

Émile Durkheim and the Collective Consciousness of Society

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A Study in Criminology

Kenneth Smith



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Cover photo by Ki Price, courtesy of Rex Features. ‘Students demonstrate against higher tuition
fees and cuts in University funding, London, Britain – 09 December 2010 Charlie Gilmour
swings from a Union Flag on the Cenotaph.’

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[It is] the tireless aim of moral philosophy to make the world safe for *well-disposed* people.

(Williams, 2006: 59; emphasis added)

I wish to dedicate this book to all the people who taught me when I was a student at what was then known as Loughton College of Further Education, Essex, but especially to Tony Cole, Fred and Maureen Creasey, Leisha Fullick, Andy Jardine, Margaret Shepherd and Jean Usher.

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Conclusion

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MAKE THIEVES AND THEN PUNISH THEM

Doubtless unless you find a remedy for these enormities you shall in vain advance yourselves of executing justice upon felons. For this justice is more beautiful in appearance and more flourishing to the show, than either just or profitable. For by suffering your youth wantonly and viciously to be brought up, and to be infected, even from their tender age, by little and little with vice, then, [in] God's name, to be punished when they commit the same faults after being come to man's state which from their youth they were ever like to do; in this point, I pray you, what other thing do you than make thieves and then punish them?

Sir Thomas More [1516] 1910, 29

PURE EVIL

BOY, 12, WHO RAPED TEACHER AWAY FOR LIFE

By JEREMY ARMSTRONG

A BOY of 12 who raped his petite teacher after a lifetime of appalling abuse was branded "pure evil" yesterday.

The stocky youngster, who cannot be named, showed not a flicker of emotion as he wrestled his 32-year-old victim to the ground and not an ounce of remorse for his crime.

At the time of the attack he was being investigated for an alleged sex assault on a boy of five.

Yet he himself had suffered an almost unbelievable catalogue of abuse since the age of THREE.

His mother was prosecuted for abusing him and his two brothers.

When he was three and a half, concerns were expressed about his 'sexualised behaviour'. He was simulating sexual intercourse and oral sex with his teddy bear.

Before he was four he was being mistreated and encouraged to drink alcohol and smoke.

The 5ft 3in boy, now 13, had admitted raping the teacher and stealing her car which he drove at over 100mph down the A1.

Yesterday, as Britain's youngest convicted rapist, he was locked up for life by a judge at Tyneside crown court in Middlesbrough.

As he was led away, his married victim - who came face to face with him in court for the first time since the attack in November - broke down in tears. She was said to be "relieved and pleased".

Outside court, the 52-year-old former boyfriend of the boy's mother told of the horrors that lurked behind the door of the family home in Gateshead, Tyne and Wear.

He said: "I remember the lad's eyes, he was pure evil. It sends a chill down my spine to think about him."

"His mother was a volatile, violent drunk and would beat me black and blue. She had no idea how to be a parent and would smoke heroin in front of the children."

"The rapist's relationship to her was very unhealthy. He'd get her drunk and call her terrible names."

"He had this way of standing and watching silently what was going on."

"His favourite trick was to stand in front of me and tear the spines from my books. He'd look me in the eye as if to say 'What are you going to do about it?'"

"The boy and his two brothers were well known tearaways. There's something twisted and evil about the whole family - they have no redeeming features."

At the time of the attack, the boy was staying with a foster family after his mother was jailed for rape and two indecent assaults on minors. Last night he was being held at a centre for disturbed children in Aycliffe, Co Durham, while authorities decide where he will serve his life sentence.

Child welfare experts in Gateshead, where the boy was in the care of the local authority, launched an urgent inquiry to discover why he was left alone with the teacher.

The boy confessed his special needs teacher during a one-to-one tutorial session in a deserted community centre in Co Durham.

As the youngster sat at the back of court accompanied by three security minders rather than in the dock, prosecutor Shaun Dodds said: "He jumped out of his seat and approached the woman as she was



CONDEMNED: Boy rapist faces life behind bars

He was drinking and smoking at three, simulating sex with his teddy and abused by his mother who used heroin in front of him

about to make a call on her mobile. He faced her with a wild look on his face and started pulling down her pants and tights at the same time as pulling his own trackie suit down.

"Realising she was about to use her mobile phone he grabbed it from her and threw it away, saying 'No'."

"He wasn't saying anything. She was frightened but tried to calm him down by talking to him."

"All the time she was saying 'What are you doing?' This is me, it is (her name)". But he ignored her.

"He held her down using his body

weight. Afterwards, he stood up, asked for her car keys, removed several coins from her bag and her keys and left the centre."

The 5ft 11in teacher was so distressed she locked herself in a toilet and made a 999 call.

But it took 11 minutes to get her terrified message across because the operator found it difficult to believe that a boy of 12 was capable of rape, or driving a high performance car.

As police were alerted the boy roared off in the car speeding at more than 100mph down the busy A1. At

one stage he clipped a road bridge. He drove 40 miles before dumping the vehicle in Gateshead.

The fair-haired boy was arrested seven hours after the attack. But, quizzed by police, he showed a frightening lack of emotion, refusing to answer questions and denying rape until presented with DNA evidence.

As the prosecution detailed the horrific events the boy fixed his gaze on the gallery where his victim sat with her hands and parents.

John Evans, defending, said it was hard for the public to understand

SICK: The boy's abusive mother

the "unique" nature of the case without knowing the defendant's background. He said: "By January, 1985, when he was barely three and a half years old, concerns were being expressed about his sexualised behaviour and poor standard of care."

"His GP said that he appeared to be under the influence of illicit substances. When he was still not yet four, he was being mistreated and encouraged to abuse both alcohol and cigarettes."

"He was massively damaged already and massively let down by some of the people around him. He was simulating sexual intercourse and oral sex with his teddy bear."

"Plainly, this gives some explanation. His mother was prosecuted for abusing both him and his brothers from an early age. It was a truly appalling start to life, with precious little guidance."

Sentencing him to life, with no minimum term, Mr Justice Grigson said he did not expect the boy to take in what the verdict meant.

He said: "These problems are not of your own making, but it's plain that until they are dealt with you are very likely to commit other offences as serious as this. The public has to be properly protected."

"You raped this young woman. Physical injuries can heal relatively quickly. But injury to a person's state of mind takes much longer."

"You know that better than anybody - you were the victim of such an attack." He also ordered that the boy remain on the Sex Offenders Register for life.

Detective Sergeant Jim Cunningham, of Durham police, said the case had shocked experienced colleagues.

He said: "Every now and again even the most seasoned detective would say 'But he's only 12 years old'."

"The boy is a very big, aggressive young man and she's a petite lady. It was easy to overpower her."

