

Emile Durkheim and Provinces of Ethics

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"It has been observed by Aristotle," Durkheim notes, "that, in some degree, morals vary according to the agents who practice them."¹ The observation is "on the mark," Durkheim continues, and "nowadays has a far greater field of application than Aristotle could have imagined." Durkheim describes four spheres of social life—the domestic, the civil, the professional, and the universal or international. Each sphere has its own moral reasoning and vocabulary. This "moral particularism" or "moral polymorphism," as Durkheim calls it, is in no way surprising. Moral beliefs and practices have developed historically under various circumstances, and there is no reason to hope or desire that one ethical system could accommodate them all. "History and ethnography," says Durkheim, are the appropriate tools for studying the nature of morals and rights (f.5/t.1). What some ethicists would deplore and label moral fragmentation, Durkheim calls "provinces of ethics"—historically fashioned spheres of morality. His reasoning here fits well with a central argument in his *The Division of Labor* and with much of his other work: the acceptance of diversity need not imply the rejection of morality. As a society spawns various social milieus, each milieu brings into play distinct moral practices and beliefs.

Social goods, goals, values, levels of homogeneity, rules of membership, and a host of other considerations are peculiar to each milieu. This is not to deny overlapping goals or shared values. It is to point out that a similarity between the arrangements, activities, and pursuits of each sphere cannot be assumed. Conflict within and between these provinces of ethics is not unusual or necessarily regrettable; nor, on the other hand, is it systematically encouraged or praised. Usually inevitable, at times avoidable, sometimes fruitful, at other times destructive—conflict is a general concept applied to a multitude of situations. According to Durkheim, conflict is to be understood—evaluated, ignored or resolved, praised or blamed—in the context of the common good. That, in fact, is the proper context for interpreting all of Durkheim's discussion on the spheres of social life and the attending plurality of morals. "Social life," he writes, "is above all a harmonious community of endeavors, when minds and wills come together to work for the same end" (f.22/t.16).

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For Durkheim there is, then, a good which supercedes all other social goods, the common good. That is not to say, however, that there is a clear hierarchy of social goods, capped with the weighty common good. The common good is contextual. It emerges time and time again out of the deliberation and reflection and critical spirit of a democratic society. Moreover, the common good, in modern, democratic societies, is not opposed to "the individual." Durkheim helps us get beyond the present impasse between some liberals and communitarians who insist that our allegiance must be with either (the liberals') "individual rights" or (the communitarians') "common good," but not with both. We no longer need to remain in the uncomfortable position of having to choose between these two positions, because Durkheim gives us a way to capture the merits of both. He argues, for example, that the common good resists authoritarian regimes that threaten the autonomy of the individual, and that it blocks secondary groups (unions, families, professional organizations, for example) from "swallowing up their members," placing them under their "immediate domination" (t.60/f.73 and 76). If the common good and what Durkheim calls moral individualism (the rights and dignity of the individual) are not opposed to each other, it is because the nature and force of moral individualism guides how we establish the nature and force of the common good.

This essay is about Emile Durkheim and a specific form of moral pluralism, what he calls "a plurality of morals"—the moral beliefs and practices peculiar to four spheres of social life. I concentrate—as does Durkheim—on the occupational sphere, specifically that of industry and commerce. I argue that Durkheim's remedy for this debilitated sphere, the formation of occupational, secondary groups, needs to be understood in relation to the civic sphere, that is, the democratic political community. And I highlight how Durkheim articulates the plurality of morals in the idiom of social traditions and commitment to common goods. He fashions, in other words, a mixed vocabulary (a mingling of standard liberal and communitarian values). This vocabulary, I believe, promises ways to maintain commitment to noble aspects of both liberal and communitarian ways of thinking about society.

1

The provinces of ethics are relatively autonomous. We should not expect, for example, the moral ethos governing the domestic sphere to be the same as that of the civic sphere. Children, for instance, are not granted the same rights in the domestic sphere as in the civic. Yet the spheres are interrelated, and hence their autonomy is relative. For example, when the state requires an education for a child which the child's parents consider morally offensive, there is a conflict between the rights of parents and those of the state. There is often conflict within each sphere as well. Take, for instance, the sixteen-year-old

who desired a risky medical operation to alleviate his grand mal seizures. His parents, fearing the dangers involved in the difficult operation, forbade it, and the issue was settled in court. In this case, conflict within the domestic sphere was transformed, in part, into conflict between the domestic and civic spheres. The young man's operation was a success.

Conflict between and within moral milieux is not necessarily grievous, and ought not be taken as a sign of moral anarchy. The moral ethos of each sphere is a "special form of common morality" (f.50/t.39). This may sound preposterous, in the literal sense: Do not the special forms of morality combined constitute a common morality? Not according to Durkheim. A shared understanding (the collective consciousness), shaped by a common language, history, and culture, provides a store of moral practices and beliefs which are applied to special circumstances. No doubt via this application the collective consciousness itself changes, however subtly; and no doubt the collective consciousness does not always "speak" unambiguously. Various readings can emerge from a common text. Still, a plurality of morals springs from a common source, even as it amends that source. And insofar as the individual consciousness—"the seat of all morals"—is fashioned by "the" collective consciousness, individuals move felicitously within and between "the different fields of collective life." The point, again, is not that the collective consciousness excludes the possibility of conflict. Only that a plurality of morals and the attending conflict need not necessarily alarm us, for these belong to a common, shared understanding.

