The State in Durkheim’s production between 1886 and 1890: the formulation of the expressive thesis

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Abstract: This article’s subject of analysis are the ways in which the problem of the State was dealt in the theoretical interventions that Durkheim performed between 1886-1890 and which have been disregarded by critics. After a first production period (1883-1885) characterized by the prevalence of the questionings on the national State, in this second stage, the young French professor is convinced that the state mechanisms are not the most adequate to sustain the social integration. Social cohesion, he concludes, is spontaneous and does not primarily need of the political machinery to be reproduced. In the same way, the State is defined as a device that expresses the social solidarity that completely precedes it.

Keywords: Émile Durkheim, classical sociological theories of the State, social solidarity, social coercion

Resumen: El tratamiento del problema del Estado en las intervenciones teóricas que realiza Durkheim entre 1886 y 1890, descuidadas por la crítica, es el objeto de análisis de este artículo. Luego de un primer período de producción (1883-1885) caracterizado por el predominio de las interrogaciones que tienen por centro el Estado nacional, en esta segunda etapa el joven profesor francés se convence de que los mecanismos estatales no son los más apropiados para sostener la integración social. La cohesión social, concluye, es espontánea y no necesita primariamente de la máquina política para reproducirse. De forma paralela, el Estado queda definido como un artefacto que expresa una solidaridad social que le precede por completo.

Palabras clave: Émile Durkheim, teorías sociológicas clásicas del Estado, solidaridad social, coacción social.
Introduction

Durkheim was a conspicuous representative of the theoretical corpus of the classical sociology that emerged in the course of the XIX century as a response from the academy to the Marxist conception of history.¹ His works have been and are subject to uncountable examinations and interpretations; however, in his work, there are still some little explored interstices. The subject of analysis of this article lies in the intersection of two of those oversights: the problem of the State and the theoretical interventions that were made before 1893.

Giddens points out that “Durkheim’s political and State theory undoubtedly constitutes the least analyzed part of his contributions to the social theory” (Giddens, 1997: 91). In fact, among the 946 works inspired in his production or life that are listed by the Associated with the Société d’études durkheimiennes and the British Centre for Durkheimian Studies one does not find examinations that have the State as a specific subject. There is analysis on his polemics against socialism and on his stance in specific conflicts of the France where he lived, and they are always from a perspective that reconstructs the historical context of the emergence and consolidation of the French sociology. Also, in the classical treatises on sociologic theory, in the chapters dedicated to Durkheim, rarely does one find a room dedicated to the political or state problem.

That disregarding in the political aspects of Durkheim’s work can be explained, according to Giddens, on the one hand, by the fact that the most influencing interpretations it has received, especially the one from Talcott Parsons, were made before the publication of the analysis and directly focused on the political problems. In fact, The Structure of Social Action, a work that spreads Durkheim’s and Weber’s theories at international level was published in 1937, whereas Lessons in Sociology, in some of whose sections Durkheim tackles the definition of the State and democracy, etc „was published in 1950. On the other hand, Giddens adds, that scarcity is

¹ Among other authors who take on a similar stance, Portantiero refers that sociology was born in the XIX century with Durkheim’s and Weber’s theories as a point of view that was adverse to Marxism. This discipline, he warns, arises as an attempt to “[...] provide a new science of society that is opposed to the ghost of socialism…” (Portantiero, 2004: 30).
related to the common way in which his thinking is considered, that is, as a kind of “mystical nationalism”, debtor of an exaggerated sociologic realism.

I think it is necessary to add that the underestimation of the political content of Durkheim’s sociology has also roots in the production of this classic and in the topics of interest for the first followers of Durkheim’s ideas. It is not possible to find in Durkheim’s extensive work a systematized treatise written specifically with the objective of presenting his theory of the State and the kinds of political organization to the sociological community and to the scientific opinion. That explains why many of his commentators and disciples did not feel the stimulus to address the study of the political phenomena as such.

In the classification of the sociological topics presented in 1913 in *The sociologic year*, the space that was assigned to the sociology of the State is minimal. There are six great specialties that provide form to sociology: general sociology, religious sociology, moral and legal sociology, criminal sociology and moral statistics, economic sociology and social morphology. The political organization, the organization of the secondary groups and law are included, among other items, in moral and legal sociology (Steiner, 2003: 17). In the same way, the most outstanding works made by the durkheimians from the time before the war belong to the fields of general sociology (Célestin Bouglé), the religious and anthropological (Marcel Gaus, Henri Hubert) and the economic sociology (François Simiand and Maurice Halbwachs). When there is political interest on political power, it is directed, as it occurs with some analysis made by Célestine Bouglé, to the temporary problems and not to the development of theoretical concepts.

These issues, formal if one wants, provide, as I want to demonstrate in this work, a constituent position in Durkheim’s theory: the subordination of the State to the social structure. The decisive sociological analysis is that which accounts for the changes produced in the basic forms of social organization, it is not what is found in the state dynamic.

The underassessment of Durkheim’s approach to the political aspects of the social facts is stressed in later decades.
[...] In the period between the two World Wars, the questions that concerned the European intelligentsia did not find answers in a sociology that had a weak explicit interest in politics and its conflicts. Thus, when World War II ended, when sociology took institutional soar, the potential of Durkheim’s sociology was not much considered and remained devastated by the weight of the interpretations that sustained that this positivist sociology was already exceeded, deeply realist and one in which the social order was magnified against the interest of the individual or that of conflicts and classes (Steiner, 2003: 123).

