

CHAPTER **I**

# Durkheim and the Moral Fact

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In being constituted as a science, sociology produced the equivalent of an earthquake in philosophy, attacking as it did the very idea of “theoretical morality” and any undertaking to identify a foundation for morality. Not only would moral philosophy never be the same, but it became questionable whether the discipline had the least relevance any longer. Durkheim had formulated his critique early on, during his 1886 trip to Germany – well before writing *The Division of Labor in Society*. He meant not only to make the point that mores varied by particular society but also to reap the implications of the idea that “moral facts” were conditioned by the “state of society” in which they appeared. To understand “morality,” then, required not an approach in which it was simply conceived as an essence illustrated by historical-social forms but a social science of moral facts. This could be achieved only if the concept of “moral fact” could be made to acquire stable contours in accordance with the terms of the new social science. In sum, the moral fact had to be determined. Durkheim set out to accomplish this in 1906, in a lecture to the Société Française de Philosophie. That his argument was made to and for philosophers is certainly not indifferent. He meant to demonstrate in the very locus of the discipline from which sociology was emancipating itself the validity of the view the new discipline had managed to acquire of philosophy’s own preferred object of study. Durkheim laid the grounds at that time for an approach that has fueled much lively thinking – some of it quite recent – on whether or not moral sociology can cohere as an independent discipline – independent, that is, from philosophy.

But returning to Durkheim has always raised objections. The positivist approach implied in Durkheim’s very notion of moral fact has seemed to suggest it can only really serve in descriptive studies of the mores and social constraints they manifest, and that it is incapable of relating that material to the properly subjective pole of

morality, marked by the subject's relation to values and reflected not so much in externally observable moral facts as in moral acts and judgments that can be understood only by reconstituting their internal structure. The point is particularly paradoxical since at a different level Durkheim was at pains to point out the normative character of sociological knowledge as such, often going so far as to adopt the tone of a moralist able to discern the tendencies underlying and working to shape society's present state and likewise able to define, within that obscure, often conflictual, present state, what direction society should now take. In this respect, the emergence of sociology, and more importantly the figure of the sociologist, clearly brought about not only a change in the space of knowledge – that is, an epistemological change – but also in the way a society could intervene morally and even religiously in its own ongoing existence (Bellah 1974). Given that the ambiguity between descriptive and normative viewpoints was constitutive of the new discipline, that ambiguity is probably most visible in the moral sociology sector. Indeed, at the very moment this kind of approach is used to apprehend the object of study as specifically *social*, that object seems to escape its grasp, slipping into the subjective dimension where moral experience is made and takes shape as practical judgments and convictions. It is as if, of all observable social facts and precisely because of its normative texture, the moral fact necessarily overflowed the bounds of externalist factual determination. This in turn seems to suggest that sociology must resign itself either to switching perspectives – for example, adopting the Weberian perspective of value-oriented social action – or letting other disciplines take over. Durkheim's moral sociology may even appear split in two, composed on one hand of a sort of sociological morality, that of the moralist or prophet that the sociologist sometimes seems to represent in the society he speaks in, and on the other a resolutely descriptive approach ultimately destined to become – in direct contradiction to Durkheim's own presuppositions – a kind of moral psychology or philosophy. As we shall see, it was precisely by twisting the definition of morality that Durkheim managed to guard against such a scission.

#### DETERMINATION BY “SANCTION”

What exactly did Durkheim mean by “moral fact”? In the first (1893) edition of *La division du travail social*, he proclaimed the institution of “a science that, after it had classified moral phenomena, would seek to identify the conditions of each type and determine its role – that is, a positive science of morality” (Durkheim 1975b: 271). But for such a science to be possible, a stable criterion had to be found that would define what was to be included in the taxonomy. Clearly by 1893 Durkheim had already formulated the problem of “determining the moral fact” or “moral reality,” his understanding being that such reality was complex and heterogeneous, and had to be typologically organized in a way that would clarify its structure. He resolved this problem as follows. Every moral fact consists in a diffusely sanctioned rule of behavior. “Sanction,” understood as a predetermined social reaction to rule violation, is presented as the fundamental criterion for objectifying moral facts. Morality and law, explains Durkheim, are species of a single genus, distinguished only by the mode in which sanctions are administered: “diffuse” in the former,

“organized” in the latter. Clearly this criterion makes the relationship between rule and instituted fact more problematic in matters of morality than in law, precisely because the question of subjectively distributed moral judgment cannot be raised in the same terms for morality as for a clearly outlined, circumscribed, judgment-making institution.