Individuals nurtured in a common morality, as manifested in the various spheres of social life, is a condition for a harmonious, moral pluralism. This condition, however, is not entirely met in modern, industrial societies, and for a variety of reasons. Durkheim concentrates on this reason: the economic sphere—governed by professional ethics—has "only a faint impression of morality, the greater part of its existence is passed divorced from any moral influence" (t.12/f.18). And to make matters worse, the immoral ethos of this sphere, marked by individual and corporate egoism, is threatening to dominate other social spheres.

The economic sphere is itself quite pluralistic. In fact, there is a greater amount of moral heterogeneity in the economic sphere than in the domestic, civic, and universal sphere (the sphere "independent of any social grouping") (see t.5/f.10). Diversity, however, is not the source of woe in the economic realm. Diversity in this sphere of modern, industrial nations is to be expected. The trouble has to do with a dearth of professional ethics, specifically pertaining to industry and trade:

No doubt individuals devoted to the same trade are relating to one another by the very fact of sharing a similar occupation. Their very competition brings them in touch. But there is nothing steady about these connections: they depend on random meetings and they are strictly individual in nature . . . Moreover, there is no body

above all the members of a profession to maintain some unity, and which would be the repository of traditions, of common practices, and to make sure they are observed at need . . . The group has no life in common . . . In this whole sphere of social life, no professional ethic exists (f.14/t.9).

How does Durkheim account for this “moral vacuum”? Social institutions, given their historical character, change. “For two centuries,” asserts Durkheim, “economic life has taken on an expansion it never knew before” (t.11/f.16). At the same time, while this sphere grew and began to dominate society, a new “ethic” emerged that sought to deliver society from the traditional regulation of popes and monarchies and guilds. These old monitors were to be replaced by a new, impartial one: the spontaneous market. Durkheim, however, from his first to his last work considered this spontaneous regulation as no regulation. In *Suicide*, for example, he states that “for a whole century, economic progress has mainly consisted in freeing industrial relations from all regulation . . . and government, instead of regulating economic life, has become its tool and servant” (Emile Durkheim, *Suicide*, tr. by Spaulding and Simson, Glencoe, Ill: Free Press, 1951, pp. 254–55). In his lectures on professional ethics Durkheim discusses this economic world which seems to lie “outside the sphere of morals.” He asks rhetorically

Is this state of affairs a normal one? It has had the support of famous doctrines. To start with, there is the classical economic theory according to which the free play of economic agreements should adjust itself and reach stability automatically, without it being necessary or even possible to submit it to any restraining forces (t.10/f.16).

Stable and just social practice, however, “cannot follow of itself from entirely material causes, from any blind mechanism, however scientific it may be. It is a moral task” (t.12/f.18). Why a moral task? Because we should not expect just economic social practices to emerge spontaneously by private contracts or by supply and demand or by any other liberal market devices. Nor will the optimistic, social evolutionary laws of the early Durkheim accomplish what needs to be done. We cannot count on any natural or automatic mechanism to create a *moral* equilibrium. A moral task is at hand because people must do something to bring peace and justice to the economic sphere. Human effort is required. And there is more at stake here than just the condition of the economic realm: “this amoral character of economic life amounts to a public danger.” By public Durkheim refers to life lived in common, across and within the various spheres. His fear is that, because of the prominence of the economic sphere in modern societies, its amoral character will spread to other spheres.

The classical economists studied economic functions “as if they were ends in themselves,” and hence “productive output seemed to be the sole primary aim in all industrial activity” (t.15/f.22). But this is misguided. The perspective of the (classical) liberal economists is shortsighted, for “if industry can only bring

its output to a pitch by keeping up a chronic state of warfare and endless dissatisfaction amongst the producers, there is nothing to balance the evil it does" (t.16/f.22). These economists fail to see that "economic functions are not an end in themselves but only a means to an end; that they are one of the organs of social life and that social life is above all a harmonious community of endeavors" (ibid). If this central social sphere is in disarray, all are. For instance, after noting that "output is not everything," Durkheim declares that "there should not be alternating periods of over and under production." This haphazard vacillation in the economic sphere, which brings to its workers either slavishly long hours or sudden layoffs, disrupts the quality of life in the domestic sphere.

The spontaneous mechanisms of the market, then, are not fit to regulate the economic sphere, much less most of society. Liberal theorists who believe that a flourishing society would naturally result from disparate individuals freely pursuing economic self-interests are naive. But liberal theorists who make the means into an end, who sever the economic order from its proper social context, are worse than naive, for their economic theories lack reference to larger, social considerations. The industrial revolution has arrived, and Durkheim is no romantic wishing its parting. Nor, for that matter, does he, like Marx, place great hope in what could come of a socialized, modern industry. For better, for worse, the revolution has occurred, and it is therefore imperative, according to Durkheim, that modern economic life be closely regulated, that is, that it be directed toward moral aims. Why moral aims? Durkheim interprets the lawlessness of the economic realm in moral terms. It is a threat to the moral health and happiness of society. It is a "moral vacuum" and it needs quite a bit of moral stuffing, that is, just (and conceivably "newly" developed) economic social practices.

II

Durkheim's solution to this moral bankruptcy is a call for the formation of occupational groups:

There must be a group about us to recall [a moral influence] again and again, without ceasing . . . A way of behaving, no matter what it be, becomes established only through repetition and practice. If we live amorally for a good part of the day, how could the springs of morality keep from going slack in us . . . The true remedy for the sickness [economic anomie] is to give the professional groups in the economic order a stability they do not possess (f.18--19/t.12-13).