In the decades from the 70’s and the 80’s, the hegemony of the methodological individualism in the field of the academic sociology, including the political sociology, reinforces the delay of Durkheim’s political reflection which was clearly located in an opposing methodological perspective. Hence and despite the fact that its locus among the classics of the sociologic theory is not debated, as demonstrated by the end of the 60’s in the disseminated book by Raymond Aron, what is true is that up to this time, Durkheim’s contribution to academic sociology tends to be circumscribed to themes that are alien to the problems of politics and the State.

Contemporary analysts such as Giddens and Steiner coincide on asserting that the developments made by Durkheim have occupied a significant place in the French and North American academic spheres in recent decades. This occurs just as more sophisticated analysis and reevaluations are made on them. But if these new studies frequently pay attention to disregarded aspects of Durkheim’s sociology, its political dimension, as mentioned earlier, is not part of the preferences.

Also, and this is essential, systematic researches on Durkheim’s political theory performed from a critical point of view do not abound; in fact it is all the opposite, given the fact that among Marxists, for example, there is a stressed tendency to underestimate or blatantly ignore the content of it. I will try to avoid two equally pernicious extreme stances: on the one hand,

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2 I refer here to the Main Currents in Sociological Thought, in which the famous French intellectual describes Durkheim as one of the founders of sociology along with Weber, Comte, Tocqueville and Marx. This is done in spite of the scarce esteem he regards for his thinking.
the fact that Durkheim’s postulates have been treated as though they were aseptic and lacked internal contradictions, as if they were not representing a theoretical stance (of class); on the other, the elusion of the detailed study of his theory under the prejudice that it is a bourgeois work. A rigorous and serious analysis of the political sociology of the classical work, a significant adversary in many theoretical struggles of the sociological field which provides theoretical assumptions that are valid nowadays, consists —in my opinion— in accounting for all its density and complexity, and at the same time, in demonstrating the point of view of the class that sustains it as well as the internal tensions in it.

Durkheim’s production previous to The división of labour in society (1893) has, likewise, received minimal attention from specialists. Lacroix does not hesitate in pointing out that “most of the references to the genesis of Durkheim’s thinking disregard the importance of the political affairs among the original concerns, being this the heart of his research between 1885 and 1890, two strategic moments that are from the period immediately previous and later to his visit to Germany” (Lacroix, 1984: 33).

Examples of this production are: Le rôle des grands hommes dans l’histoire (1883), Alfred Fouillée, La Propriété sociale et la démocratie (1885), Les études de science sociale (1886), La science sociale selon De Greef (1886), La philosophie dans les universités allemandes (1887), La science positive de la morale en Allemagne (1887), La constitution selon Platon, Aristote, Machiavel (1889), Communauté et société selon Tönnies (1889), Les principes de 1789 et la sociologie (1890).

This fact does not represent a minor apathy for the writer of these lines, concerned about the significance of the political problem in the work of this classic of the sociological theory, since I have come to the following conclusion:

In the essays, bibliographic reviews, discourses and courses of the 1883-1885 period one can see a stressed concern on the specific problem of the national State. Moreover, in his first works there is a question on the essential role of the State in social organization, this is even a determinant one in the set of the problem that is a characteristic of them. A member of a antirevolutionary petite bourgeoisie that experiences the French occupation and the different experiences of popular uprisings, the young Durkheim was dazzled by the issue of national unity (Inda, 2008: 29).
Likewise, despite the fact that Durkheim’s work is frequently considered a homogeneous whole. Careful and detailed readings allow us to distinguish phases and displacements in his political thinking. According to my research, there was a precise change in 1886 and it will become a lasting one. After continuously challenging the State from its capacity (or incapacity) to consolidate social integration (in the period between 1883 and 1885), Durkheim is convinced that state power and political action are helpless to avert the conflicts that intend to dismantle the French social unity and he loses, this way, the interest in the explanation of its determinations. In the same way, the State remains defined as a body-appendix that expresses the social life which it creates (*expressive thesis*). We will now analyze this in detail.

“The studies of the social science” (1886) and the review of “Community and Society” (1889): the social solidarity “comes from inside”.

Starting in 1886, Durkheim collaborates in *Revue philosophique*. Most of the articles and reviews that he writes for said magazine are aimed at the analysis of the problems related to the autonomous constitution of social sciences and to the study of the social and political theories which are more famous in the French and German intellectual spheres.

In one of the reviews, under the title “Les Études de science sociale”, he analyzes, with the objective of describing the state of sociology and the way in which it is divided and organized, the works of four social contemporary thinkers whose works had all been recently published.3 In his reading, and in the criticisms he made, there are elements that help us to reconstruct his conception of the State. Let us now analyze some of them.

After pointing out that law, moral and religion are the “three great regulatory functions of society”, and that each of them shall be the subject of a branch of sociology, he wonders which the body in charge of fulfilling these functions shall be. They are generally attributed to the State, warns Durkheim, but the issue is to know the definition of State, considering that there are but “few more obscure concepts”.