"As the boy left the centre he was very composed. He was able to switch off, which for me makes him even more dangerous. He was cool and showed no emotion."

Gateshead Area Child Protection Committee has commissioned a review of the case, said: "Agencies have worked intensively with this boy over the past few years."

"At the time of this incident, there were agencies to have been nothing to indicate he was a risk to adults."

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PREFACE

Erewhon

In March 2005 a boy just 12 years old became the youngest person ever to be given a life sentence in Britain. The London *Daily Mirror* of 12 March 2005 (see facing page) reported the boy's conviction under the headline PURE EVIL, with the subheading 'Boy, 12, who raped teacher locked away for life'. The boy, who raped his special-needs teacher during a one-to-one tutorial and then stole her car, had been reported by his family doctor at the age of only three to be simulating sex with a teddy bear (a clear indication of sexual abuse in children), drinking alcohol and smoking cigarettes. At the time of his trial, the boy's mother, herself a heroin addict, was serving a prison sentence for the rape and indecent assaults of the boy and his two brothers. Summing up the case, the judge in the boy's trial was reported by the *Daily Mirror* to have said the following:

These problems are not of your own making. But it is plain that until they are dealt with you're very likely to commit other offences as serious as this. The public has to be properly protected. You raped this young woman. Physical injuries can heal relatively quickly, but injury to a person's state of mind takes much longer. You know that better than anybody – you were the victim of such an attack. (Armstrong 2005, 5)

Reading the judge's summing-up in this case as reported in the *Daily Mirror*, I was struck by the very great similarity between what the judge said in this trial and something else that I had read once before but which I could not immediately place. When the source of the other reference finally came to me I was shocked to discover that it was in fact a satirical account of a trial in the famous Victorian novel *Erewhon* by Samuel Butler (1872). In *Erewhon* – the title of which is more or less the word 'nowhere' spelled backwards – Butler pretends to be giving a factual account at the height of British imperialism of the experience of a traveller to an as-yet-undiscovered land, in which the structure of Erewhonian society, and therefore its legal system too, is more or less exactly the opposite of that found in Britain at that time. Whereas in Britain we call things like murder or theft 'crimes', and punish people accordingly, we feel very sorry indeed for people who are medically unwell, especially if their illness is a serious one. But in Erewhonian society this situation is reversed: they call 'criminal' people who we would regard as physically unwell, and punish them accordingly, while they feel very sorry indeed for people who commit what we would normally call 'crimes'.

In chapter 11 of the novel ('Some Erewhonian Trials') Butler claims to be describing the legal system of Erewhonian society and uses this to criticize the Victorian legal system of his day. He has the hero of the novel describe in detail the trial of a young man accused of the heinous crime of pulmonary consumption, an offence so serious in Erewhon that until a recent legal reform it was punishable by death. The prisoner in the trial pleads not guilty to the offence, but the evidence against him is overwhelming. He coughs incessantly throughout his trial and it is all that the two jailors in charge of him can do to keep him standing on his feet. The accused's defence tries to argue that he is merely *pretending* to have consumption in order to defraud an insurance company of a large sum of money – a criminal offence to us, but something for which he could expect to receive some sympathy in Erewhon – but no one in the court is fooled by this unbelievable claim in mitigation. Butler then has the judge in the trial make the following remarks in passing sentence:

Prisoner at the bar, you have been accused of the great crime of labouring under pulmonary consumption, and after an impartial trial before a jury of your countrymen, you have been found guilty. Against the justice of the verdict I can say nothing: the evidence against you was conclusive, and it only remains for me to pass such a sentence upon you, as shall satisfy the ends of the law. The sentence must be a very severe one. It pains me much to see one who is yet so young, and whose prospects in life were otherwise so excellent, brought to this distressing condition by a constitution which I can only regard as radically vicious; but yours is no case for compassion: this is not your first offence: you have led a career of crime, and have only profited by the leniency shown you upon past occasions to offend yet more seriously against the laws and institutions of your country. You were convicted of aggravated bronchitis last year: and I find that though you are now only twenty-three years old, you have been imprisoned on no less than fourteen occasions for illnesses of a more or less hateful character; in fact, it is not too much to say that you have spent the greater part of your life in jail.

It is all very well for you to say that you came of unhealthy parents, and had a severe accident in your childhood which permanently undermined your constitution; excuses such as they are the ordinary refuge of the criminal; but they cannot for one moment be listened to by the ear of justice. I am not here to enter upon curious metaphysical questions as to the origins of this or that – questions to which there would be no end were their introduction once tolerated [...]. There is no question of *how* you came to be wicked, but only this; namely, are you wicked or not? This has been decided in the affirmative, neither can I hesitate for a single moment to say that it has been decided justly. You are a bad and dangerous person, and stand branded in the eyes of your fellow-countrymen with one of the most heinous offences. [...]

You may say that it is not your fault. The answer is ready enough at hand, and it amounts to this – that if you had been born of healthy and well-to-do parents, and been well taken care of when you were a child, you would never have offended against the laws of your country, nor found yourself in your present disgraceful position. If you tell me that you had no hand in your parentage and education, and

that it is therefore unjust to lay these things to your charge, *I answer that whether your being in a consumption is your fault or no, it is a fault in you*, and it is my duty to see that against such faults as this the commonwealth shall be protected. *You may say that it is your misfortune to be criminal; I answer that it is your crime to be unfortunate.* (1976, 115–17)

I have quoted the judge in the case of the Erewhonian trial at some length here not just because of the striking similarity between the judge's summing-up in this case and that of the 12-year-old rapist as reported in the *Daily Mirror* in 2005, but also because I believe it illustrates a very important point that I want to consider in some detail in this book; namely, why it is the case that so many people today seem to be unwilling to allow anything very much to count in mitigation when sentencing an offender, even in the case of someone like the 12-year-old boy where it seems perfectly plain that the boy would not have behaved in the way that he did (or at least would not have done so at the age of 12) had it not been for the appalling circumstances of his own upbringing. It is one thing, I suggest, to do this in ignorance of the circumstances of an offenders life – what brought the offender to the point at which they find themselves today – but it is quite another thing to actively want to punish someone when, as in the case of the 12-year-old rapist, we know that the circumstances of their upbringing were very bad indeed and where we might actually claim, rightly or wrongly, that it was this that caused them to do what they did. Truly, as Butler suggests, we might just as well punish people who, through no fault of their own, acquire a lung disease after they have been unlucky enough to grow up in a damp house as a child as punish the boy in this case, whose behaviour seems to have been so highly determined by the circumstances of his upbringing.