Durkheim's proposal for occupational groups deserves some comment.

In the nineteenth century, because of the social displacement brought on by the industrial revolution and the failed liberal promises of widespread prosper-

ity and happiness, there were many social theorists who longed for stable communities offering members security and a lively sense of involvement. Association, that is, active participation, could bring vital agreement on issues of importance to all members. Theorists as diverse as Joseph de Maistre and Saint-Simon, Alexis de Tocqueville and Antonio Libriola envisioned strong communities engaging an active citizenry. And these associations were not only to provide a psychological sense of belonging; they were to knit members into a corporate body, thus curbing self-interest.

This is the context, I want to say, for interpreting Durkheim's notion of occupational groups (a notion that, after 1897, is found throughout Durkheim's writings). Occupational groups represent an attempt to situate individuals in morally nourishing and delightful spheres of communion. They are not, however, discrete, self-sustaining communities demanding an individual's complete allegiance. They are not a substitute for the larger political community. That community contains all secondary groups, including occupational groups. It is here that Durkheim departs from theorists such as de Maistre and Saint-Simon. It is important to keep in mind that Durkheim's concept of occupational groups is found in his discussion on a plurality of social spheres—from the domestic to the universal. If Durkheim pays considerable attention to the occupational sphere, it is because he worries about it more than the others.

Community, of course, is an important attribute of the occupational groups. I note this because it is the nature of communities to shape the character of their members. Moral education, in other words, naturally occurs in communal activities. And above all Durkheim views occupational groups as vital agencies of moral education. Within them, shared understandings pertaining to the specific circumstances of a specific occupation are focused and developed and augmented.

In his lectures on professional ethics, Durkheim claims that the "craft union" or the "corporation" is not enough, because it "is nowadays only a collection of individuals who have no lasting ties one with another" (t.13/f.18). And in his "Preface to the Second Edition" of *The Division of Labor*, Durkheim laments that, while it is "both legitimate and necessary" that the unions of employers and those of employees are distinct from each other, "there does not exist a common organization which brings them together . . . where they could elaborate in common a regulation." As it is now,

it is always the law of the strongest which resolves the conflicts, and the state of war is completely in force . . . They can make between them contracts. But these contracts represent only the respective state of economic forces present . . . they cannot bring about a just state (Emile Durkheim, *De la Division du travail social*, Paris: Presses Universitaires de France, 1978, pp. vii–vii).

Occupational groups, then, attempt to unite what unions and corporations divide. They attempt to draw into a common fellowship individuals sharing the

same occupational interests, and thereby establish a moral ethos lending peace and justice. "It is not good," writes Durkheim, "for a man to live [with endless friction] on a war footing in the sphere of his closest companions" (f.32/t.24). It is not good, and, according to Durkheim, it is not inevitable.

Durkheim's wish for occupational groups is laudable. But what is more naive, the classical liberal hope for a harmonious pluralism via a spontaneous market mechanism, or Durkheim's via newly developed economic associations? Does a moral ethos automatically arise from fellowship? I believe, in fact, that Durkheim's premise—that moral practices and beliefs naturally arise from fellowship—is sound, for the most part. Morality is, more than anything else, a product of human association. Yet not all associations, of course, are equal. Some are more likely than others to promote shared, moral practices. That is why Durkheim mentions the unions. Without slighting the benefits which unions have brought to workers, Durkheim claims that they have not been overwhelmingly successful in bringing justice and peace to the economic sphere. Yet what if associations are established with the view that they are to channel a shared understanding—call it a common morality—toward issues of common concern and pertaining to a particular economic group? In principle, a moral ethos would likely emerge. Morality is, after all, the product of such practical human involvement.

I say practical human involvement because Durkheim insists that the needed "moralization cannot be instituted by the scholar in his study nor by the statesman" (f.39/t.31). This is not to deny the role played by professional, critical reflection. It is rather to affirm that morality is more a product of common human activities than of private speculation; and, more specifically, to suggest that "it is the work of the groups concerned." By this Durkheim means that the appropriate moral forms of life are to emerge from the very spheres which they are to enhance. And they are to emerge not by fiat but by communal reasoning:

It is not simply to have new codes superimposed on those existing; it is above all so that economic activity be penetrated by ideas and needs other than individual ideas and needs; it is so that it be socialized. This is the aim: that the professions should become so many moral milieux, encompassing constantly the various agencies of industrial and commercial life, perpetually fostering their morality (f.37/t.29).

How can these occupational groups be initially established, in the absence of the essential moral milieux? There already is, according to Durkheim, a common morality that can provide social intuitions and sensibilities for the development of the moral milieux of occupational groups. We never start from scratch. We are surrounded by a shared understanding that guides the very questions we ask and the answers we give. Moreover, Durkheim concedes that some professional ethics already exist—social practices governing specific economic activities. His complaint is that they are not adequate for many economic activities, especially in trade and industry (see t.29–30/f.38).

This is not to say that Durkheim is sanguine about the emergence of morally sustaining spheres of justice. Durkheim often writes as if he fears that liberal society is taking on the character of a Hobbesian war of all against all. At such moments he seems to doubt the strength of a shared understanding and its capacity to spawn a plurality of morals in the context of common goods. This occasional pessimism, however, does not lead to moral paralysis but to increased commitment to the moral tasks at hand.