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For Regnard (French researcher contemporary to Durkheim), the State is not taken for a government, it covers at the same time rulers and ruled, “it is the organized society”. He considers that the societies that create a State have not always existed. In the beginning, men, social by nature, live as isolated groups (families or clans). It is a time of a war against anyone. The decisive fact in the creation of political societies is given by the materialization of sedentary and close clans, driven by a common interest. Political societies are differentiated from the inferior societies by three essential characteristics: blood kinship is substituted by the use of a common territory as a basis for the unity of the group; the social mass is divided between rulers and ruled; the State becomes different from the other social groups by the fact that it is organized to achieve the common good.

Durkheim’s criticism point out firstly to Regnard’s idea of the “general interest”. This thinker turns the general interest, essentially relative and contingent according to Durkheim, in a transcendent absolute, superior to the individuals and laws and which is even above society. That is why he postulated that if the common good principle is violated, understood as the reasons of the existence of the State, there is not a State any longer, being then valid resurrection and violence. In the monarchies and aristocracies, naturally contrary to the general interest, “insurrection is the first of the rights and the most sacred of duties”, that is Regard’s conclusion.

Unfortunately, according to Durkheim, it is difficult to see what that general interest regarded by Regnard consists in. It is not the interest of the majority, because in some situations, resurrection is a duty of the minority. It is not either the addition of all the private interests, given the fact that they contradict each other. Much less is the “happiness in abstract”. The common use is not a metaphysical entity nor a transcendent one, it is only “an average among all the individual interests”, and also if the use was the only social tie, societies would only last for days, because there is nothing more changing than interests. In any case, the ambiguous notion of general interest needs to be detailed.

Those who assert that men have shaped States looking for a common interest or aiming at increasing the general wellbeing are wrong, “the whole history protests against such an assertion”. Our young intellectual asserts that the need of sociability and the social instincts are the ones in the basis of the formation of societies, including the modern ones.
The indecisive definition provided by Regnard does not allow us to differentiate the modern State from inferior societies, Durkheim states. The common interests, territorial closeness and the existence of rulers and ruled are not characteristics exclusive to “superior societies”. It is not in them, hence, where one has to look for the specificity of the modern State. But, does the modern State have any specificity?

According to the general indications on how to undertake a scientific study of the State, between the modern State and the previous ones there is not, for Durkheim, a qualitative differentiation. Since the superior forms cover all that was already contained in the inferior ones, he argues, the study of the States which have disappeared will demonstrate, “naturally isolated”, some of the functions that are nowadays confused with others and which are difficult to be noticed in contemporary States. Only when this research is successful will it be possible to establish a “scientific theory of the State”.

In the Studies of social science it is also possible to find expressions that confirm the ever faltering idea that the social discipline (social coercion, social authority) exceed – and precede – to a great extent the authority of the State, of the political centralized power. While Regnard considers that there is no law or moral until there is a State, Durkheim thinks that law and moral “do not do anything but to express the conditions of the social equilibrium”, and they exist at the moment when people relate to each other and live together.

For Durkheim, discipline, imposed with obligatory strength to all individuals in the society, assures cohesion. This does not express anything else than the conditions for the existence of societies, and these conditions do not change from one day to another, they do not depend on the will of each one, they “result from the nature of the things”. The insurrection, as in fact any sudden change in the social relations, does not find any response in a thinking that considers the existent situation as a product of a wise evolution.4

Being the social discipline the guarantee of social solidarity, does the State play any role in the maintenance of it? The explicit answer provided

4 “Revolutions and spontaneous creations do not exist in the world of science more than in the world of things. Each being born with capacity of life is the product of a long evolution” (Durkheim, 1886a: 20).
by Durkheim, focused on a debate with the liberal economists that overdimension the individual and reject any interference of the State, is affirmative, inaccurate nevertheless: the interests of the community are in the hands of the State, given the fact that they cannot be judged by individuals who know only a little part of the social life.

The essential part of this is that the State appears in Durkheim’s discourse as an instance that is at the same time a result of the solidarity or cohesion of society and and one that reinforces (it is not known how) that very cohesion from which it is a product. I dare to conclude this: since social cohesion comes from the continuous exercise of the social disciplining (moral, religious, legal) on the individuals, for Durkheim, the role of the State consists in subalternous participation in that disciplining.

Expressive thesis (the State expresses a previous and autonomous social life) and determination of the state authority by the social authority, which is broader and more diffuse, are aspects of a single theoretical stance that considers essential basis the existence of a social solidarity which is inscribed in the nature of any society and that does not primarily need violence to exist.

[…] We have been told that State and society are two different things. Yes, they are, but under one condition: the State shall be seen as a totally external tie, an artificial system that is above society which does not derive from it. This is Rousseau’s simplistic conception, and the economic school adheres to it in a determining way, even after a century of experience that barely could be considered in favor of the theory of the Social contract. Things are more complex. A society is not a collection of individuals kept together by means of force by a monstrous and huge machine. No: solidarity comes from the inside and not from the outside. People are together as naturally as atoms of a mineral or the cells of an organism are. […] This solidarity is expressed externally by means

5 Legal rules, law, do not constitute for the Young Durkheim internal instances of the State, on the contrary, he always presents them as previous and exterior. The State, in general terms, only writes them down and enforces them.

6 One could think that the State has to take part in a priviledged way in that disciplinary process, considering that, by definition, it owns a repressive apparatus. But Durkheim asserts with vehemence that strenght is not enough to maintain social unity. Both aspects of his conception are not necessarily contradictory, given the fact that strenght becomes an accesory in the achievement of social unity.
of an appropriate structure at every moment of its development. The State is one of those structures. The State is the external and visible form of sociability. If someone abstracts from this, undoubtedly, as we have already mentioned, supposes that people does not live in societies. (Durkheim, 1886a: 21) (Italics are mine).

