

The Rules of Sociological Method by ÉMILE DURKHEIM

The Normality of Crime

1. If there is any fact whose pathological character appears incontestable, that fact is crime. All criminologists are agreed on this point. Although they explain this pathology differently, they are unanimous in recognizing it. But let us see if this problem does not demand a more extended consideration.

2. We shall apply the foregoing rules. Crime is present not only in the majority of societies of one particular species but in all societies of all types. There is no society that is not confronted with the problem of criminality. Its form changes; the acts thus characterized are not the same everywhere; but, everywhere and always, there have been men who have behaved in such a way as to draw upon themselves penal repression. If, in proportion as societies pass from the lower to the higher types, the rate of criminality, i.e., the relation between the yearly number of crimes and the population, tended to decline, it might be believed that crime, while still normal, is tending to lose this character of normality. But we have no reason to believe that such a regression is substantiated. Many facts would seem rather to indicate a movement in the opposite direction. From the beginning of the [nineteenth] century, statistics enable us to follow the course of criminality. It has everywhere increased. In France the increase is nearly 300 per cent. There is, then, no phenomenon that presents more indisputably all the symptoms of normality, since it appears closely connected with the conditions of all collective life. ... No doubt it is possible that crime itself will have abnormal forms, as, for example, when its rate is unusually high. This excess is, indeed, undoubtedly morbid in nature. What is normal, simply, is the existence of criminality, provided that it attains and does not exceed, for each social type, a certain level, which it is perhaps not impossible to fix in conformity with the preceding rules.¹

3. Here we are, then, in the presence of a conclusion in appearance quite pathological. Let us make no mistake. To classify crime among the phenomena of normal sociology is not to say merely that it is an inevitable, although regrettable phenomenon due to the incorrigible wickedness of men; it is to affirm that it is a factor in public health, an integral part of all healthy societies. This result is, at first glance, surprising enough to have puzzled even ourselves for a long time. Once this first surprise has been overcome, however, it is not difficult to find reasons explaining this normality and at the same time confirming it.

4. In the first place crime is normal because a society exempt from it is utterly impossible. Crime, we have shown elsewhere, consists of an act that offends certain very strong collective sentiments. In a society in which criminal acts are no longer committed, the sentiments they offend would have to be found without exception in all individual consciousness, and they must be found to exist with the same degree as sentiments contrary to them. Assuming that this condition could actually be realized, crime would not thereby disappear; it would only change its form, for the very cause which would thus dry up the sources of criminality would immediately open up new ones....

5. Imagine a society of saints, a perfect cloister of exemplary individuals. Crimes, properly so called, will there be unknown, but faults which appear venial to the layman will create there the same scandal that the ordinary offense does in ordinary consciousness. If, then, this society has the power to judge and punish, it will define these acts as criminal and will treat them as such. For the same reason, the perfect and upright man judges his smaller failings with a severity that the majority reserve for acts more truly in the nature of an offense. Formerly, acts of violence against persons were more frequent than they are today, because respect for individual dignity was less strong. As this has increased, these crimes have become more rare; and also, many acts violating this sentiment have been introduced into the penal law which were not included there in primitive times.²

6. In order to exhaust all the hypotheses logically possible, it will perhaps be asked why this unanimity does not extend to all collective sentiments without exception. Why should not even the most feeble sentiment gather enough energy to prevent all dissent? The moral consciousness of the society would be present in its entirety in all the individuals, with a vitality sufficient to prevent all acts offending it--the purely conventional faults as well as the crimes. But a uniformity so universal and absolute is utterly impossible; for the immediate physical milieu in which each one of us is placed, the hereditary antecedents, and the social influences vary from one individual to the next, and consequently diversify consciousness. It is impossible for all to be alike, if only because each one has his own organism and that these organisms occupy different areas in space. That is why even among the lower peoples, where individual originality is very little developed, it nevertheless does exist.

7. Thus, since there cannot be a society in which the individuals do not differ more or less from the collective type, it is also inevitable that, among these divergences, there are some with a criminal character. What confers this character upon them is not the intrinsic quality of a given act but that definition which the collective conscience lends them. If the collective conscience is stronger, if it has enough authority practically to suppress these divergences, it will also be more sensitive, more exacting, and, reacting against the slightest deviations with the energy it otherwise displays only against more considerable infractions, it will attribute to them the same gravity as formerly to crimes. In other words, it will designate them as criminal.

8. Crime is, then, necessary; it is bound up with the fundamental conditions of all social life and by that very fact it is useful, because these conditions of which it is a part are themselves indispensable to the normal evolution of morality and law....

9. Nor is this all. Aside from this indirect utility, it happens that crime itself plays a useful role in this evolution. Crime implies not only that the way remains open to necessary changes but that in certain cases it directly prepares these changes. Where crime exists, collective sentiments are sufficiently flexible to take on a new form and crime sometimes helps to determine the form they will take. How many times, indeed, it is only an anticipation of future morality--a step toward what will be! According to Athenian law, Socrates was a criminal, and his condemnation was no

more than just. However, his crime, namely, the independence of his thought, rendered a service not only to humanity but to his country. It served to prepare a new morality and faith which the Athenians needed, since the traditions by which they had lived until then were no longer in harmony with the current conditions of life. Nor is the case of Socrates unique; it is reproduced periodically in history. It would never have been possible to establish the freedom of thought we now enjoy if the regulations prohibiting it had not been violated before being solemnly abrogated. At that time, however, the violation was a crime, since it was an offense against sentiments still very keen in the average conscience. And yet this crime was useful as a prelude to reforms which daily became more necessary. Liberal philosophy had as its precursors the heretics of all kinds who were justly punished by secular authorities during the entire course of the Middle Ages and until the eve of modern times.

10. From this point of view the fundamental facts of criminality present themselves to us in an entirely new light. Contrary to current ideas, the criminal no longer seems a totally unsociable being, a sort of parasitic element, a strange and unassimilable body, introduced into the midst of society.³ On the contrary he plays a definite role in social life. Crime, for its part, must no longer be conceived as an evil that cannot be too much suppressed. There is no occasion for self-congratulation when the crime rate drops noticeably below the average level, for we may be certain that this apparent progress is associated with some social disorder...⁴ With the drop in the crime rate, and as a reaction to it, comes a revision, or the need of a revision in the theory of punishment. If indeed, crime is a disease, its punishment is its remedy and cannot be otherwise conceived; thus, all the discussions it arouses bear on the point of determining what the punishment must be in order to fulfill this role of remedy. If crime is not pathological at all, the object of punishment cannot be to cure it, and its true function must be sought elsewhere.

Notes

1. From the fact that crime is a phenomenon of normal sociology, it does not follow that the criminal is an individual normally constituted from the biological and psychological points of view. The two questions are independent of each other. This independence will be better understood when we have shown [...] the difference between psychological and sociological facts.

2. Calumny, insults, slander, fraud, etc.

3. We have ourselves committed the error of speaking thus of the criminal, because of a failure to apply our rule (Division du travail social, pp.395-96).

4. Although crime is a fact of normal sociology, it does not follow that we must not abhor it. Pain itself has nothing desirable about it; the individual dislikes it as society does crime, and yet it is a function of normal physiology. Not only is it necessarily derived from the very constitution of every living organism, but it plays a useful role in life, for which reason it cannot be replaced. It would, then, be a similar distortion of our thought to present it as an apology for crime. We would not even think of protesting against such an interpretation, did we not know to what strange accusations and misunderstandings one exposes oneself when one undertakes to study moral facts objectively and to speak of them in a different language from that of the layman.