Durkheim occasionally admits that his proposal for occupational groups seems farfetched. Given the sad condition of corporations, it is difficult to imagine, he notes in *Suicide*, “their ever being elevated to the dignity of moral powers” (p. 381). Today corporations are composed of individuals who are related only superficially, and who are even “inclined to treat each other rather as rivals and enemies than as cooperators.” I share Durkheim’s assessment of the difficulty. But I want to make it clear what this difficulty consists of. Durkheim is not saying that money and status are intrinsically bad. If this were the case, Durkheim would not describe occupational groups as agencies of “distributive justice” with jurisdiction over material goods. The groups would be nothing but agencies of abstinence, inculcating in their members a contempt for money and status. Durkheim explicitly rejects religious asceticism as a solution to the problem of egoism. Denying any importance to external goods such as salaries and titles is futile, because they are now perceived—and rightly so—as legitimate goods. In *Suicide* Durkheim concludes that “while it is no remedy to give appetites free rein, neither is it enough to suppress them in order to control them. Though the last defenders of the old economic theories are mistaken in thinking that regulation is not necessary today as it was yesterday, the apologists of the institution of religion are wrong in believing that yesterday’s regulation can be useful today” (p. 383).

The difficulty, then, is not that external goods are not in fact genuine goods, and hence people shouldn’t seek them. The problem is that the dominant institutions producing external goods often exist in what he calls a “moral vacuum.” Think of this vacuum as a condition in which social practices are crippled by the pursuit of goods external to those practices.² The goods internal to practices (whether they concern the practice of law, medicine, business finance, teaching, carpentry) are vitiated by external goods such as money and power. This, Durkheim argues, is an outcome of a want of moral associations and “newly” crafted traditions in the marketplace—a place that increasingly grips our lives and shapes our loves. The role of occupational groups is to provide a moral connection between internal and external goods, thus checking economic anomie.

From one perspective, then, occupational groups are centers of moral life which, although bound up together, are distinct and relatively autonomous. The groups should, as Durkheim says, “develop original characteristics.” Together these groups form the economic sphere. From another perspective, however,

these groups are tributaries fed by shared traditions and institutions, by common projects and interests. It would be misleading to stress this latter perspective unduly. The social practices engendered by occupational groups are not expected to be shared, even if approved of, by the population at large. The groups are an example of moral differentiation. As such they represent one of Durkheim's arguments against Tönnies, for they implicitly deny that heterogeneity amounts to immorality. Still, the latter perspective needs mentioning lest we lose sight of Durkheim's conviction that the foundation for all morality is, ultimately, a society's shared ideals, history, and culture.

Improved conditions of labor (including job security, safe and wholesome working environments, and just wages), reduced hostility among and between employees and employers, a moral nexus between internal and external goods, and the recaptured warmth and moral ethos of community life: these are the features of Durkheim's vision for occupational groups. The vision may seem to be nothing but fantasy, though it boasts the ancient and medieval guilds as its antecedent, and British guild socialism as its closest contemporary approximation. In any case, even if the age of occupational groups never arrives, the critique of laissez-faire liberalism which motivates Durkheim's vision is perspicacious and relevant.

I say laissez-faire liberalism, and not simply liberalism, because clearly there is something very "liberal" about Durkheim's portrait of occupational groups. It represents, *inter alia*, Durkheim's attempt to establish a harmonious pluralism in modern France. This pluralism embraces a variety of moral vocabularies operative in a variety of social spheres. Furthermore, it champions the relative autonomy of the individual moving within and among the spheres (and hence Durkheim's condemnation of those guilds that repressed the individual). Occupational groups typify one of Durkheim's strategies for saving liberalism from itself. There is, then, nothing illiberal about Durkheim's vision. And there certainly is nothing fascist about it.³ Durkheim, as I soon show, carefully places the state, secondary groups, and the individual in an arena of normative, creative tension, protecting the integrity of each. Fearing what we today call fascism, Durkheim insists that in order "to prevent the state from tyrannizing over individuals," secondary groups—including occupational groups—must not be absorbed by the state.

III

There is a social sphere, Durkheim tells us, which is greater in scope than the others. It is the political community. The moral understanding which governs this sphere he calls civic morals. Inquiry into the nature of this sphere and its relation to the other social spheres is necessary for an intelligent reading of Durkheim's notion of a plurality of morals. If, for example, the domestic or the

economic spheres are entirely independent of the political one, or even dominate it, that might suggest a precarious *laissez-faire* pluralism that could lead to a society's domination by a single sphere. On the other hand, if the other spheres are dominated by the political community, that might suggest an open door for nationalism or fascism. I now turn, then, to Durkheim's discussion of the political community and the democratic state.

The political community, according to Durkheim, encompasses a plurality of secondary groups without becoming one itself. It includes all without being dominated by any. Moreover, an essential feature within this political group "is the contrast between governing and governed, between authority and those subject to it" (f.52/t.42). The political community is "the coming together of a rather large number of secondary social groups, subject to the same one authority . . ." (t.45/f.55). In Durkheim's idiom, the political community and the state are not the same. The state refers to "the agents of the sovereign authority," while the political community refers to "the complex group of which the state is the highest organ." A responsibility of the state is "to work out certain representations which are good for the collectivity" (f.62/t.50). Far from being in radical opposition to the various secondary groups contained within the political sphere, Durkheim contends that "the state presupposes their existence . . . No secondary groups, no political authority, at least no authority which can legitimately be called political" (f.56/t.45).