In 2005, shortly after the *Daily Mirror* story first appeared, I showed this to a group of third-year undergraduate criminology students that I was teaching at that time. I wanted to discuss what I thought was an interesting question – a book in its own right I think – whether it would ever be possible to control the antisocial behaviour of the kind we saw in this case, but without necessarily *punishing* the offender for what he had done. Could the requirements of social control – restraining someone for the sake of public protection – ever be separated from punishment? Clearly it was necessary for us as a society to do something with this boy in order to control his extraordinarily antisocial behaviour in some way – I took this for granted – but was it really necessary to punish him for what he had done as well when, as it seemed to me, we knew the circumstances of his upbringing and, as I suggested to my class, it was obvious that anyone brought up in similar circumstances might well behave in much the same way?

It was my *firm* expectation – and in mitigation I can only say that I was then still quite new to teaching criminology – that my class would be as appalled by the harsh sentence that the boy had received as I was. I was then astonished to discover that this was not the case. With the exception of only one or two of the students in each of my seminar groups who felt as sorry for the boy as I did, a large majority of my class, amounting to perhaps two thirds in all, did not feel particularly sorry for the boy at all and thought that he ought to be incapacitated in some way, perhaps even for the rest of his life, for the sake of public protection. A large minority of the students, amounting perhaps to a third

of each class, not only wanted to control the boy's antisocial behaviour, but positively *wanted* to punish him for what he had done (where punishment was defined by me during the class discussion as doing something more to the boy, over and above what might otherwise be required merely to restrain him for the sake of public protection). Although they knew something of the circumstances of the boy's upbringing, this third group of students positively wanted the boy to suffer in some way for what he had done while he was incapacitated – as though he had not already suffered enough, I suggested – during the time that he might otherwise be detained for the sake of public protection. Nor did the punitive attitude of this third group – and to a much lesser degree of the second – seem to have anything very much to do with the offence that the boy had committed. It was not because the boy was a rapist that so many of the students in my class wanted to punish him – all of the class, irrespective of the position they took, were agreed that he had done a very bad thing – but as far as the large minority were concerned it was simply a case that he had committed a crime. Any crime at all, it seemed, even one much less serious than this, ought to be punished according to this third group, irrespective of the fact that, as in this particular case, we actually seemed to know something about the circumstances that 'caused' the boy to do what he did and punishing him might well only make him worse than he already was.

At first sight, the attitude of that one-third or so of my students who positively wanted revenge on the 12-year-old boy seems to be as incomprehensible as the attitude of the judge in the Erewhonian trial who convicted a man for having pulmonary consumption. How could anyone actually want to punish a child who has grown up in such appalling circumstances as those described in the *Daily Mirror* article? (And before anyone is tempted to shift the blame onto the boy's mother, I think we would have to ask ourselves what happened to her as well – what were the circumstances of her childhood and upbringing – that caused her to act in such an appalling and abusive way towards her own children?) But, as a matter of fact, the attitude of that other 'group' in society, the very small percentage of my students – plus most university lecturers and all criminologists in my experience – who *never* want to punish anyone, is no less puzzling and is perhaps even more difficult to explain. Why don't we – academics in general and criminologists in particular – ever want revenge on the criminal, not even in those cases where we know they had every advantage (the Harold Shipmans of this world, for example), but still go on to do really terrible things? Why are we *quite* so sure that if someone behaves badly this must be because they have had a terrible upbringing? And why are some people quite so tolerant and ready to forgive others, even when they have sometimes been victims of terrible crimes themselves, while other people who have perhaps never been the victim of crime at all are much less tolerant? Victim support groups in the United States demonstrate that this is not simply a matter of being ill-used. Some people who have themselves never been the victims of crime still seem to want bitter and brutal revenge on the offender – all offenders, irrespective of their crimes or their circumstances – while other people who may have been victims of terrible crimes themselves, or are closely related to those who have been, do not want revenge on the offender at all, whatever their own personal experiences or circumstances might have been. Nor, as Michael Hough has suggested (1996, 209), is this simply a matter of being well informed, as the case

of the 12-year-old rapist illustrates. Even when they know the facts of the matter – the circumstances that led up to a particular offence – it seems that some very well-informed people still want to punish the offender.

To test the outcome of this exercise I decided to repeat this experiment with my class the following year and I have done so every year since then. Each year I show the *Daily Mirror* article to students taking a third-year, final-semester undergraduate criminology course that I teach on the subject of penal policy and, after getting the students to read the article in class, I ask the students to tell me what they think about the sentence the boy received. The results of this admittedly rather unscientific survey of about 300 students so far are nevertheless remarkably consistent from one year to the next. Each year a small minority of the students – perhaps amounting to only one or two people in any given cohort, and in the case of some seminar groups none at all – feel very sorry indeed for the boy and do not want to punished him at all, not even to the extent of imprisoning him for the sake of public protection in a secure local authority home (a type of children's prison used in Britain for 10 to 15-year-old offenders). In taking this view these students generally refer to other countries in Europe where a child of 12 is not considered to be legally responsible for their actions and hence could not be charged with having committed a criminal offence.¹

A second group – the overwhelming majority in each year and usually around 60 to 70 per cent of any given cohort – say that although they think the boy has to be imprisoned in some way for the sake of public protection, he should not have been given a life sentence and what is done to restrain him should not be viewed as a punishment as such (which assumes of course that he could be restrained in some way without this automatically and necessarily entailing that we punish him), but that this should only be done for the purpose of controlling his antisocial behaviour and perhaps even in the hope of reforming him. In support of their argument this group usually go on to acknowledge that if they had they been brought up in similar circumstances to the boy, and sexually abused by their mother or father at an early age, they might well have gone on, if not to rape someone exactly, then to behave very badly indeed in some other way. It is this – the empathy they feel for the boy as a result of what they know about his appalling upbringing, rather than the seriousness of the offence that he has committed – that seems to be the guiding principle for these students in how the boy should be treated in this case. In effect this second group seem to say that it was not the boy's 'fault' exactly that he behaved as he did, and certainly not a matter of his own 'free will' as some people might say – his actions as they accept being so very clearly determined by the circumstances of his upbringing – but they are quite clear that something must be done, however regrettable, to restrain him in some way, and if this 'something' amounts to punishment then so be it.

Finally, a significant minority of students in my class – usually something between one-quarter to a third of the class each year – argue that they not only want the boy to be restrained in some way for the sake of public protection and/or re-educated for his own and everyone else's benefit, but that they also want him to be punished for what he has done, where they define punishment as doing something unpleasant to the boy while he

is imprisoned. This group are also outraged by any suggestion that he should be spared such punishment just because of the circumstances of his upbringing, and they argue that the reasons why he has committed the offences that he has have nothing whatever to do with the way that he should now be treated. All that matters is that he is an offender and therefore he must be punished for what he has done.