One can infer in views of the “disorganization” crisis that France experienced, i.e., his diagnosis, Durkheim’s expectations are not put in the action of the State nor in those of the partisan political activity, and much less on popular struggles. His political and theoretical stances embrace each other. If the old social ties are broken and are not replaced, if the individuals are separated from each other, discords are inevitable. It is necessary to join them again and they will only achieve this by means of corporative groups, cooperative associations, collective savings and welfare societies, unions, etc. in which they will find protection and impulse.

And these civil associations shall be “free”, according to Durkheim. In this context this can only mean that it shall be outside of the state sphere. It is so because the State is “a very heavy machine” that “compresses everything it touches”, which tends to twist the springs that are “so delicate in the individual activity”. With “the best intentions in the world, the State subjugates those it protects”. The regeneration of social tissues only depends on the force of the “moral attraction”.

In the economic field there shall be neither an overprotecting nor a null State. If the State shall not be the great absence in the collective life, as many orthodox economists want, it shall not be the authority in everything either, concludes Durkheim.

Three years later, moved by his reading of Tönnies’ Community and Society, Durkheim emphasizes his conclusion made in 1886 which is related to the interiority of the social solidarity. Although he shares the classification of

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7 Later on, in Lessons in sociology (1890-1900), he will have exactly the same stance. Although he does not abandon the central thesis according to which the State is a product of a cohesive social life, he acknowledges that there is in it a higher autonomy and an organizational role that is significant. In fact, despite admitting that the collective representations and the social currents constantly exceed and go beyond the State and that when government employees deliberate, they “depend on the general state of the society” and “are in touch with the masses of the nation”, he also points out that “[…] if there is a factor to determine them
the two main kinds of society proposed by Tönnies, he disagrees in an essential issue. We will now analyze this.

“Community” and “society” are two types of social life. The “community” is an “absolute unity that excludes the distinction of the parts”, a “vague and compact mass”, a “group of consciences strongly united”. No part moves without the others. “Communism” achieves the highest degree. Harmony results from the spontaneous consensus, from the similarity of feelings and thoughts.

“Society”, observable almost in its “state of pureness” in the large cities of current societies, is for Tönnies opposed to community, however it was historically born from it when it increased its volume: there is a distinction between the parts, each one is at hostile terms with the other and the reason behind social action is always the exchange of a similar service or the abstention of a benefit. Socialism, conceived as the existence of a greater state power aimed at taking care of the collective interests, is the typical regime of “society”.

Tönnies published in 1887 the nowadays classical work *Gemeinschaft und Gesellschaft* which has as a sub-title *Treatise on communism and socialism as empirical forms of social life*. Durkheim is once more interested in the socialism subject as form of social organization. In 1882, according to his nephew Mauss, he had defined the field of study of his research as the study of the relations between individualism and socialism, two terms that according to a clarification by Steiner “[…] refer to a very general philosophical approach that aimed to compare what at that moment were considered two antagonistic kinds of social and political organization (individualism that referred to the political liberalism and above all to economic liberalism and socialism, with regard to the doctrines that emphasized the primacy of the State or any other regulating center of social life)” (Steiner, 2003: 23). Durkheim is obviously impressed, since in *De la división du travail social* (1893) the notion of societies united by similarities or by mechanical solidarity remind us in more than one aspect of the notion of “community” provided by Tönnies.
The effects of dispersion which take place in the kind of social form that has the progressive development of individualism as a characteristic can only be prevented, according to Tönnies, “by a limited time” and “by artificial means by the action of the State”.

If the characterization of “community” is appealing to Durkheim, that of “society” leaves him unsatisfied because it disregards the spontaneous and internal solidarity without which no social form can survive:

[...] It is essentially seen as a mechanic addition. The remaining part of collective life does not result, supposedly, from an internal spontaneity but from a stimulus of the State, which is absolutely external. [...] However, I think that the life of greater social agglomerations is as natural as that of the small groupings: it is neither less organic not less internal (Durkheim, 1889a: 11).

Years later, he would perfectionate this first impression. In his mayor work of 1893, he will defend the hypothesis that modern societies, characterized by a weak collective conscience, have their own internal source of social solidarity: the social division of labor.⁹

The need of a “national education” and the displacement of the problem of the struggle for the political power

Durkheim visited several German universities in 1886. “From the terrible year of 1870,¹⁰ the minister of Public Instruction had the objective of providing scholarships to the most outstanding young lecturers, with the objective of visiting Germany and familiarize with the most recent scientific

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⁹ Although, as it is known, he shows certain uneasiness when he proved that the integration of societies with a developed division of labor does not have the same density as that created by the similarities in primitive societies. Since modern society surrounds less closer the individual, it “[...] cannot contain with the same efficacy the divergent tendencies that arise”. (Durkheim, 1893: 80). The central idea is that the división of labor cannot give rise to the necessary social solidarity unless it produces, at the same time, a law and a moral. The division of labor will create solidary ties in modern societies only if it is accompanied by the construction of a secular morality that occupies the religious vacuum.