These definitions, though important, provide only a starting place. The relation between the state, the secondary groups, and the individual is still not clear. Some light is shed by examining two models of the state that Durkheim explores and rejects. The first is individualistic in nature, the second nationalistic.

The individualistic model, according to Durkheim, is defended by Spencer and the classical economists on the one hand, and by Kant and Rousseau on the other. This model assumes that "the purpose of society . . . is the individual and for the sole reason that he is all that there is that is real in society" (t.51/f.63). Individuals will be happiest if allowed to be productive in the realms of science, the arts, and industry. The state "can add nothing to this wealth." That is to say, it can make no positive contribution to the life of the individual. What is its role? "To ward off certain ill effects of the association." The premise here, which Durkheim exposes, is that "the individual in himself has from birth certain rights, by the sole fact that he exists." These "inborn rights" [*droits congénitaux*], whether construed in a Spencerian or Kantian fashion, are threatened in associations, and therefore some agency is required to protect them. That agency is the state. The state does not need to establish, evaluate, extend, or debate individual rights. The rights are a given. Many thinkers, therefore, subscribing to some version of this individualistic model, maintain that

the province of the state should be limited to administering a wholly negative justice. Its role would be reduced more and more to preventing unlawful trespass of one individual on another and to maintain intact in behalf of each one the sphere to which he has a right solely because he is what he is (f.64/t.52).

Yet by Durkheim's lights, the state has "other aims and offices to fulfil" than administering a negative justice. Before I discuss these "other aims," I want to explore the second model of the state, lest Durkheim's position be mistaken for it.

This other model assumes that "every society has an aim superior to individual aims and unrelated to them" (t.54/f.66). The individual is but an instrument to be used by the state for the sake of its superior social aims. The individual works for the glory, the greatness and the riches of society, finding some recompense for his labor "in the sole fact that as a member of the society he has some sort of share in the benefits he has helped to win." In sum, individual interests are either underdeveloped or, if developed, are considered to be in conflict with the welfare of the nation. Durkheim claims that the nationalist model was embodied in many early societies, especially when public religion and civic morals were fused. In these societies there was an indifference toward the rights and concerns of the individual. Prized above all were beliefs and aims held in common. Yet in recent history, claims Durkheim, the individual more and more has ceased to be absorbed into the mass of society, and has become an object of respect.

This second model, Durkheim warns, is not of mere speculative or antiquarian interest. He claims that his own country is beginning to welcome it. Many who are dismayed with classical liberalism have "thrown themselves in despair back on the opposite faith," trying to "revive the cult of the City State in a new guise" (t.54/f.67). No doubt Durkheim is referring here to semi-Fascist political groups such as Charles Maurras' Action Française. These groups are unabashedly antiliberal, anti-Republican. They are nationalistic. Durkheim, writing about this model during the Dreyfus Affair, is self-consciously trying to make sense of liberalism and its discontents. He wants to develop a model of society which is neither individualistic nor nationalistic; one which combines the social goods associated with individual rights as well as those associated with a common good.

An active state is not antithetical to moral individualism. This is the premise of Durkheim's model for the state. He provides historical evidence to support a "relation of cause and effect as between the progress of moral individualism and the advance of the state" (t.57/f.71). The individualist claims that a minimalist state is natural for modern societies; yet in history "we see the functions of the state multiplying as they increase in importance." The nationalist claims that the state should become absolute in modern societies, but, again, "that

would be to go against all the lessons of history: for as we read on, we find the human person tending to gain in dignity.”

Durkheim anticipates an objection: Is there not a contradiction in maintaining that both the state and moral individualism increase in scope and importance? This apparent contradiction, according to Durkheim, rests on the assumption that the rights of the individual are natural and inherent, and that as a result there is no need for the state to establish them. The contradiction vanishes, however, when that assumption is denied:

The only way of getting over the difficulty is to dispute the postulate that the rights of the individual are inherent, and to admit that the institution of these rights is in fact precisely the task of the state . . . We can [now] understand that the functions of the state may expand, without any diminishing of the individual. We can see too that the individual may develop without causing any decline of the state, since he would be in some respect the product himself of the state, and since the activity of the state would in its nature be liberating to him (*ibid*).

Durkheim asks us to reject the idea that individual rights are inscribed into each individual by nature, and that, given the self-evident status of these rights, the role of the state is merely to recognize and protect them. The state, rather, is to “create and organize and make a reality” of individual rights, and not merely administer “an entirely prohibitive justice, as the utilitarian or Kantian individualism would have it” (t.60 and 65/f.74 and 79).

Durkheim’s model, then, encompasses the public and the private yet without identifying the two. The state insures private space for the individual, though it is more than a mere protector of that space. The state *actively* institutes rights, and extends their scope. On several occasions, for example, Durkheim suggests that employment is likely to become a basic individual right. Durkheim’s model has both liberal and communitarian features. It defends liberal rights, though without appealing to standard liberal metaphysical arguments so often thought necessary for shoring up individual rights. Durkheim’s argument for rights is distinctly communitarian: our moral traditions have made us into the kind of people who insist that there are some things (such as discrimination by race and, perhaps in the future, unemployment) that individuals should not have to worry about. This characteristic of our moral traditions is part of what we call our “common good,” goods which we (late twentieth-century members of Western democracies) share in common. Durkheim, then, has brought together in an interesting way the liberal’s love of individual rights with the communitarian’s regard for a common good.