In the records of my discussions with the students, made shortly after each seminar, I have noted that the especially punitive students were also conspicuously unwilling to admit that they might ever have acted in a similar way to the boy in this case, even if they had been brought up in the same or similar circumstances. There is also a very strong correlation indeed between the members of this third group and those amongst my students who say that they have *never* committed a crime of any kind, not even stealing from their mother's purse or from a shop when they were children. I believe them to be sincere when they say that this is the case. Almost incredibly, as it seems to me, there are some people in society who have never committed a crime of any kind at all, and these are the people it seems who favour the harshest penalties for offenders. Conversely, if we have offended ourselves, even though only as children perhaps, then it seems that we are more likely to forgive the offender as a result of this, or at least to pity them for what they have done. Those who require punishment are also conspicuously unwilling to consider the idea that the boy's actions might have been *determined* in any way by his upbringing – they really dislike this suggestion – or that he did not act of his own 'free will' (a concept which they defined as having a choice in the matter). Whatever the circumstances of his upbringing, they say, the boy could have chosen to behave differently. He made a conscious decision to rape his teacher and he could and should have chosen not to do so.²

In sum then there seems to be in my penal policy course what, for want of a better term, I think we will have to call three 'groups' or perhaps three different types of people, one of which, at one extreme – a very small group of people indeed – does not want to punish anyone at all, irrespective of whatever they have done. At the other extreme there is another much larger group who seem to require what Nietzsche characterized as 'bitter, ugly, foul, unchristian and immoral' (Williams 2006, 322; Nietzsche 1956, 159) revenge on the offender, even though they know the background conditions which may well be said to have caused someone to behave in the way that they did. In between these two extremes there is then a third group – the majority of students in my class and perhaps in society too – who merely want to control the behaviour of offenders without necessarily punishing them for what they have done, but who perhaps aren't too worried if, as a matter of fact, what we do to the offender in the name of social control does in fact amount to punishment.

INTRODUCTION

Leaving to one side for the moment the very interesting question whether it might ever be possible to restrain someone in order to control their antisocial behaviour without at the same time punishing them for what they have done, the question I want to consider in this book is why it is the case that so many people in society, even when they know the circumstances that may well be said to have caused someone to behave badly, do not merely wish to control the behaviour of dangerous and often damaged offenders, but actually want to punish them for what they have done. In particular, I want to know why some people who perhaps have themselves never been the victims of crime are really quite so harsh in their views on the question of punishment, and very unwilling as it seems to allow anything in mitigation, while other people who are sometimes the victims of terrible crimes are really quite so generous and forgiving. Where even only a large minority of people in society argue that prison conditions should be such as not merely to incapacitate the offender (which I will define here as conditions which would prevent the prisoners from committing further offences while they are in prison), but insist instead that the conditions in which prisoners are held must always be worse than those of anyone outside prison – the principle that is sometimes known as ‘least eligibility’ – we will be forced to reproduce the conditions over and over again which made the offender what they are today and hence, as Sir Thomas More said nearly five hundred years ago, we will continue to ‘makes thieves and then punish them’ for doing what, ‘from their youth they were ever like to do’. (More, [1516] 1910, 29)

If there is a sociological answer to this question – and of course it is quite possible, as Jonathan Haidt has recently suggested, that people are simply of different cultural and/or psychological types and that it is this that accounts for their very different attitudes towards punishment (2012, 128) – then the place to look for an answer to this question must be with the work of the French sociologist Émile Durkheim (1858–1917), and especially with what he has to say about his concept of the common or collective consciousness of society. This is not the place to give a detailed explanation of what Durkheim meant by this concept since, if it was possible to do this here, there would be no need for a book of this kind. However, for the benefit of those readers who are not already familiar with this concept, let me say briefly that Durkheim claimed that there must be in anything that might reasonably be called a ‘society’ some set of common values or shared sentiments without which, he insisted, no society could continue to exist for very long in its present form. Any society where there was no such thing as a common or collective consciousness, Durkheim thought, would be on the verge of a revolutionary change in its social structure, and then a new set of values would arise to

take its place. The French Revolution of 1789 and the idea of *la patrie*, or fatherland, that developed after this is probably the best historical example of this kind (Hunt 1990, 31–2). After the revolution, to cut down one of the newly planted ‘liberty trees’ was a crime punishable by death. This collective set of beliefs and practices are shared by more or less everyone – or anyway, all ‘right-thinking people’ as both Durkheim (1989, 58) and Bernard Williams (2006, 59) say – and it is these people who are outraged when their cherished beliefs and practices are offended against.

In his first book – part of his doctoral dissertation – *The Division of Labour in Society* (1893), Durkheim claimed that for most law-abiding people punishment has an ‘expressive’ function (Durkheim 1989, 31–44; Erikson 1966, 3–5; Garland 1991, 23–46). What he meant by this was that punishment expresses the outrage that we feel when offenders violate the core beliefs of the collective consciousness of a particular society. As Durkheim said on this point: ‘Punishment constitutes essentially a *reaction of passionate feeling*, graduated in intensity, which society exerts through the mediation of an organised body over those of its members who have violated certain rules of conduct’ (1989, 52; emphasis added). And it is this, Durkheim thought, that explains why so many people in society will usually support retributive punishment in favour of a more restorative ideal even when they know that such punishment will usually make the offender worse than they already are.

If this book has a thesis then it is that it is the degree to which a particular individual is more or less successfully incorporated into a particular collective consciousness, and the reasons why this is the case, which determines their attitude towards crime and punishment. Those people who are, for whatever reason, more closely incorporated into the collective consciousness of society favour retributive punishment while those who, for whatever reason, are less incorporated into the collective consciousness are more likely to be in favour of restorative measures being taken, or are at least indifferent to the outcome. In order to test this thesis it will be necessary to say exactly what we mean by the concept of the common or collective consciousness of society and this will therefore be the subject matter of Part I of this book.

Durkheim’s concept of the (or *a*) collective consciousness of society – and we have still to determine if there is more than one of this type of thing, or even that any such thing as the collective consciousness exists at all – has been extensively discussed before by any number of sociologists and criminologists (Lukes, 1973; Hirst, 1979; Alexander 1990; Garland, 1991; Cotterrell, 1999; Pearce, 2001) but, as far as I am aware, this is the first attempt to provide a book-length treatment of this very important concept in Durkheimian sociology. A major problem that immediately confronts the author of any such book however is that the account that Durkheim gives of this concept in *The Division of Labour in Society* (hereafter *The Division of Labour*) – and also, to a lesser extent, in his second major work, *The Rules of Sociological Method* (1895, hereafter *The Rules*) – is really very poor indeed, so much so that it is sometimes difficult to say exactly what Durkheim himself understood by this term. Durkheim, if I can put it this way, seems rather to *know* exactly what he means by this concept, than he is able to explain this to us, his readers. However, the recent republication in 2002 by the Dover Press of the English translation of Durkheim’s

relatively little-known book *L'éducation morale* (1925) – a series of lectures gathered together by his students after Durkheim's death in 1917 and first published in English in 1961 with the title *Moral Education* – provides us with an opportunity to look at this question again in much more detail than Durkheim did in his other better-known works.