Durkheim granted priority to sanction because sanction alone allows for distinguishing moral rules from purely technical ones within the general domain of rules. In other words, an action is sanctioned not only when it has violated a rule but inasmuch as it has violated a rule. Rather than being a consequence of the act and so analytically contained in the concept of that act, the sanction is a consequence of the relationship between the act and the rule as rule. If there were no such relationship, no sanction-type consequence could attach to the act. This, according to Durkheim’s liberal interpretation of Kant’s distinction between precept and imperative, is because the sanction-to-act relationship is a synthetic one (Durkheim 2004 [1925]: 61). Intrinsically, there is nothing in the act that leaves it open to sanction. Rather, a synthesis is produced – and as we shall see, it can only be produced socially – between act and sanction, and it is this synthesis that enables me to say not that I am being punished because I have done such-and-such but inasmuch as I have done such-and-such, that is, as a consequence of my relationship to the rule.

However, there is a difficulty implied in using the notion of sanction to meet the requirement of fact objectification. Durkheim’s aim was to provide sociology with the means of envisaging and organizing moral facts in their plurality, and he meant to achieve this by turning away from classic philosophical analysis of the concept of moral act. But trying to grasp moral facts from without meant concentrating on the effects of violation, the consequences of acts that go against morality. Sanction, as Durkheim put it, is a reagent; the way it achieves objectification is by pointing to a rule as that which has been disregarded or negated. But might not the reagent notion imply an unacceptable restriction here? It would seem to fail to take into account acts that express respect for obligations whose transgression does not incur sanction (Pharo 2004: 99).

To correctly measure the impact of this objection, we have to return to the conceptual economy of the relationship between obligation and sanction, as that is the form Durkheim’s argument actually takes. For him it was beside the point to determine whether a transgression actually carried a risk of sanction or even whether that risk was clearly perceived by the agent. All repressive sanctions aim to diminish the agent and therefore consist quite literally in a *peine* (punishment). That the sanction is aimed at the agent this way has a considerable effect on how Durkheim understood obligation. Penal law – from which, once again, morality as he understood it differs not in nature but only in the way that punishment is administered – “does not first state, as does civil law: This is the duty; but states immediately: This is the punishment” (Durkheim 1996 [1893]: 41; English edn. 1974: 35). One implication of this is that the obligation itself is ever-already known. Moral obligation, then, is characterized by a specific cognitive situation and indicated by a certain type of sanction. Another implication is that not only does this understanding in terms of sanction not preclude evaluation of the type “moral judgment,” but it actually implies such evaluation from the outset, as the point is to discover what serves as a foundation for obligations characteristic of repressive sanction, regardless of whether such sanctions are organized or diffuse.

## HOW DURKHEIM'S THINKING IS RELATED TO KANT'S

What is the source of sanctions characteristic of moral rules? Durkheim only provided a full answer to this question in the above-mentioned 1906 lecture, entitled *Determination du fait moral*, and he obtained that answer by shifting the emphasis of the classic Kantian argument he was using. A brief review of the terms of the philosophical debate is in order. Durkheim claimed that, in contrast to Kantian thought, utilitarianism, particularly Spencer's, "betrays a complete ignorance of the nature of obligation" (2004: 63; English edn. 1974: 44) in that utilitarian thinkers could understand the consequence of violating an obligation in analytic terms only as the "mechanical consequence of an act." This amounted to a failure to understand the very concept of sanction, for sanction involved a synthetic tie between act and rule. The objective perspective of sanction, on the other hand – quite different from the perspective a Kantian would adopt in that, as Durkheim recognizes and indeed claims for his own argument, it implies "rigorously empirical analysis" – leads to the conclusion that what makes an obligation an obligation pertains not to the nature of what is commanded but rather to the *fact* of being commanded. Behind sanctioned rules of conduct, that is, those rules in which moral obligations are incarnated, we must therefore discover a "special authority," in accordance with which rules "are obeyed simply because they command" (Durkheim 2004: 50; English edn. 1974: 36). This provided a solution to the problem raised by repressive sanctions: A moral obligation need not be formulated; rather it can be assumed to be "ever-already known," precisely because it is not known in terms of its content, as the only thing that need be known about a moral obligation is that it obligates, and that knowledge is implied in its very form, that of moral commandment.