In what ways, specifically, can the state support moral individualism and a harmonious pluralism? First, “individual diversities can more easily have play” when the state checks various forms of “collective tyranny.” (Collective tyranny includes vicious crazes and majoritarian furies, though Durkheim is especially concerned about secondary groups that threaten to bring individuals

within their "exclusive domination." The state, specifically its legal branch, needs to worry about "all those secondary groups of family, trade and professional association, Church, regional areas and so on . . . which tend to absorb the personality of their members" (t.65/f.79). The state's moral task is to remind these "collective forces" that they are a part of a whole. This includes, for example, rescuing "the child from patriarchal domination and from family tyranny," or the worker from corporate tyranny.

The active state seeks to protect individuals from social injustice. It falls to the state, then, to combat classism and racism. How, some might ask, can a racist or class society assail its own ugly features? The state, at least in theory, is distinguished from the political community and its secondary groups; the state, "more than any other collective body, is to take account of the general needs of life lived in common." Durkheim's answer, then, is that if a liberal, democratic society should lose sight of its own ideals, it is the moral task of the state to remind society of its highest ideals and to work toward advancing them. (The relation between the state and the moral, collective consciousness is examined shortly.) If the state should unjustly champion the interests of one group over another (say, business over education, or the upper class over the lower) then its legitimacy becomes questionable.

The democratic state, then, far from assuming a purely negative or passive role, actively strives to foster the beliefs and practices of moral individualism. Yet what of state despotism? What is to prevent the state from tyrannizing the individual? Isn't the idea that the state is to "create and organize and make a reality" of individual rights a bit scary? There are at least two answers to this question. The first one, which I discuss in detail in the next section, involves the moral constraints placed on a democratic state. Though a democratic state does not merely reflect or mirror the diffuse collective consciousness, the state's decisions are informed and constrained by it. The second answer involves secondary groups:

If that collective force, the state, is to be the liberator of the individual, it has itself need of some counter-balance; it must be restrained by other collective forces, that is, by secondary groups . . . (t.63/f.77-78).

Durkheim, in a fashion reminiscent of Tocqueville, champions secondary groups to check state tyranny, even while he advocates a strong state to stay oppressive secondary groups. The purpose of secondary groups, then, is not only to tend to "the interests they are meant to serve," but also to "form one of the conditions essential to the emancipation of the individual." Secondary groups, accordingly, facilitate moral individualism.

Durkheim makes it clear that there is no *fundamental* antagonism between secondary groups and the state. The one, in fact, is a condition of the moral health of the other. Without secondary groups to mediate between the state and the individual, the state would either be too distant from the individual and

hence cease to be effective; or it would control too many aspects of the individual's life, and thus become autocratic. Secondary groups, on the other hand, require the moral authority of the state to bring them harmony, lest they wage civil war of varying kinds. Moreover, the state safeguards the individual from potential group despotism.

There is, here, a complicated relation between the state and its secondary groups, and between the individual and the common good. The state, as a servant to the common good, blocks secondary groups from dominating the individual, an important feature of the common good. On the other hand secondary groups prevent the state from becoming a Leviathan, and hence they, too, contribute to the common good. Both social forces—those of the state and of secondary groups—are depicted by Durkheim as vehicles of moral discipline, “calling the individual to a moral way of life.” Both institutionalize moral individualism.

I say “institutionalize” moral individualism, because Durkheim worries that it “is far from having any deep roots in the country.” He cites as evidence for this “the extreme ease with which we have accepted an authoritarian regime several times in the course of this century—regimes which in reality rest on principles that are a long way from individualism” (t.60/f.73). This is not to say that in Durkheim's view moral individualism is purely theoretical. It is not. It is an important aspect of the moral ethos of many modern democratic nations. But Durkheim, having argued that individual rights are neither self-evident nor inalienable, recognizes the *frailty* of individual rights and the need to entrench moral individualism more deeply.

The fragility of moral individualism brings me to one last feature of the dialectic between the state and its secondary groups. I have discussed some conditions under which individuals are likely to be oppressed by the state and by secondary groups. I still need to discuss those circumstances in which individuals could threaten the state. Without secondary groups mediating between the state and individuals, state tyranny is only one possibility. The other is “individuals absorbing the state” (t.106/f.127). Without secondary groups, individuals lack secure moral homes: “nothing remains but the fluid mass of individuals.” This situation may seem democratic. It may seem conducive to social change. But it is in fact dangerous, for in it individuals can be swept up by transient crazes and ideologies. In this case, individuals and the state are held hostage to vacillating rages, and little beneficial social change is likely to occur. This can, however, invite an unhappy change: tumultuous, unanchored individuals can unwittingly place absolute power in the hands of those not worthy of it. A weak state and an absolute one often lie on the same, short path.

Durkheim's model for the state, which is neither individualistic nor nationalistic, assigns to the democratic state many important roles, or, if you like, active roles. The state's authority is unique. At its best it guards against count-

less forms of tyranny; it works for social justice, eradicating social inequalities; and it directs the various spheres of society toward the common good, fostering a political community informed by moral individualism. The state's care, says Durkheim, should reach many social spheres: protecting children, instituting educational requirements that forbid repression and discrimination, establishing occupational groups, regulating trade and commerce, funding the courts, and so on. And in its various roles the democratic state does not attempt to frustrate a fluid plurality of morals. It recognizes the legitimacy of a variety of spheres, and it seeks to bring harmony and justice to them. It does this for the sake of a common good, moral individualism being a salient feature of that good. The democratic state, then, is not opposed to the individual, rather it contributes to the very existence of normative individualism.

