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THE NORMALITY OF CRIME

Émile Durkheim

The following excerpt is from Émile Durkheim's 1895 essay *Rules of the Sociological Method*. The excerpt is brief but (like much of what people wrote in the nineteenth century) fairly complex. Durkheim begins by pointing out that crime—or acts that offend the collective conscience—is normal in every society. In other words, every society can expect some of its members occasionally to do things that offend that society's shared values and beliefs. According to Durkheim's analysis, the only way to completely do away with murder, for example, would be for every single person in the society to develop intense respect for all other members. If that happened, Durkheim points out, then the crime of murder might disappear, but previously minor offenses would then seem more serious. In a society of saints, he says, the crime of murder would not be a problem, but perhaps the "crime" of insulting others would be.

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

has been overcome, however, it is not difficult to find reasons explaining this normality and at the same time confirming it.

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

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Indeed, for the collective sentiments which are protected by the penal law¹ of a people at a specific moment of its history to take possession of the public conscience or for them to acquire a stronger hold where they have an insufficient grip, they must acquire an intensity greater than that which they had hitherto had. The community as a whole must experience them more vividly, for it can acquire from no other source the greater force necessary to control these individuals who formerly were the most refractory. For murderers to disappear, the horror of bloodshed must become greater in those social strata from which murderers are recruited; but, first it must become greater throughout the entire society. Moreover, the very absence of crime would directly contribute to produce this horror; because any sentiment seems much more respectable when it is always and uniformly respected.

One easily overlooks the consideration that these strong states of the common consciousness cannot be thus reinforced without reinforcing at the same time the more feeble states, whose violation previously gave birth to mere infraction of convention—since the weaker ones are only the prolongation, the attenuated form, of the stronger. Thus robbery and simple bad taste injure the same single altruistic sentiment, the respect for that which is another's. However, this same sentiment is less grievously offended by bad taste than by robbery; and since, in addition, the average consciousness has not sufficient intensity to react keenly to the bad taste, it is treated with greater

tolerance. That is why the person guilty of bad taste is merely blamed, whereas the thief is punished. But, if this sentiment grows stronger, to the point of silencing in all consciousnesses the inclination which disposes man to steal, he will become more sensitive to the offenses which, until then, touched him but lightly. He will react against them, then, with more energy; they will be the object of greater opprobrium, which will transform certain of them from the simple moral faults that they were and give them the quality of crimes. For example, improper contracts, or contracts improperly executed, which only incur public blame or civil damages, will become offenses in law.

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