This amounts to claiming that duty is or carries within it its own foundation. Indeed, that is what gives duty primacy over good. Here Durkheim seems to align himself with Kant: morality must be founded not on an objectively qualified good but rather on duty as "objective necessity" for action – precisely Kant's words. For Kant, the commandment specific to moral law must be formally characterized as an imperative that determines "will as will," not as a means to attain a desired effect. It is neither subjective like maxims nor conditioned like precepts, which are merely hypothetical imperatives. It is instead categorical – Kant's word for defining the order of strictly practical necessity.

It is by means of the classic form of commandment that Durkheim seeks to determine what makes the moral fact absolutely distinctive. However, he then immediately subverts its meaning by laying down a principle that is not in the least Kantian and at first seems irreconcilable with the definition of formal obligation recalled above. The notion of duty, writes Durkheim, is in itself insufficient, and pure formalism is untenable, because it is "impossible for us to carry out an act simply because we are ordered to do so and without consideration of its content" (2004: 50; English edn. 1974: 36). The classic rigoristic solution, then, was in Durkheim's view only partially right; to it must be added a material element that actually contravenes its formalist dimension. In other words, the only legitimate way to affirm the primacy of duty over good – good being, for Kant, the "material but only objective determining ground of objects of action" (1983 [1788]: 79; English edn. 1997: 43) – is to perceive good in duty itself

and thus to furnish content for what Kant considered the purely formal principle of moral commandment. Durkheim's move was to demonstrate that the correct understanding of the notion of obligation and the correct analysis of duty could not do without the notion of good. Thus, contrary to all expectations, the bases for a nonformal theory of morality were to be found within rigorism.

Durkheim's combined critique of Kantian formalism and return to morality understood in terms of duty by universalizing the action maxim was no novelty; it was a commonplace of republican French philosophy, the philosophical thinking that had come to the fore in the second half of the nineteenth century and been presented by such authors as Barni, Renouvier, Fouillée, and Paul Janet. Nascent sociology resparked that debate at the turn of the century and took up one of its main concerns: finding a motive for action that could inscribe the categorical imperative within feeling, feeling of a kind that went beyond mere respect for the law – “a feeling that is positive in its intellectual cause” (Kant 1983: 83; English edn. 1997: 68) – since respect for the law would not suffice as subjective determination to act, that is, precisely the type of determination that republican morality was seeking to reactivate through appropriate educational techniques. The universal could not be reduced in practice to an abstraction, ran this argument, and even less to the content of a commandment whose form alone was enough to guarantee its validity. Frédéric Rauh summed up the republican thinkers' aim in 1890 in a work that proved decisive for the position of the morality issue in this period: “We must surpass Kant's logicism by justifying feeling as reconciled with the idea” (1890: 4).<sup>1</sup>

However, within this general framework, where the point was to show that the purpose of the universal was situated at the very heart of feeling and therefore at a level that Kantian thinking rejected as pathological, the uniqueness of Durkheim's position is immediately apparent, first of all in his aforementioned refusal to remain on the same grounds of discussion. His point was to determine moral facts, and this meant examining moral reality not through the internal experience of the moral subject – that is, the individual's representation of what is moral – but from the outside. As Durkheim saw it, the attempts by moralists (Kant, Renouvier, Janet, but also the English utilitarian thinkers) to provide a foundation or a new foundation for morality could not succeed because they were introspective and individualistic. But this was not all: for Durkheim the point was not to amend rigorism but to bolster it. He meant to establish an internal tie, unsuspected by either Kant or his critics, between duty and good, obligation and desire. Moral things, or what Durkheim called *the moral* (substantivizing the adjective primarily for the purpose of objectification and thus, in accordance with the first “rule of sociological method,” to apprehend a thing as posited outside the subject), were desirable in themselves. This objective desirability brought the notion of good back to the fore and required a more complex analysis of duty. The paradox – a paradox that sociology alone could render acceptable – was that desirability was simply one aspect of duty itself: “something of the nature of duty” (Durkheim 2004: 51; English edn. 1974: 36).