Although mainly concerned with the question of the reform of the education system in France at the beginning of the twentieth century – Durkheim was a professor of education studies for most of his career as a university teacher, and the second half of the book describes in detail how Durkheim thought the French education system should be reformed to make this suitable for the twentieth century – the first half of the book provides us with a very detailed account indeed of what Durkheim meant by the concept of the collective consciousness itself: the most detailed account of this concept in fact to be found anywhere in his sociology. In what follows therefore, in Part I of this book, I will summarize Durkheim's writing on the concept of the (or a) collective consciousness of society based on his lectures on this subject in *Moral Education* and I will then compare what he says here to his other major writings on this subject, but especially in *The Division of Labour* and in his final book, *The Elementary Forms of the Religious Life* (1912).

In what I claim is the first major finding of the present study, Chapter 1 of this book emphasizes what I believe is a previously undiscovered flaw in Durkheim's sociology; namely, that the disciplinary function of society – the peculiar combination of a love of duty, authority and regulation as Durkheim describes this – does not form any part of Durkheim's actual concept of the common or collective consciousness of society as such, but is in fact analytically separate from this. Rather surprisingly, although 'the disciplinary principle', as Durkheim calls this in *Moral Education*, is the foundation of his concept of the common and collective consciousness of society, this principle does not itself form any actual part of his concept of the common or collective consciousness of society as such. At most, for Durkheim, the disciplinary function is only part of the general morality of society – the basis of this and therefore its foundation and background perhaps – but nothing more than this.

If my interpretation of what Durkheim says on this point is correct, then strictly speaking he cannot use the disciplinary apparatus of society – the fear of punishment for example – to form any part of his account of the common or collective consciousness. He may well try to do this, and in fact I think he does – see for example the reference to punishment which I have already cited above from *The Division of Labour* – but he is not *correct* to do so I think. Stripped of the disciplinary function therefore, Durkheim cannot appeal to the rule of law, or even to the love of duty, to account for what it is that he is trying to explain. Durkheim's failure to realize the significance of this point is then perhaps the major reason why he is unable to explain the failure of the common or collective consciousness to perform the role that he assigns to it in modern industrialized societies. As is well known, it is not Durkheim, but his great rival Max Weber (and after Weber, Foucault) who is the sociologist of power, domination and discipline in society (Weber 1978, 1149–55; Garland 1991, 177–81), while the discussion of these all-important issues is almost entirely absent from Durkheim's sociology.

If Marx can be said to be the sociologist of the material basis of society,¹ and Weber the sociologist of power and domination, then Durkheim is the sociologist of morality

and consensus (Smith, 2010). For Durkheim morality is the cement that binds everything else together and, as we will see, where this moral force is weak or otherwise poorly developed, the collective consciousness is in danger not merely of collapsing altogether, but of assuming an immoral or aberrant form. It is then perhaps due to an actual division between the disciplinary function of society and the collective consciousness, rather than to a flaw in Durkheim's method as such – Durkheim I think is simply describing the actual state of affairs – that the collective consciousness in modern industrialized societies does not develop as part of the normal functioning of the division of labour (or 'organically' as Durkheim describes this process), but has to be artificially created in some way. Durkheim probably would not have agreed with me on this point, but I will argue that this is the inescapable conclusion of what he has to say about the disciplinary function of society in the first half of his book on *Moral Education*.

Still in Part I, and based on this discussion of the concept of the collective consciousness of society, I will then try to give a detailed explanation of why I believe the French phrase *la conscience collective ou commune* can be translated into English without any loss of meaning as 'the common or collective consciousness', and, in this way, I hope to put an end to the common but extremely irritating practice in English-speaking sociology – and especially within criminology I find – of giving this phrase in the original French (usually in italics and/or in quotation marks, as the '*conscience collective*', and without the order of these words being reversed as in the usual way when translating French expressions of this kind into English), as though it is being suggested that this expression *cannot* be translated into English without serious loss of meaning. But, providing only that we have a thorough understanding of what Durkheim meant by this concept, I will claim that we can, once and for all, say exactly what Durkheim meant by this expression and then, this being the case, translate this understanding of the concept into English without any ambiguity.

In Part I, I will also argue – in what I will claim is the first major revision of Durkheimian sociology proposed by this book – that we can and should make a clear distinction between the concepts of the common and the collective consciousnesses (plural) of society. These are really two quite separate concepts I think, albeit closely related and clearly of the same type or kind. Durkheim hints at this distinction himself but, as a matter of fact, it is not at all clear what his views on this question are. Sometimes he seems to think that these two concepts should be distinguished and at other times he seems to believe that this is not the case. The clearest indication that Durkheim gives that he thought we might be able to distinguish the common from the collective consciousness is in the first few pages on chapter 3, book 2 of *The Division of Labour* (1989, 226–30). Here, the common consciousness seems to have more to do with traditional beliefs and practices and is closely associated with that type of social solidarity that is due to similarity, or what Durkheim calls 'mechanical solidarity'. For example he says that religion is the outstanding form of the common consciousness (or '*la conscience commune*' as he says in this case; 1989, 227), while the collective consciousness ('*la conscience collective*') seems to be identified more with the development of the division of labour in society and what Durkheim calls 'organic solidarity', or such solidarity that exists despite considerable differences in society.² At most other times however – as for example in his most famous definition of the common and collective consciousness in part 1, chapter 2 of *The Division*

of *Labour* (1989, 38–9) – these two terms seem to be presented as being much the same thing: alternative names for much the same social phenomenon.

It seems most likely that Durkheim changed his mind on this question, as and when the situation he was describing changed, and that he sometimes thought they were one and the same thing, in one social situation, but different things altogether in another situation. But, whatever Durkheim's own views on this question were, I think we can say for him that these two concepts are really quite distinct, or, at the very least, that they are analytically separable from one another and that, generally speaking, they are better understood in this way. I believe that this is a missed theoretical opportunity on Durkheim's part and, as a matter of fact, it puzzles me that he did not make this distinction more clearly for himself. The 'common consciousness', in my view, is the more elementary of the two types and is most closely associated with mechanical solidarity. We typically find this expressed in the form of things like institutionalized religion – Durkheim's exemplar case of the common consciousness – but class consciousness too would provide another good example of this phenomenon where this was sufficiently well developed (Smith 2012, 188). The collective consciousness, on the other hand, is the more complex of the two types, but is also much less well structured, much less likely to assume an institutionalized form, and is therefore more likely to be found in societies characterized by organic solidarity.