¹⁰ In 1870 the defeat and invasion topple Napoleon's regime. The conflict with Germany becomes explicit when France is interested in the resignation of the Hohenzollern, who govern Prussia, to the vacant throne in Spain. In view of the Prussian response, France
and academic labor” (Lukes, 1984: 84). Steven Lukes refers to the popularity that by those years had the idea, exposed by Renan – who drew Durkheim’s attention in more than one occasion—¹¹ that the German victory had been a victory of science, and therefore it was necessary to strengthen the scientific development of France.

In 1887, by decree of the Ministry, he was appointed as “pedagogy and social sciences” professor at the Faculty of Letters of the Bordeaux University. “This is the first course in sociology created in the French universities” (Aron, 1970: 120). “It was the first time that a French university officially opened its doors to an apparently suspicious subject. The event is very significant” (Alpert, 1986: 50). In fact, sociology will not be very suspicious or dangerous, except for the ultra-catholic conservatives, considering that the explicit objective of our young professor will be to make education the basis to sustain the nation.

The belief in the importance of an educative secular reform as the means to collaborate in the moral unity of the Third Republic is directly related to the gradual acknowledgement of sociology as a university discipline. Durkheim, in good relations with the Ministry and a fervent partisan of the scientific study of moral, is the ideal candidate to take part in this endeavour.

In the same year, 1887, and as a result of his experiences in Germany, he wrote two articles: “The positive science of moral in Germany” and “Philosophy at the German universities”. Scholars interested in Durkheim do not hesitate when they stated that the contact with the German university sphere exerts a significant influence on his intellectual education, insofar as it allows him to strengthen some influences that already existed in his thinking. Regarding our special interest, I can add that Durkheim finds in the

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¹¹ In the dissertation delivered in 1883 to the students from the Lycée de Sens on The role of the great men in history, Durkheim attacks again Renan’s stance. While this philosopher considered that the nation is the product of the action of some few men, Durkheim thinks that a nation is the product of the “mass of its citizens” (Durkheim, 1883).
German university philosophy elements to deal with the political problem of the national French dismemberment. These elements, by the way, fit perfectly with his first impressions and complete them.

National disunity demands the creation of a new moral and its teaching: that is the lesson promoted by the German professors and the one which Durkheim takes on with enthusiasm, considering that he himself has practically come to the same conclusion, as we have just seen in our analysis of the Studies on social science. The difference is that he now defines with absolute clarity the role that he has as a professor in the reconstruction of France: the academic labor shall be civic, shall help defend the fatherland, fight against individualism, a ferment of dissolution of the national links, and “enforce law”.

In fact, in “Philosophy in the German universities”, Durkheim cannot but contrast the collective work and the corporative spirit of the German universities with the taste for originality and individualism of the French academy that has bothered him since he was a student. Beyond the criticisms he performs on the German university organization (lack of centralization, eclecticism, excessive specialization, etc.), the truth is that he admires the contribution that German university philosophy gives to the “national education”, and he wants the same for France.

Above all, we want to know the raisons d’être of the national feelings and of the patriotic faith. If they are grounded in the nature of things or, as openly and in a concealing way sustain so many doctrinarians, if they are only prejudices and remains of the barbarity. […] In order to provide an answer we have to teach students how to appreciate the nature of sympathy and sociability and let them see their reality and their use. It is necessary to explain them that our personality consists mostly of lent characteristics and that the man is only an abstraction when he is taken out of the physical and social environment that surrounds him. Finally, it is necessary to show them that sympathy is only exercised in the groups of unequal extension, but it is always restricted and closed. On the other hand, it is also necessary to clarify them the place that the nation has in these groups. It is also of interest to the philosophy professor to raise the concept of law in the minds entrusted to him; letting them understand the mental and social phenomena, just as any other phenomena, which are subject to laws that human being cannot dismantle at will and therefore revolutions, taking the word in its literal sense, are as impossible as miracles (Durkheim, 1887a: 44).
It seems as if Durkheim considered that in order to understand the nature of the State one required an organic conception of society and a fair estimation of the individual regarding it determined by the social conditions. The latter is a conception similar to the ones we find in German academic spheres.

If a German conceives the State as a power that is superior to that of the individuals, it is not due to mysticism or servilism. It is simply because the State does not represent for him the same as it does for us, that is, a huge machine aimed at repressing such series of unsociable beings described by Rousseau and in which, unfortunately, some of us continue believing; it is a spontaneous product of social life, different to it but resulting from it (Durkheim, 1887a: 27).

Thus, if Durkheim considers the State as a power superior to individuals, as any social phenomenon, it is superior in the sense that it is previous to them and independent from their will, it is never superior in the sense that the State can interfere coercingly in the individual lives or absorb them. In fact, such interference is for him a characteristic of despotic States.