“We feel a *sui generis* pleasure in performing our duty simply because it is our duty” (Durkheim 2004: 64; English edn. 1974: 45). “*Sui generis* pleasure” must be understood as a pleasure that cannot be reduced to that obtained from ends pursued elsewhere than in the moral realm: a pleasure engendered by duty itself and specific to the fact of obeying a moral commandment as such. This was the pleasure of “attachment,” a crucial term in Durkheim's analyses and one that must be interpreted by taking into account its two meanings, one physical and the other pertaining to feeling. Indeed, we are “attached

to” our duty (feeling) in that we are “attached or bound *by*” it (physical condition). The pleasure we take in the feeling of attachment cannot be dissociated from the pleasure of being attached or bound – that is, literally, obligated.

In this particular understanding of pleasure, eudemonism not only coexists with rigorism but becomes incorporated into it – while remaining its opposite: “Eudemonism and its contrary pervade moral life” (Durkheim 2004: 64; English edn. 1974: 45). Durkheim is fully aware that this is a contradiction, since obligation revealed by sanction as just analyzed always implies *peine* (pain) and a diminishing of the agent. In fact, the challenge is to understand such diminishment as elevation and to create a link between that elevation and authentic pleasure, an utterly unique type of pleasure. In other words, though the contradiction between the diminishment and elevation of the agent is blatant, it is absolutely constitutive of the moral fact itself. Therefore, according to Durkheim, we must not rush to remove it dialectically but rather work to understand it by further probing and analyzing empirical realities: facts.

Durkheim was careful to point out that a contradiction of this kind in no way indicated a disconnect within the subject, a split between reason and feeling conceived as two heterogeneous facets of subjectivity. Kant’s great error, according to Durkheim, was to have understood dualism in those terms. On the contrary, because good is within duty and duty within good, feeling and reason, though remaining distinct, must be understood to connect with each other – at an intersection point that remained to be identified. The crucial fact was the interpenetration of the two elements. And this in turn meant that in studying morality we had to rid ourselves of any and all foundationalist notions or intentions. If it was true that “the notion of good enters into those of duty and obligation just as they in turn enter into the notion of good” – in sum, if those opposites were indeed part of each other – then neither one could be granted exclusive founding privileges. No order of priority could be postulated (Durkheim 2004: 67; English edn. 1974: 45), and the two notions had to be situated on one and the same plane. Nor should we conclude that they were enough to account for moral reality in its entirety. Empirical analysis would undoubtedly clarify other characteristics of moral life, for morality was by definition varied. Nonetheless, “moral Daltonism” – the unique coloring of morality that resulted from the two opposed colors of duty and good combined in infinitely variable proportions – not only did not dissolve phenomenal reality into a relativism devoid of any unifying principle but actually justified sociological investigation into variations in those proportions, investigation that was to be conducted on the basis of a single interpretive schema. Replacing the “foundation” thesis with the claim that good and duty were actually interpenetrated amounted to attacking the foundation perspective as such. The aim of the 1906 lecture was both philosophical and sociological: to determine a type of fact and therefore to position oneself to be able to read and analyze all instances of that type of fact, the goal being not to determine a foundation for morality but to make morality the research object of a necessarily *social* science.

## THE SACRED

To determine the moral fact, then, was to grasp the structuring nature of the contradiction contained in such facts. According to Durkheim, their terms formed a bipolar arrangement within which moral judgments and acts were formulated and