Having outlined in Part I of this book exactly what Durkheim meant by the concept of the (or a) common or collective consciousness of society I will then attempt, in Part II, to provide a detailed empirical description of what a Durkheimian concept of the common or collective consciousness might actually look like in practice, if any such thing can in fact be said to exist. It is a really *very* surprising fact – and one that seems largely to have been neglected by Durkheimian scholarship (for partial exceptions to this rule see Hirst 1975, 90–103; Pearce 2001, 17–18; and Newburn 2007, 174) – that Durkheim did not do this himself after he had written *The Rules*. Instead, Durkheim chose to write his third book on the subject of suicide, a topic that might have lent itself well to an analysis in terms of the concept of the common or collective consciousness, but in which, remarkably, Durkheim actually makes only two explicit references to this concept at all (interesting enough, one to the collective consciousness and the other to the common consciousness; 1993, 359 and 369). Why is this? In the general conclusion to the present study I will discuss in more details the reasons why I think this is the case – it is due to his commitment to comparative sociology I think, and the realization that no one person could complete this project by themselves. For now, in Part II, and thereby making a start on the project that Durkheim neglected, I will argue that unless sociology can say exactly what the concept of the common or collective consciousness looks like in actual practice – with detailed case studies of the actual nature and form of this phenomenon in different societies – then we will be forced to conclude that no such thing exists and that Durkheim, for all his confidence in the matter, was simply mistaken on this point. If this turns out to be the case, then Durkheim's thesis, and much of the rest of his sociology along with this I think, would have been refuted. However, to make myself clear, let me say at the outset that I do find evidence of something that I think might reasonably be called the *collective* consciousness of contemporary

British society today – my primary case study – albeit no real evidence of anything corresponding to the *common* consciousness as such. Therefore, at least as far as modern Britain is concerned, Durkheim's thesis is not refuted by this particular case study. What other studies might reveal is of course another matter.

Rather surprisingly, I think, it turns out that the collective consciousness of modern British society is not concerned with large-scale, or macro-sociological, features of society at all. Things like religion or nationalism, or even a veneration for 'the rule of law',³ are not – or perhaps I should say, are no longer – part of the collective consciousness of modern British society. They used to be I think, at the beginning of the twentieth century, when, in 1902 for example, Britain introduced something called 'Empire Day' on 24 May, the late Queen Victoria's birthday (Skidelsky 2010, 627), and school children were made to march up and down in the playground and salute the flag of the United Kingdom. At this time, I believe, many people would have been genuinely outraged if anyone had refused to take part in such a ceremony, but this is no longer the case today, at the beginning of the twenty-first century. A good example of how much things have changed in this respect is the recent case of Charlie Gilmore, the son of the Pink Floyd guitarist David Gilmore, who was sentenced to 16 months imprisonment in 2011 for swinging on a flag at the Cenotaph – the UK's foremost war memorial – during a public demonstration held in London in 2010 (see cover photograph to this book). The public reaction to this event seems to have been quite mixed, but in conformity with what I said in the preface to this study might perhaps be divided into three broad groups. First there was perhaps a fairly large group of people – but not the majority I think – who were genuinely outraged by Gilmore's behaviour. This would not just have been older people, I argue, but anyone who takes part in poppy-day celebrations and stands still at the eleventh hour, on the eleventh day, of the eleventh month each year, as many people still do in Britain today, to commemorate the end of the First World War. These are people for whom flag-waving ceremonies and memorials of all kinds really do mean something: people who have perhaps lost relatives and friends in the Second World War and more recently in Iraq and Afghanistan. However, a second group of people – a slight majority of the population perhaps – seem to have been largely indifferent to the event. For them Ki Price's deservedly famous photograph of Gilmore was perhaps nothing more than just another picture in their Sunday newspaper – another student behaving badly at yet another student demonstration – which affected them no more perhaps than having to turn over the page, and certainly no longer than the time it took to do so. Finally there seems to have been a third group of people, much smaller in number this time I think, and largely made up of young people and students themselves, who might have quite admired what Gilmore did, and might even have done the same thing themselves had they been on the demonstration, all the while wondering however where they could buy those rather distinctive shoes that Gilmore can be seen wearing in the photograph. The point I am making here is this: that whatever the actual details of the matter were, it is quite clear that not everyone in Britain was equally outraged by Gilmore's behaviour and that some people were not outraged by this at all. A reverence for flags, and even war memorials it seems, is not part of the collective consciousness of modern British society, and certainly is not part of anything that might reasonably be called its common consciousness.

Rather it is those apparently quite petty, but actually very irritating, events of everyday social life – things like adults cycling on the pavement, people throwing litter in the street (‘Why can’t they take it home with them?’) or academics writing the expression ‘*conscience collective*’ in italics – that deeply offend us. Orderly behaviour in public places, I will argue, is in some way intimately involved with the *collective* consciousness of modern British society. Aspects of the common consciousness are still to be found in British society today, but these things do not have very much to do with religion or nationalism any more. Rather this has something more to do with customary practices and behaviour and then, following on from this, with what is presented as being a veneration for tradition. It does not matter at all whether these customary practices or traditions are in fact of long standing; all that matters is that those people who are closely incorporated into the common consciousness of society sincerely believe that they are: that things ‘have always been done’ in more or less the same way as they are now and always will be. If one points out that, as a matter of fact, things have not always been done in a certain way – that mass imprisonment for example is a relatively recent development, or that ceremonials at the coronation of a new monarch are largely an invention of the TV age – this makes not a jot of difference to people who support the use of imprisonment on an industrial scale or are ardent monarchists.

In Part III of this study I will then provide a detailed account of Durkheim’s views on the subject of crime and punishment in general in order to examine in detail how his views on the concept of the common or collective consciousness of society are related to this question in particular. I will claim that there is what I think amounts to two schools of thought on this question within contemporary criminology. In one camp there are those criminologists who, when they discuss Durkheim’s views on crime and punishment, seem to rely very heavily on what he has to say about this in *The Division of Labour*, and who therefore spend quite a lot of time talking about the collective consciousness and mechanical and organic solidarity. In the other camp there are those criminologists who generally rely on what he has to say in *The Rules*, who therefore talk a lot about the question of whether or not crime is functionally useful for society – ‘morphological’ or ‘pathological’ as Durkheim describes this – and who usually have very little to say about the common or collective consciousness. As far as the first school is concerned, it appears to be a little known fact within contemporary criminology that Durkheim *entirely* abandoned all discussion of the important distinction he makes between mechanical and organic solidarity in *The Division of Labour*, never to refer to this concept again in his sociology after this point (Bellah 1973, xl). While, similarly, as far as the second school is concerned, Durkheim’s equally interesting discussion of whether crime might be morphological or pathological for society is not repeated by him again after *The Rules* except for a very short restatement of this thesis at the beginning of the final chapter of *Suicide* (1897). There seems to be very little common ground between these two very different schools of thought within contemporary criminology and neither of them has anything very much to say about the really interesting question here: the conspicuous absence of anything on the subject of crime and punishment in Durkheim’s sociology after *Suicide*, except for his undeservedly well-known ‘Two Laws of Penal Evolution’ essay (1902).