In any case, I believe, there is in Durkheim’s operation schema certain tension between his definition of the State as an organ derived from society (understood implicitly and in an ambiguous way as a set of habits, beliefs, customs, familial, religious and economic ties) and that is unable to create the necessary national unity and his fear that it will become an oppressive machine which has control over everything. When he thinks of the global State-society relation, the notion of the State as appendix without its own power is imposed. When there is an allusion to the relation of the State with the individuals, a topic of the liberal ideologists which he does not manage to avoid, he fears the excess of power, oppression.12

12 In Division of social work (1893) he faces this question when he develops the notion of moral individualism and describes the historical process to create the individual sphere as parallel to the extensión of the field of action of the State.
“The positive science of morality in Germany” (1887): the State is a sign of social coaction

This work, decisive from my point of view, is an exhibition for the social French philosophers on the progress made by jurists and economists in favor of the constitution of a “positive science of morality”. He firstly analyzed the approach of the socialists from the Wagner and Schmoller chairs, and then that of Schaeffle; later on, he did so to the jurist theory of Jhering and finally to that on moral from professor Wundt. In general terms, beyond certain punctual criticisms, he rescues the insistence of these thinkers on dealing with the moral rules and actions not as abstractions but in empirical terms, as phenomena of the social organization; their idea that moral obligation is social in its origin and nature; their criticisms to orthodox economists based on individualist utilitarianism; their aspiration in transforming the study of morality in a positive science; their regarding of society as a being that cannot be reduced to the individuals, and that has its own nature.

However, I am particularly interested in the dialogue that Durkheim keeps with Jhering, given the fact that it allows to have strong conclusions with regard to the problem of the nature of the state authority.

Contrary to the doctrine of the natural law which states that the only function of law is to protect the individuals from one another, Jhering considers law, along with customs and moral, conditions necessary for social life. Durkheim proves that only by means of observing society as a set of wild animals, can one think that the task of the legislator consists in preventing the individuals from consuming each other. He is convinced that law is inherent to social life and that it is imposed by means of “exterior coaction”, through “the strength at the disposal of the State”. But this coaction is not enough in itself; it has to be accompanied by “uninterested feelings”. It is only a means and it is not exclusive to the State.

[…] the means to perform it (law) are coercive. One can say that all moralists of the school that we study are unanimous in this regard: they all consider coercion as the external condition of law. But there are different kinds of coercion, there is one which is exercised by an individual upon another, the one which is exercised in a diffuse way by the society as a whole (customs),
that of the customary law, that of the public opinion; i.e., that which is organized and concentrated in the hands of the State. It is the latter which assures the realization of law (Durkheim, 1887b: 24).

When differentiating between moral and law, he finds reasons to disdain the arguments that aim to provide the State with an essential role in collective action. Both of these coercive means consist of compulsory prescriptions, but moral is broader than law and permanently rules all the spheres of society. The organ that safeguards the respect of morality is society as a whole, whereas law is to be enforced by the State. The strength that sustains morality is not concentrated but “scattered throughout the whole nation”. It is nothing but the “authority of the public opinion”, which no one can avoid.

Moral rules seem to be for him the most appropriate at the moment of exercising social discipline. This occurs that way not because they contain precise formulae, in fact it is due to the contrary, morality is flexible, “subtle as air, it penetrates from everywhere”. Conversely, the State “is a very rude mechanism to rule the complex movements of human heart”. This way, what we could call the interiorized coaction appears in Durkheim’s analysis as a more efficient mechanism in the achievement and maintenance of the integration than the external coactions of the State.13

Another sign of his concern to differentiate internal coaction from external coaction is located in the superficial analysis that he performed on Tönnies’ conception. He, as we have seen, considers that the State has to acquire a great development in order for contemporary societies (consisting according to him of individuals juxtaposed without common interests) to survive.

We already know Durkheim’s opinion on this, but Tönnies also points out that the action that the State can perform on the members of society is one “mechanic action”, “absolutely artificial” and “cannot indefinitely last”. The State shall suppress the internal contradictions only in a temporary and spurious way. Durkheim summarizes Tönnies’ stance as follows: “the State has actual energy in as much as it represents common ideas, common

13 Although the problem of the interiorization of the coaction acquires increasing significance in Durkheim’s argumentation, it appears early, as it has been demonstrated here. Hence, I do not agree with the widespread opinion that sustains that the issue on the interior adhesion to the cohercion starts to be stated by Durkheim just in the writings later to 1910.
interests; however, the extent to which ideas move back in the *Gemeinschaft*,
the importance of these interests decreases progressively. The state of
war that society harbors cannot but become evident in a day or another,
it cannot but produce its natural consequence, that is: the breaking of all
the social ties, the decomposition of the social body. The life of societies
passes through two great phases, “communism” and “socialism”, and the
days of the latter have been counted” (Durkheim, 1889a: 8). Although
he does not share the pessimism of these ideas, he does seize the idea of
the “artificiality” of the coercion of the State, from the need of common
interests that are previous and exterior to its intervention.

We shall now go back to *The positive science of morality in Germany* to
highlight a final consideration related to the nature of law. Durkheim accepts
that it is imposed by the external strength of the State, but, for him, it is
not the product of what occurs inside the State but outside; at least in the
essential part. Law historically derives from customs and, at least partially,
it constitutes one codification of them.\(^\text{14}\) Hence, laws are a production of
the community, not a result of the sovereignty of the rulers.\(^\text{15}\)

For Wagner and Schmoller society continued being, at least in part, a machine
that moves from the exterior; with Schäeffle, it becomes really a living being
that moves from the interior. The legislator does not invent laws, he proves
and formulates them with clearness. They are made day after day with
our relations […], they express the conditions of our mutual adjustment
(Durkheim, 1887b: 17).

Durkheim’s criticism to socialists from the German chair is inserted
in this dispositive. They aim to define the moral principles of a state
intervention that brings justice in the distribution of social products. The
legislator does not play the “exorbitant role that socialists from the chair
assigned him at times, and its significance decreases to the extent in which
society grows”.