carried out. But this only made the religious underpinnings of morality more visible. Grasping the moral fact in terms of its intrinsic contradiction reconnected it with “the sacred,” the touchstone of Durkheim’s definition of religion. The sacred, which Durkheim said was “revealed” to him while reading *The Religion of the Semites* by Robertson Smith (Durkheim 1975a: 404), is a quality attributed to certain beings that gives them equal powers to attract and repel, rendering them objects of both desire and prohibition. What characterized the sacred, then, was its ambivalence. And it was defined negatively: the sacred is what is not profane, what must be distanced from and in no case confused with the profane but also what attracts the profane, what the profane inclines toward without ever being able to touch. If it is true that all social existence presupposes an experience of the sacred (religious facts being fully subsumed by this defining core), then at a certain level of our social experience, good and duty are exactly the same thing – they meld into one and the same thing. The sacred is desirable; it is the object of a *sui generis* desire that cannot be reduced to any other form of sense-related desire though it is still incontrovertibly rooted in feeling. In other words, to use Kantian language, the superior faculty of desiring, though aimed at a particular object, is still a matter of feeling. But the sacred is also forbidden, and forbidden in that it is sacred: the sacred is what is “set apart” in absolute terms. It represses inasmuch as it elevates, and elevates inasmuch as it constrains. The sacred is decidedly an object of respect, but that respect has nothing in common with what Kant conceived as nonpathological, purely practical feeling. Durkheim’s notion of respect, with its dual aspects of desire and subservience, is fully reintegrated into the realm of sensibility through the intercession of our feeling of the sacred.

Nonetheless, explains Durkheim, the sacred too is a fact, less an elucidation than an illustration – the empirical manifestation – of the coexistence of opposites. Through the sacred, the two opposed terms of “good” and “duty” achieve what must be called a contradictory unity rather than a resolution of that contradiction. That contradiction is attested to, rather than overcome, through an experience of unity that ineluctably reconnects morality to religion. Durkheim’s radicalization of the analysis leads us to the conclusion that the foundation of morality is a fundamental, ineradicable religiosity. Morality could of course be secularized, lose its theological foundation, claim to be human and only human; nonetheless, it necessarily implied the sacred, and in this sense it remained religious, regardless of what beings it endowed with sacredness. Durkheim’s contribution to the idea of “secular faith” advocated in the Third Republic – namely by Ferdinand Buisson, his predecessor at the Sorbonne – thus becomes clear. The point was less to move beyond religion than to shift the position religion occupied within a moral sphere now understood to fulfill the function of “making sacred,” a function without which there could be no collective existence.

What distinguished modern manifestations of the sacred, and thus determined the unique combination of good and duty to be found in societies defined in *The Division of Labor in Society* by the concept of organic solidarity, was the locus of sacredness, the fact that in modern societies sacredness was entirely immanent in the existence of social subjects. No longer projected outside the subject as theological transcendence or deified nature, sacredness had come to lodge in the individual himself or better yet the *person*, a relatively new product of the historical individuation process that Durkheim (1970), in some texts, was willing to call “individualism”. It is on the individual that our most intense and fully determined social feelings have come to be concentrated; attacking those feelings necessarily provokes a moral or penal reaction.

But this also means that the entity to which we are most rigorously obligated – obligated, that is, by way of a commandment – is precisely the entity that is closest to us, so close that it has become ourselves. This in turn means that what is “set apart,” separate – the sacred – is also the eminent focus of our “sympathy” (Durkheim 2004: 68; English edn. 1974: 48), the focal point of our most immediate desire.

We should not be misled by Durkheim’s use of the classic category of sympathy; it in no way signaled a return to the Anglo-Scottish tradition in which the concept was first delimited. While sympathy is a figure of sensibility or feeling in Durkheim’s thought, the reference is once again to the *sui generis* form he was able to identify by analyzing desire for the law as a desire internal to law itself. It is not sympathy for another person perceived as unique, nor even sympathy of the sort that conceals an attitude toward oneself and that therefore takes – or has been assigned – an indirect path, but rather desire in the direction of the person as such, the form of the individual, incarnated equally in each of us. In sum, while pulling closer than ever to the subject here, the sacred remained of a separate order. The personal or human turn that morality had taken in modern societies should therefore be interpreted by means of the previously identified schema. In the notion of the individual or the person, a remarkable balance between duty and good – indeed, the right proportions – was realized: when considered in connection with the personal or human, the focus of duty more clearly illuminated the fact that it was itself a good: a good *for us*. The question then became what meaning should be attributed to “us.” And asking that question amounted to taking the analysis of the interpenetration of opposites – without which “the moral” would lose all consistency – one step further. In sum, it implied moving away from the sacred, which only reveals a reality without explaining it, and focusing on the structure of moral judgment itself.

