it does not depend on any accidental cause but on the very constitution of our social environment. Moreover, on the other hand, since the special characteristics of that constitution are certainly more developed today than formerly, it is entirely normal that the phenomena that depend upon it should themselves be more developed. This method differs only from the preceding one in that the conditions which explain and justify the general character of the phenomenon have been induced and not observed directly. We know that the phenomenon relates to the nature of the social environment without knowing by what, or how, it is connected.
9. But then it will be said that the realisation of the normal type is not the highest objective that can be proposed and, in order to go beyond it, one must also go beyond the bounds of science. We need not deal with this question here *ex professo;* let us merely reply: (1) that the question is purely theoretical because in fact the normal type, a state of health, is already somewhat difficult to determine and rarely enough attained for us to exercise our imagination to discover something better; (2) that these improvements, objectively more advantageous, are not for that reason objectively desirable. For if they do not correspond to any latent or actual tendency they would add nothing to happiness and, if they *do* correspond to some tendency, it is because the normal type has not been realised; (3) finally, that, in order to improve the normal type, it must first be known. One cannot therefore in any case go beyond science except by first relying upon it.
10. From the fact that crime is a phenomenon of normal sociology it does not follow that the criminal is a person normally constituted from the biological and psychological viewpoints. The two questions

are independent of each other. This independence will be better understood when we have shown later the difference which exists between psychical and sociological facts.
11. Calumny, insults, slander, deception, etc.
12. We have ourselves committed the error of speaking of the criminal in this way through not having applied our rule (cf. *Division du travail social,* pp.395, 396).
13. But, although crime is a fact of normal sociology, it does not follow that we should not abhor it. Pain has likewise nothing desirable about it: the individual detests it just as society detests crime, and yet it is a normal physiological function. Not only does it necessarily derive from the very constitution of every living creature, but it plays a useful and irreplaceable role in life. Thus it would be a peculiar distortion to represent our thinking as an apologia for crime. We would not even have envisaged protesting against such an interpretation were we not aware of the strange accusations and misunderstandings to which one is exposed in undertaking to study moral facts objectively and to speak of them in language that is not commonly used.
14. Cf. Garofalo, *Criminologie,* pp.299.
15. From the theory developed in this chapter it has sometimes been concluded that, in our view, the upward trend in criminality during the nineteenth century was a normal phenomenon. Nothing is farther from our thoughts. Several facts which we have pointed out in connexion with suicide (cf. *le Suicide,* p.420ff.) tend, on the contrary, to cause us to believe that this development has been, in general, pathological. However, it may be that a certain increase in certain forms of criminality would be normal, for every state of civilisation has its own criminality. But on this matter one can only hypothesise.