IV

Durkheim's model of the state is not appropriate for all societies. Its appropriate setting is a democratic society. And this, as it turns out, is the appropriate setting for moral individualism.

My discussion on Durkheim and democracy begins with what Durkheim claims democracy is not. It is not "the political form of a society governing itself, in which the government is spread throughout the milieu of the nation" (t.82/f.99). A democracy requires that the state be an agency relatively distinct from the rest of society, for "if the state is everywhere, it is nowhere." On the other hand, a democracy is not that political form in which the state is isolated from the rest of society (see t.84/f.101). Between these two extremes lies Durkheim's understanding of the democratic society. The latter extreme, the state removed from society, is clearly not democratic; but why would Durkheim reject the first one, in which "the government is spread throughout the milieu of the nation"?

Durkheim opposes the familiar belief that in a democracy the will and thought of the state, the governing agency, are identical to those of the citizenry. Under these conditions, the role of the state "would consist in expressing [the sentiments diffused throughout the collectivity] as adequately as possible" (t.91/f.110). But this would reduce the state to "an instrument for canalizing." The state would not be distinct from society, but would be absorbed by it. Durkheim maintains that in a democracy the state must stand relatively independent of society. It is in contact with society, and this contact affects the direction of the state, but it does not necessarily determine it. A democracy, then, is poised between two extremes. Neither a mirror nor a sieve, the state intelligently and ethically represents its citizenry.

When I say "represent its citizenry," I mean the state, comprised of elected citizens, acts as an advocate for the common good. But the common good

cannot necessarily be equated with “the majority.” Durkheim is clear about this. While discussing Rousseau’s *The Social Contract*, Durkheim states:

The individuals who collaborate in the formation of the general will must strive for the end without which it does not exist, namely, the general interest. Rousseau’s principle differs from that which is sometimes invoked in an attempt to justify the despotism of majorities. If the community must be obeyed, it is not because it commands, but because it commands the common good (Durkheim, *Montesquieu and Rousseau: Forerunners of Sociology*, tr. by R. Manheim, Michigan: University of Michigan Press, 1960, p. 109).

Durkheim knows that there is at times discord between the decisions of the state and the sentiments of the majority. He says, “decisions taken by the government or parliamentary vote may be valid for the whole community and yet do not square with the state of social opinion” (t.49/f.60). Such discord occurs under various conditions. For example, the majority, if overly preoccupied with immediate results, could oppose an essential feature of a long-term plan. Or worse, a majority, if provoked by a crisis or tragedy, could seek to scapegoat innocents.

Durkheim is also aware of another kind of discord: that which occurs between various interest groups. In this case, the state insures that the relative power of the groups involved does not determine the outcome of the conflict:

The different currents working within society are brought face to face, (in opposition) with one another, and are submitted to a comparative evaluation; and then either a choice is made, if one emerges which should outweigh the others, or else some new solution surfaces from this confrontation. This is because the state is situated at the central point where everything will touch; also because it can better get a clear idea of the complexity of situations and all the elements . . . (Durkheim, “L’Etat,” *Revue bleue*, 1958:148, pp.434–35).

Is the state not despotic when it imposes its will on society? Not necessarily. First, it should not be assumed that all constraint is coercive; and secondly, a democratic state’s power is not arbitrary, but rather works within the internal, moral constraints of a democracy. With respect to the first reason, Durkheim boldly announces that there is always something coercive about collective life. There is, however, nothing necessarily intolerable about this: “the individual does not feel it [social constraint] any more than we feel the atmosphere that weighs on our shoulders” (t.61/f.74). Individual autonomy is never absolute: “The person forms part of the physical and social milieu; the person is bound up with it and can be only relatively autonomous” (f.82/t.68). A society without constraints—if one could imagine such an entity—would be monstrous. Moreover, it is simply wrong to equate state power with vicious compulsion. Durkheim rebuffs the (vulgar) liberal position that government intervention into economic and other social activities is necessarily despotic. More likely, the constraints imposed by a just democratic state are the very conditions of free-

dom. A “spontaneous” Spencerian society, for example, is more likely to spawn “free” contracts which enslave workers than is a society equipped with an active democratic state. We once allowed slavery, that is, “material servitude,” Durkheim says; we have now abolished it. He then asks: Can we say that a man who has nothing to live on governs himself, that he is master of his actions? Which kinds of subordination, then, are legitimate and which unlawful? (t.68/f.82). Durkheim admits that “there is no final answer to these problems.” Society will continuously debate and try to define the conditions of oppression and those of freedom. But this much is clear: to insure freedom for its citizens, a state must do more than to prohibit what is commonly understood as slavery (that institution of buying and selling human beings). It must actively and endlessly work for social justice. And justice involves constraints.