### THE INDIVIDUAL, THE IDEAL OF THE PERSON

A point to which Durkheim returns incessantly throughout his work is that the individual is what has the greatest moral value for us in modern societies. However, it is important to understand – and herein lies the incontrovertible difference between Durkheim’s thinking and that of the liberals – that it was not the individual herself who was responsible for that extraordinary value; rather she had gradually acquired it through a socially determined individuation process, a process that is not merely affected by certain social conditions but entirely governed by a social dynamic, a process at the conclusion of which it could be said that “the social ideal is a particular form of the ideal of humanity” (Durkheim 2004: 76; English edn. 1974: 53), a process in which, consequently, value for the group and value for me had become directly related. From this unique relation was born the concept of the person, a concept that modern societies have the privilege of promoting consciously, as an ideal, in their practical thinking.

How can this dynamic be perceived? We recall the change described in *The Division of Labor in Society*. Because of the relatively simple structure of primitive groups, collective representations were in control in those groups because they could be in control: the society could be represented as a whole while the individual could be conceived of – and could conceive of himself – only in relation to that whole (to the

extent that an individual could conceive of society). In such societies, collective consciousness accounted for individual consciousness in its entirety; there were no points where the latter did not perfectly correspond or conform to the former. Indeed, individual consciousness did not amount to much compared to collective consciousness precisely because the group itself could be represented as an individual entity. Conversely, “the more we advance in time, the more complex and immense does our civilization become, and consequently, the more does it transcend the individual consciousness and the smaller does the individual feel” (Durkheim 2004: 78; English edn. 1974: 54). That situation corresponds first and foremost to functional differentiation, by which each subject gets assigned a specialty whose meaning depends on a higher purpose that she can no longer directly perceive. But such differentiation nonetheless reflects a certain type of cohesion – organicity – and this is because somewhere within us, in the manner of an echo and above all in a way that differs from sovereign collective representations, society remains present. The form that society’s presence takes in members of modern societies is individuality, a social production in the dual sense that it was produced by society and that it enables society to produce itself continuously as a coherent whole despite its being fragmented into individual consciousnesses.

It is crucial to grasp this paradox: society is present in us in the form of the individual – that is, as what, at first glance, would seem nonsocial (see Isambert 1992: 364–365, who perfectly recapitulates this paradox). But it is present only if we are careful not to confuse the individual with our own individuality, in other words, to the extent that we understand our individuality as internally dual. This means that the sociological perspective is not so much a redefinition of relations between the individual and society as the difficult apprehension of a concept of the individual that is different from that of the traditional individualist approach. It is through the individual understood as a dual being that society exists in its differentiated, complex unity, with the understanding that individual consciousness and collective consciousness are necessarily distinct from each other. Durkheim thus arrives at a quite singular type of dualism: not individual/group, but a dualism hollowed out within individuality itself between the presence of the social in the individual, a presence attested to by the rise of the category of the person, and the purely empirical self-presence of particular individuality (Durkheim 1990 [1912]: 386; Karsenti 2004).<sup>2</sup>

The coexistence of opposites, or rather the structuring nature of contradiction in morality – the fact that neither of its two constitutive terms, “duty” and “good,” prevails over the other and no unifying synthesis is permissible – highlights Durkheim’s particular interpretation of the notion of ideal. His typical “ideal” has nothing to do with Weber’s ideal type. It is not a theoretical construction by means of which the sociologist, equipped against intrusion from value judgments, situates and arranges concrete facts by measuring differences between them. On the contrary, Durkheim’s typical ideal is a normative concept; it is what society produces in the way of a purpose, that which is morally desirable to the individual, a surpassing of self that coincides with self-realization. We are attached to the ideal by an affective tie that can only exist thanks to moral good. But through the ideal we are also partially detached from ourselves, from our empirical sense-based individuality. With this in mind, the fact that society produces the ideal takes on a specific meaning: society, while playing the role of normative commanding authority, produces representations that act as a magnet