\(^\text{14}\) This discovery is essential and sustains to a great extent the schema presented by
Durkheim in his extensive study *On the division of the social work* (1893).
\(^\text{15}\) This idea on the limited power of the legislator is in Durkheim since 1885, but it is now
articulated with other theoretical elements, it becomes stronger. Later on, it will be the
axis of his criticism to Montesquieu’s doctrine and presented in his latin thesis of 1892
(Durkheim, 1892).
To sum up, this work makes visible a reorientation of Durkheim’s research: the question on the nature of the nation and the State, which absorbs young Durkheim’s attention since 1893, becomes an interrogation on the foundations of the coaction and social obligation. In this movement, the authority of the State becomes a modality, a sign of social authority, and as such, it is in principle as legitimate as customs and moral rules. The problem does not consist anymore in discovering the nature of the political obedience of the citizens to the State, but to explain the reasons that describe why the individual respects, in the different spheres, all the social prescriptions, from the most diffuse to the most organized.

[...]. Wundt considers that morality, in its highest form, is not compulsory. It is undeniable that men of high morality submit to the obligation without difficulty and even happily, but this does not mean that they do not feel it, that it does not exist for them. Duty, even when taken on with enthusiasm, is always duty and no form of morality is known in which duty is not to a certain extent dominant. The question then remains: who are we obliged to? Are obliged to ourselves? This is just a pun, because what kind of debt is that in which one person is at the same time debtor and creditor? (Durkheim, 1887b: 51).

The terms for the search change, but the motive remains imperturbable: the moral unity of society, especially that of the French nation, in other words, the resolution of conflicts: “[...] the practical function of moral is to make the existence of the society possible, to enable the coexistence of men without too many clashes and conflicts, in short to safeguard the great collective interest” (Durkheim, 1887b: 9).

The rest of Durkheim’s works account for the irruption of new questions and the displacement of the problem of the State from the predominant position that it had since 1883. Throughout the 1887-1888 academic year, Durkheim lectures in Bordeaux the Course of social science and in the 1888-1889 term he lectures on The family: origins and principal types. He writes articles such as “M. Schäeffle’s economic program” (1888), “Suicide and natality: a study of moral statistics” (1888). By this time he also writes several reviews: “M. Guyau, the irreligion of the future” (1887); the already
mentioned “F. Tönnies, Community and society” (1889);16 “The constitution according to Plato, Aristotle and Machiavelli: review of W. Lutoslawski” (1889) “T. Ferneuil, the principles of 1789 and sociology” (1890). Between 1890 and 1892 he does not make public any work given the fact that he commits to university teaching and prepares his thesis project.

Conclusions

Durkheim’s theoretical and political production takes place in a national space which had been in a state of confusion for several decades. This confusion was caused by the economic transformations rooted in the consolidation of capitalism, in the popular struggles and in the agrarian political fights between the different capitalist factions that aimed to achieve hegemony in the State apparatus and to impose a kind of organization of political power. In fact, during the whole XIX century France is a scenario for several political fights between monarchicals and republicans, between radicals and moderates, between clericals and anticlerical, between partisans of peace and partisans of war, between imperialists and critics of colonial expansion, between reformist socialist and communists, all of which constantly questioned the continuity of the different regimes that were attempted. The opposition of laborers, the repression of different revolutionary attempts, the war with Prussia, the coups; to sum up, a great political instability make it common to describe this time as a crisis period, and this exactly the way Durkheim did.

Our young sociologist, fearful of the civil war, is convinced of the inefficiency of the power of the State to solve the conflicts. In view of such proof, his ambition of contributing to lay the theoretical foundations of the “moral unity” of France, demonstrated in his interventions since 1883 and later on, take other ways. He persists, and goes even further, in his effort to provide objectivity to the study of the social facts, in his conviction that

16 Despite its suggestive title, in this review, Durkheim does not provide any element to the debate on the constitutions of the States. He limits himself to criticize the superficiality and simplicity of the author’s analysis for whom slavery is a characteristic of small societies of Antiquity, freedom and equality are the distinctive features of the great contemporary societies. However, it is interesting to note that he is still attracted by the readings on icopolitical philosophy (Durkheim, 1889b).
any scientific adventure shall be directed to a “practical use” (an alibi that helps to avoid the political practical performance) and in his fight against individualist and egoistic conceptions. He does not hesitate, for example, in stating the inexistence of the individual isolated from the society as ideologists from the 1789 revolution proclaimed, and protesting against the negative effects that said abstract individualism has in the process of restoration of national cohesion (Durkheim, 1890).

Durkheim’s theoretical stance by 1890 can be summarized saying that it consists in favoring the installation of cohesive moral values in the analysis of society and, correlative, in ignoring the problem of conflict, despite the fact that the French reality is confronted with several political struggles and even by the setting in motion of revolutionary movements.

With regard to the modern State, the theoretical strategy of this classic of the academic sociology lies in rejecting at the same time the perspective of the State as an oppressive machine at the service of one class (a characteristic of the Marxist theory), rejecting the paradigms that provide the State, in one way or another, with an independent and superior power, and the theories that create the foundations of the State in a sort of contract between free and autonomous individuals.

The topic of social solidarity becomes the starting point of the science of moral in 1887. It is the essential problem that articulates all the other topics, including that of the State. In the first lesson of the Course on Social Science, where he aims at explaining the object and the field of study of sociology, one can find an outstanding summary of the consecutive verifications and conclusions that young Durkheim elaborates.