These constraints, however, are not arbitrarily imposed on society. Ultimately, they arise from a society’s shared understanding, that is, from common traditions, ideals, and institutions. And this brings me to the second reason state intervention is not necessarily despotic. A democratic state’s authority is not arbitrary. Durkheim claims that the more a state embodies a society’s shared understanding, the more democratic it is. The democratic state, among other social groups, helps to articulate the moral traditions and goals of society. I say articulate, not fabricate. The state, in its deliberations concerning a host of issues and conflicts, no doubt adds new moral dimensions to a society’s traditions. Durkheim asks rhetorically, “Is it not inevitable that something new must emerge from all this activity?” Traditions do not remain stagnant. Nonetheless, the democratic state must be faithful to society’s shared understanding while seeking the common good. The state’s legitimacy springs from its accountability to society’s moral traditions and social practices, both formal (say, the constitution) and informal (say, the development of new social commitments such as to gay rights). This in no way contradicts Durkheim’s belief that a state should remain relatively distinct from the rest of society. This critical distance enables the state to resist destructive, ephemeral movements which threaten the common good, and it insures that the majority or powerful do not win every debate. The critical distance, then, is not to remove the state from a society’s shared understanding, but to allow society’s most authentic “voice” to be heard. Insofar as the state fails in this role, it lacks legitimacy.

It is essential, Durkheim says, that the political community is able to follow the moral reasoning and deliberations of the state: “it is necessary that there should be as complete a harmony as possible between both these parts of the social structure.” The citizens’ capacity to participate actively in the state’s judgments is the hallmark of a democracy:

This is what gives democracy a moral superiority. Because it is a system based on reflection, it allows the citizen to accept the laws of the country with more intelligence and thus less passively. Because there is a constant flow of communication between themselves and the state, the state is for individuals no

longer like an exterior force that imparts a wholly mechanical impetus to them. Owing to constant exchanges between them and the state, its life becomes linked with theirs, just as their life does with that of the state (t.91/f.110).

Again, this is not to imply that the state must follow every whim of society. It does imply that democracies place a premium on "submitting a greater number of things to collective debate" than do other political structures. The democratic political community strives to achieve a critical "consciousness of itself." This involves scrutinizing its customs and traditions, debating current events, and participating actively in a variety of secondary groups. The more democratic a society, "the more that deliberation and reflection and a critical spirit play a considerable part in the course of public affairs . . ." (t.89/f.107-08).

This brings me to one more feature of Durkheim's concept of a democratic state. The critical spirit embodied in democratic societies promotes radical social change. I say radical because Durkheim claims that the more a society can freely criticize and debate the multifarious content of its social traditions, the more it can probe "uncharted customs, the obscure sentiments and prejudices that evade investigation." A critical spirit roots out those longstanding policies and portions of tradition that are undesirable. The work of reformation has no limits. It is not a matter of working out "a definite ideal which, one day or another, has to be attained determinately . . . Rather moral activity is indeterminate" (f.83/t.68). But this does not mean that no progress is made. Progress is made, and this is because democracies, Durkheim claims, more than other political forms, are capable of change and of shedding harmful beliefs and customs.

Debate and a critical spirit, then, are conducive to social change. There is, however, a limit: too much debate, too much division, too much pluralism, bring not creative social change but stagnation. As a ship, after having been tossed this way and that by a raging storm, finds that it has made no headway, so too "societies which are so stormy on the surface are often bound to routine" (t.94/f.113). Yet perhaps it is not a matter of "too much" debate or pluralism, but not the right kind. Debate and pluralism severed from their moral context (shared traditions and commitment to an array of common goods) lead not to edifying conversation but to babble. The moral context is protected by flourishing secondary groups and an active democratic state. Societies lacking these, Durkheim says, are subject to a "disjointed, halting and exhausting" existence. This is because secondary groups and the state serve to preserve and foster moral traditions and the concomitant social practices. Without these, there is "constant flux and instability":

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. It often happens that all these day-to-day modifications cancel each other out and that in the end the state remains utterly stationary (ibid).

"Democracy," Durkheim tells us, "is the political system that conforms best to our present-day notion of the individual." (t.90/f.109). Moral individualism requires a political setting that honors the individual's relative autonomy, and that is informed by the individual's situated moral reasoning. Moral individualism, in modern industrial nations, also requires social spheres and secondary groups of varying kinds in which the individual is in communion with others and is morally educated. These spheres and secondary groups, however, are in need of an active state to bring them into relative harmony. We have seen that this harmony can allow for conflict. Durkheim claims, in fact, that novel ideas and social practices can come from conflict. But conflict and debate are most fruitful when they take place within the moral context of a society's shared understanding and its common good. This good is in no way antithetical to moral individualism. Moral individualism presupposes social goods held in common; moral individualism is a social good held in common.

I want to underscore the important role the political community plays in Durkheim's thought. While some communitarians and even liberal pluralists elevate the corporation or the church or the local community as the ultimate social setting for satisfying the individual's communal and social needs, Durkheim insists that secondary groups cannot supplant the role of a vital political community. This is because the political community supports the common interests and moral traditions of a society. All secondary groups are too particular to usurp that role.

Notes

1. Emile Durkheim, *Professional Ethics and Civic Morals*, tr. by C. Brookfield (London: Routledge and Kegan Paul, 1957), p.4. The French edition is entitled, *Leçons de sociologie: physique des moeurs et du droit* (Paris: Presses Universitaires de France, 1950). From now on, "f." refers to the French edition, "t." to the translation. If "f." precedes "t." the translation is my own.

2. This account is informed by Jeffrey Stout's provocative elaboration of MacIntyre's account of social practices. See J. Stout, *Ethics After Babel*, Boston, pp. 267-76.

3. The charge of fascism and nationalism is what I take M. M. Mitchell to be making in his, "Emile Durkheim and the Philosophy of Nationalism," *Political Science Quarterly*, XLVI, (1931): pp.87-106; and William M. McGovern in his *From Luther to Hitler* (London: Routledge and Kegan Paul, 1946), chapter 9.