within individual consciousnesses. That we are worthy of the ideal we share as members of the same group is reflected in the existence of our desire for that ideal, a desire that cannot be dissociated from obligation. Clearly, the notion of the ideal implies a certain notion of value, while providing a response to the current objection that Durkheim's objectivism cannot free morality from conformism since in his thinking morality necessarily depends on currently existing social factors incarnated in external norms that operate exclusively through sanction. That response is as follows: society as it exists at a given moment, with its particular morphological conditions, group structure, means of communication, the ways in which its internal social "milieu" is determined, is not a realization of the ideal; rather, the ideal inheres in a society that, on the basis of the composite substratum just mentioned (particular morphological conditions, group structure, etc.), seeks to exist through our very actions, precisely in that those actions are susceptible, at their own level, of moral regulation. The internal correlation between good and duty culminates in the realization that in desiring the ideal, we are consenting to society's will to be through us, which is also its will to be transformed by us. The "true nature of society," as Durkheim (2004: 95; English edn. 1974: 65) put it in his response to Darlu, can very well inhere in revolt against whatever rules are currently in effect – a certain state of the rules – if those rules are no longer linked to the particular ideal in accordance with which society wishes to *be*. In such a case, revolt, not conformity, is moral. This is due to a necessity that can be understood only at the level of action, as action is the real mode by which society produces itself.

## VALUE JUDGMENTS

We begin to see how to overcome the difficulties arising from Durkheim's apparently positivist understanding of morality. If we cannot move beyond the idea of an opposition between external norms and the subject, if we insist on reducing the moral issue to that of subject's incorporation of external norms, then indeed Durkheim's perspective is a narrow one. But that would be to neglect his work on the concept that forms the basis of his theory: individuality. The way Durkheim both identified his thinking with Kant's and circumvented Kant's position through his main thesis on interpenetrated opposites in the moral sphere, and the use of that idea in his concept of the ideal, cast a different light on his sociology, freeing it from the objectivism or conformism for which it is commonly criticized.

The traits of this other Durkheim are clearest in his handling of "value judgments" in a paper delivered in 1911 to the International Congress of Philosophy in Bologna (Durkheim 2004: 117–141; Gurvitch 1937: 68–70).<sup>3</sup> Here again, the way the problem is formulated is Kantian: How are value judgments possible? In the framework of classical judgment analysis, the question of value raises a serious difficulty. Whereas judgments of reality say no more than what things are, value judgments say what things are worth "in relation with a particular sensibility" (Durkheim 2004: 117; English edn. 1974: 80–81). How are we to understand this reference to subjectivity, which seems to affirm that morality has a subjective foundation, when Durkheim has elsewhere claimed that value can be objectified and that value judgments themselves are therefore characterized by a kind of objectivity?

In itself, a sensibility-generated judgment – what the subject feels – is actually nothing more than a type of judgment of reality. Judgments related to tastes or what Durkheim calls preferences fall into this category. Value judgments, on the other hand, are objective in character (Durkheim 2004: 118) as they pertain to the value of the thing in question. Subjective sensibility of the sort that generates a preference thus does not produce a moral judgment. Does this mean that our sensibility goes no further than noting the properties of a thing, recognizing something that exists outside of ourselves and imposes its being on us? More fundamentally, what does the word “thing” mean when the thing in question gets endowed with value? Durkheim’s answer involves an analysis of the process of appraising a thing’s value – evaluating it (which he distinguishes from the process of formulating a preference). In evaluating something, the subject seems to note a dimension of the object that is independent of the way she perceives that object with her senses. However, while the object’s value is not part of the relationship obtaining between it and the evaluating subject, that value does imply, by definition, the existence of such a relationship. Value does exist outside of myself, but only “in a way” (Durkheim 2004: 119). Durkheim’s restriction is decisive. A value judgment is not a judgment of reality because value does not exist the way a thing does; nonetheless, value does exist outside the subject, objectively. Between the thing and its state of being a thing runs a line – a border – that Durkheim tries to stabilize. Value does inhere in the thing. Its objectivity is reflected in the intrinsic communicability of a value judgment and in its justifiability, the fact that such a judgment can be legitimately affirmed only if it is demonstrated on the basis of impersonal reasons. In operations of justification – and here Durkheim strikingly anticipates the major problematic of contemporary sociology of action, at least if we make an effort not to think of him as prisoner to his “dilemma” (Boltanski and Thévenot 1991 is the primary reference here) – the subject is implicated impersonally.