Because Durkheim's views on crime and punishment in *The Division of Labour* are really so very different from his views on this subject in *The Rules*, there is every chance that we might even say that they contradict one another. Were they not by the same author, I argue, we would never think to compare these two very different accounts. However, in what I will claim is the second major revision of Durkheimian sociology in the present study, I will argue that, in fact, there is no contradiction between these two very different views. In what appears to be another little-noticed fact, Durkheim's discussion of crime and punishment in *The Division of Labour*, and all of the controversial things he has to say about these two concepts in that book, occur in a chapter entitled 'Mechanical Solidarity, or Solidarity by Similarities' and therefore, I will argue, would perhaps be better understood as being intended by Durkheim to apply to cases of mechanical solidarity alone. If this argument is accepted, the very different claim that Durkheim makes in *The Rules* that crime is somehow functionally useful for society might then be better understood as being applied to cases of organic solidarity only. To make myself clear on this point, I am not arguing that Durkheim says this – I am not even really sure that he did intend his discussion of crime and punishment in *The Division of Labour* to only be applied to cases of mechanical solidarity – but what I am saying is that it makes much better sense of what Durkheim says about crime and punishment in these two studies, and avoids any contradiction between these two quite different Durkheimian accounts of this question, if we do in fact say something very much like what I have suggested here.

In Part III I will also make another equally sharp distinction between the concepts of crime and punishment; something that Durkheim himself was surprisingly reluctant to do in his early writings on this subject.⁴ I will argue that it is because Durkheim does not clearly distinguish between these two really quite separate concepts for himself in *The Division of Labour* and in *The Rules* that, contrary to what he argues in *The Rules*, he is unable to see that it is punishment *alone* that is morphological for highly industrialized societies and not crime at all. Crime is always 'pathological' for society I think, and this is especially so in the context of mechanical solidarity where the very idea that there is any such thing as crime is a threat to the existence of the common consciousness. In contrast to this however I argue that it is just possible that punishment – but *not* crime – might have a 'morphological' function in societies predominantly characterized in terms of organic solidarity since, in these communities, punishment does provide people who otherwise have very little in common with each other with a rare opportunity to come together in opposition to the criminal and hence to reassert moral norms (Jackson and Sunshine 2007, 214).

In Part IV of this study I will then look in some detail at another fundamental concept of Durkheimian sociology, the concept of 'social facts', of which the concept of the common or collective consciousness of society is in fact one of his main examples. I will do this in order to consider what I will argue is another astonishingly neglected aspect of Durkheimian criminology; namely, what on earth Durkheim could have meant in his much-quoted definition of the common or collective consciousness in *The Division of Labour* when he claimed that the collective consciousness is not only that 'totality of beliefs and sentiments common to the average member of society', but also that this totality

somehow ‘forms a determinate system *with a life of its own*’ (1989, 38–9; emphasis added). Although a great deal of attention has been given within criminology to the first part of Durkheim’s most famous definition of the collective consciousness of society, the second part of this definition has been entirely ignored. However, I will argue that, incredible though it must seem to us today, Durkheim really did believe, at least in the early part of his career, that ‘social facts’ were living things – living beings in fact – ‘with a life of their own’. It is simply impossible, I believe, to understand Durkheim’s early enthusiasm for the concept of social facts and his later disenchantment with it – sometime after the publication of *Suicide* I think – unless we recognize that he really did believe that he had discovered an entirely new class of sociological phenomena – a social realm underlying the surface appearance of things in fact – which was to be the special subject matter of the new science of sociology.

In Part V of this book I will then return to look in some detail at the many problems we have encountered in attempting to establish Durkheim’s concept of the, or as I will now argue, *a* common or collective consciousness of society. Here I will consider in some detail the question why Durkheim chose the division of labour in society – the division of labour of all things, as I say; something that he might well have supposed was as likely to divide people from one another as to bring them together – as the means of creating the collective consciousness of modern industrialized societies when, it seems, there were so many other much better candidates to choose from. The *formal* answer to this question is that Durkheim simply adopted his views on the subject of the division of labour from Herbert Spencer and, to a lesser extent, from Saint-Simon – however, in Part V of this study, I will claim that there was something more to it than this, and in fact I will argue for what I will describe as an ‘epistemological break’ in his writing between his pre- and post-1896 views on this question.

In *The Division of Labour* Durkheim is very confident that the collective consciousness of society, left to itself, will develop on its own, and that of course something very much like this already existed. No society could possibly exist without something like a common or collective consciousness, as Durkheim supposed, and therefore there was nothing very much that needed to be done – nothing really that could be done – to bring about the development of this crucial social phenomenon. By 1902, however, and largely I believe as a result of Durkheim’s own experiences during the now notorious Dreyfus Affair (1894–1906), his views on the development of the collective consciousness changed dramatically. Left to itself, Durkheim came to believe, the collective consciousness of France as exemplified by the Dreyfus Affair, might well assume the aberrant form of authoritarianism, militarism and even anti-Semitism. The people of France needed to be taught what was otherwise likely to remain unclear to them; namely, that we are all to a much greater degree than appears to be the case dependent upon one another in highly industrialized societies. For this reason, France needed to establish a whole new education system – quite literally a whole new school of thought in fact – in order to promote this idea, and Durkheim gave his series of lectures on moral education at the Sorbonne as part of his contribution to this project.

In Part VI will also consider the question why Durkheim was quite so opposed, as he seems to have been, to the idea that socialism might fill the role of the collective

consciousness of a modern industrial society. After all, here was an ideology which had developed alongside and together with industrialization, or ‘organically’ as we might say, which had important points to make about the morality of the capitalist mode of production, and which most of Durkheim’s own students thought was tailor-made to provide the basis of the new morality suitable for an industrialized country in the twentieth century, and yet Durkheim himself did not think this and was in fact opposed to any such suggestion. In what seems like an increasingly desperate attempt to find an alternative to socialism, Durkheim goes through contortions to find almost anything else – the education system, the science of sociology itself, the promotion of the concept of human rights and, most bizarrely of all, the creation of new professional associations – to provide an alternative common consciousness for a highly industrialized society in the twentieth century. Durkheim was not, as has sometimes been suggested, a conservative, but what he was rather was both a liberal and, more particularly I will argue, a member of the educated town-dwelling bourgeoisie. As such he supported the aims of the French Revolution of 1789 – liberty, equality and fraternity – but was only able to go along with these ideals up to a certain point. This point was the point at which the socialist programme came into conflict with the interests of the bourgeoisie. He supported those reforms which were opposed to the interests of the aristocracy, and authoritarianism more generally, but he was unwilling to go any further than this. Something else apart from socialism must therefore be found to perform the all-important role of the collective consciousness of French society during the twentieth century.