The subject of sociology “are the social facts” and its practical research shall cover, at least, four branches or fields of research.

1. The study of the “ideas” and “common feelings” that are transmitted from generation to generation and that assure “at the same time, the unity and the continuity of collective life” (popular legends, political beliefs, language, etc.). 2. The observation of maxims and moral beliefs seen as “natural phenomena” which are subject to laws, and the observation of the “judgments that the universality of citizens admits” and that are compulsory, which have “more influence on the will”. 3. The examination of “[…] the maxims that have such an obligatory strength that society prevents its
abolition with precise measures. It does not trust to the public opinion its enforcement, but entrusts that to representatives who are especially authorized. When they adopt this particularly imperious nature, moral judgments become legal forms” (Durkheim, 1888: 19-20). 4. The study of the economic phenomena, “given the fact that we have to take the political economy out of its isolation in order to make it a branch of sociology”.

This inventory, argues Durkheim, “is far from being complete”, for instance, “we have neither spoken about the army nor diplomacy”, despite the fact that they are social phenomena, but this “science does not exist yet, not even in an embryonic state”. These words allow demonstrating his very own blindness in views of the essential problem in the use of the state force. He is dazzled. He only wants to see moral rules, social obligations that, in its different modes, from the most diffuse to the most coercive, lay the foundations for social solidarity. He only accepts legal rules that instead of being arbitrary and abusive, are a reflection or manifestation of some moral rules that are always coercive, guaranteed by the State precisely by virtue of such a legitimate origin.

On the other hand, the State does not have the sovereign authority, it is not an omnipotent organ; it is the representation of society. The place that Durkheim assigns to it in the sociologic building reproduces this subordination of the State to society understood as a scenery of production of moral norms assented by the “universality” of its members. The sociology of the State is a necessary subject in the study of social coaction.

To sum up, Durkheim’s research subject displaces from the issue on the nature of the State and its integrating function, an obsession in his first writings (1883-1885), to that of the foundations of coercion or social obligation. The center of the scene is then occupied by the problem of the self-generation of social solidarity, consisting basically of ideas, norms and feelings common to the society as a whole, which are transmitted from one generation to another.

The “morphology” of society, the “substratum”, becomes such an axis in Durkheim’s research, that this research is the one that lasts almost exclusively in the interpretations on Durkheim’s production, whereas the political phenomena remain without specificity and own weight, given the fact that they become absolutely determined by the structure of society.
The work of 1893 about the moral function of the división of social work will be the culmination of this early displacement started in 1886, considering it is there where it will be sustained that the State is a product of the collective consciousness, being its essential function to work for the strengthening of said common consciousness and to clarify the social feelings, obscure and diffuse in themselves.17

Unlike Tönnies’ proposal, and in general unlike the perspective of German socialists, Durkheim thinks, as we could clearly prove in the writings of the period we are interested in, that the generation of social ties does not depend on the state organ, unable to assume a role of significance in the organization of modern society, but it is society itself, an individual with an own life and provided with a genuine solidarity, the one which has the capacity of generating new social fabrics.

In other words, according to the French sociologist, the State cannot set the conditions for social cohesion, as some other thinkers of that time seem to consider. This is also opposed to Comte, who sustains that the capitalist scientific and industrial advances stress the private interests and undermine social solidarity making it necessary for the State to intervene as an organ in charge of providing the unity of economic functions and social integration; Durkheim defends the idea of the existence of a solidarity segregated by the operation of society itself.

Such ideas make him deny all performance to the State, and later on – above all from the Lessons in Sociology (1890-1900) — he formulates his concept of the State again and is willing to recognize a specific field for it. He always keeps the early gestated expressive thesis; that is, the idea that the state organ is determined in its form and functions by the morphology of society. In fact, in the decade started in 1890 Durkheim considers that the modern State constitutes a significant institution, diversified by its functions and with a broad and profound intervention in several fields of social life,

17 Although the problem of the modern State is subject of secondary treatment in On the division of social work, subject of a characterization “between lines” (so that it is precise to track its symptoms throughout its extensión), it receives a conceptual formulation that can be summarized under the following expression: “the collective consciousness-State circle”, precisely because the State is at the same time a product and (secondary) guarantor of the common consciousness (Inda, 2007: 103-159).
equipped with mechanisms to struggle against or to soften the anomic and desintegrating strengths of society, a mechanism that can take concrete economic measures, decide to go on war with another nation, create crimes, regulate familial life, etc; but that in the long term cannot stop the processes created in the social structure, it cannot invent any form of solidarity.

Therefore, if at some point of his production he acknowledges an autonomy in the State and defines it as authority with capacity to create specific representations, he, however, does not refrain from sustaining that its capacity is limited. From the point of view of the long periods, from the great transformations (such as the change from traditional to modern societies), the society evolves according to a movement that follows its own laws, despite the actors, despite the rulers.

It is worth adding that in the writings from the period of our interest and which several times consist of reviews on works from thinkers of his time that constitute a kind of “critical readings aloud”, there are theoretical stances and methodologies previously announced and sketched which acquire a growing strength: the methodological holism, the idea of society as an indivisible and superior moral entity, the transcendence of social solidarity, the criticism to revolutionary socialism and to liberal economists, and the importance of a moral teaching to achieve national integration.

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*The author refers to the first edition of 1887 T.N.

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