This brings me finally to the sixth major finding and/or disagreement I have with Durkheimian sociology and the third major revision of what Durkheim says about the concept of the common or collective consciousness that I am proposing in this book in order to try to overcome these problems. This has to do with the very important question of whether or not the common or collective consciousness of society is believed in more or less universally by everyone, with perhaps only a few minor exceptions as Durkheim claimed, or whether it is in fact much less universal than Durkheim believed it to be. Apart from criminals, Durkheim thought that support for the common or collective consciousness of society was more or less universal and insisted that this was the case in *The Division of Labour*. However, extending the argument I have already outlined above, I will claim that in fact this is only the case as far as mechanical solidarity is concerned, and only really applies in the context of the common consciousness too. As far as the collective consciousness of modern industrialized societies is concerned however, not everyone is equally incorporated into the collective consciousness, but this takes a variety of different forms at different times and places. We are not all equally outraged by the same things, I think, and not all at the same time or place, but rather what is included in the collective consciousness varies regionally and also varies dramatically from one period in time to another and from one generation to the next.

As far as the issue of local variations is concerned, Durkheim considered this possibility himself in some detail in *The Division of Labour* (1989, 230), but seems to have come to the conclusion that this was something that would change over time once

the collective consciousness of society developed and became more firmly established. As he says on this point: 'It is true that local collective consciousness can retain their individuality within the general collective consciousness and that, since they encompass narrower horizons, they can more easily remain concrete. But we know that they gradually vanish into the general consciousness as the different social segments to which they correspond fade away' (230). But in point of fact this claim is incorrect – we do not 'know' any such thing at all – but rather what we do know is that the one thing that seems to distinguish the collective consciousness in particular from the common consciousness of society is precisely the fact that the collective consciousness is much less well formed – much more loosely organized, much less definite and much less institutionalized – than the common consciousness and, where this is the case, such local variations are likely to be a permanent feature of the collective consciousness of highly industrialized societies rather than something that will wither away as the collective consciousness develops.

As far as the possibility that the common or the collective consciousness might vary from one generation to the next – and hence vary over time too – Durkheim has this to say in one of his lectures on *Moral Education*, first given 10 years after the publication of *The Division of Labour*.

Every generation has its own spirit, its own way of thinking and feeling, its own needs, and its special aspirations. We have a fact here whose causes are as yet not well known. There are linguistic changes in each generation, changes in fashion, in aesthetic appreciation, and in philosophical views. A cosmopolitan generation is succeeded by a very nationalistic generation, or vice versa. Optimism follows pessimism. Anarchism follows religious dogmatism, and so on. Such moral discontinuity between generations runs the risk of giving social evolution a jerky and erratic character, promoting chaotic impulses, if precautions are not taken to bring different generations together as soon and as completely as possible, so as to encourage their interpenetration and so closing the moral gaps between them. (2002, 248–9)

But if this is the case then it *must* also be the case – contrary to what Durkheim says in *The Division of Labour* – that the collective consciousness of society certainly, and perhaps even the common consciousness too, is not always or everywhere the same within any given society. The generation that idolized Queen Victoria, that marched up and down in British playgrounds on 'Empire Day', and that cheerfully went off to fight in the First World War, was not the same at all as the generation that reluctantly went to war in 1939–45.

A very good illustration of the point I am making here is provided by Ralph Miliband in his book *Parliamentary Socialism* (1961). Discussing widespread working-class support for social reform immediately after the Second World War – the new deal promised by the Labour Party that is now widely identified with the slogan 'Winning the Peace' – Miliband has this to say: 'With a new *consciousness of their collective strength*, and with a new confidence in their own worth, they regarded a new deal as a right which dare not be

denied them' (273; emphasis added). But, just 13 pages later, Miliband has this to say about the middle-class reaction to Labour's stunning victory in the 1945 general election:

Of course the very fact that a Labour Government had come to power, with an assured majority, was sufficient to give bourgeois England, and all those who identified themselves with bourgeois England without being a part of it, a genuine sense of *outrage* at what was taken to be the country's capture from its traditional rulers, and at the proletarian threat which Labour's assumption of office was deemed to entail. Mr Evelyn Waugh may have been straining for effect when he wrote in 1959 that he had 'bitter memories of the Attlee-Cripps regime when the kingdom seemed to be under enemy occupation'. But there was a vast and socially heterogeneous host which did then feel that the Government, if not the kingdom, was in enemy hands. (1961, 286; emphasis added).

Between 1945 and 1951, when the Conservative Party regained political power, there were quite clearly two distinct camps – two classes in fact – in British society at this time; one which represented the hopes and aspirations of the British working class, and radical political opinion that was associated with this, and the other which had regained the upper hand by 1959, and which represented the interests of the bourgeoisie at that time. But what this means is that Durkheim cannot be right to argue that no society could possibly continue to function unless it was united by a single, more or less universal, common or collective consciousness: Britain between 1939 and 1959 disproved his thesis.

Even by the time he came to write *Moral Education* Durkheim was still arguing that society 'cannot exist except on the condition that all of its members are sufficiently alike – that is to say, only on the condition that they all reflect, in differing degree, the characteristics essential for a given ideal, which is the collective ideal' (2002, 87–8).⁵ But I will argue that the collective consciousness is not like this. Rather it is something more like a Mexican wave at a football stadium or perhaps one of those very large banners that are sometimes handed over the heads of the crowd and move their way gradually around the stadium. There are a number of different collective consciousnesses in society at any one time and in different places, some now rising, some currently predominant, some now falling away, and some long since gone. Each one of these different consciousnesses has its own set of values, and hence a different set of things that cause some people to become outraged when, as they see it, the values they hold dear are violated, and there is no necessary identity or overlap between the views held by people at the back of the wave or those at the forefront of new opinions.

I will conclude this book by arguing that there is indeed such a thing as the common or collective consciousness of society – Durkheim was right to identify this concept I think, and what he says about this phenomenon has made an important contribution to the sociology of knowledge. However, as I have indicated, I do not believe that Durkheim, especially in *The Division of Labour*, always got the nature or the form of this concept right. To revisit Durkheim's work merely to give an account of what he has to say – or yet another account, as we might say – would be a pointless exercise I believe. But this is