Durkheim’s probing leads to the following question: How are we to explain that a thing’s value is independent of both subjective, sense-based determinations and the relationship between it and the evaluating subject, a relationship that necessarily implies a kind of subjectivity? As Durkheim put it, “Can a state of feeling be independent of the subject that feels it?” (2004: 119; English edn. 1974: 82). Not only does that question point to the existence of a little-known dimension of internal experience, one that cannot be explained by subjective resources alone and imposes itself on the subject in a way that nonetheless remains attached to that subject – that is, feeling; it also offers a new way of looking at *things*, namely, in terms of the “feeling” that gets mixed into and “enriches” them.<sup>4</sup> In this respect, “the state of feeling” is the value itself, situated outside the person and in the thing it increases. What is at issue here is quite literally the *auctoritas* of certain things, an attribute that inheres in their being as things (Durkheim 1987 [1895]; 1990: 298).<sup>5</sup>

Interpreting the question of how value judgments are possible by way of the activity of evaluation shifts the center of gravity of the morality question. The point is to enlarge the focus from moral evaluation in the sense of judgments of actions to judgments of things-that-are-more-than-things, that is, that belong to the order of *social things* that Durkheim was seeking to circumscribe: things whose reality in the strict sense of that word – their status as *res* – encompasses the perception the subject has of them in the same way that the thing imposes itself on that subject’s perception. Describing the process by which such things are constituted presupposes first that we

part ways with cursory objectivism, which can only lead to a reductive understanding of value as a “state of fact” (*état de chose*) caused within the subject by the intrinsic properties of a certain type of object. Making a value judgment would then involve nothing more than the subject’s noting the effect a certain objective reality has on her; the path would then run from without to within through a causal process. This, Durkheim explains, is a misguided view that amounts to endowing things with properties that could themselves *cause* a subjective state, a state favorable or unfavorable to the thing causing it, and in turn trigger a positive or negative judgment of it. The existence of objective good(s) would thereby be accredited, but only at the cost of absolutizing both the properties of valued things and certain aspects of the evaluating subject affected by those properties. The subject could be conceived in two ways. Either we say that the foundation of the subject is the individual, in which case we are back to a psychological theory of values, or we attribute primacy to the group as such and conceive *it* as a subject endowed with certain stable characteristics, regardless of the various forms in which it is historically incarnated. Clearly neither of these was a satisfactory solution.

The particularity of Durkheim’s perspective lies first and foremost in his rejection of the second solution. Can an evaluation be called objective only “by being a collective one” (Durkheim 2004: 122; English edn. 1974: 84)? It all depends on what is meant by collective. The difficulty here is likely to be the same as in psychology-driven individualist theory: we still do not have a means to understand how it is that value varies, and varies constitutively – by definition, as it were. If value is reduced to a single evaluating or valuing “pole” assumed to correspond to some essential feature of the subject in whose eyes that value obtains, then the reality of values, their plurality, disappears. With regard to individualism, Durkheim emphasizes that it is impossible to think of all subjective perceptions as being of the same type; that is to say, what prevails in all subjective perceptions is the extremely abstract determination of valuing “life” in the biological sense of that term (Durkheim 2004: 121). At the collective level, Durkheim’s point is to show that it is impossible to find an essential principle of evaluation to which all values could ultimately be referred back in a society thought of as one big subject that cannot be reduced to the individual subjects of which it is composed. In vain would we evoke the requirements of something on the order of “social life,” for that determination is too vague to constitute a value susceptible of unifying the entire set of social values, at least as long as no undertaking has been made to define the notion.

Durkheim’s move away from biological vitalism is an essential feature of his argument. The collective subject is not one big organism whose functions define a vital order that all activities must comply with and that could thus be evaluated by how well they did so comply or conform. The notion of social utility, of maintaining or fostering the life of the group as group, cannot be used to define a one and only evaluation criterion. This is attested first by the pluralism of social values, their heterogeneity and incommensurability – economic value, moral value, aesthetic value, scientific value – but above all by the impossibility of asserting the utility criterion over all others in each of the spheres of activity defined by social values (Durkheim 2004: 125; Mauss 1966):

Life as man at all times has conceived it is not simply a precise arrangement of the budget of the individual or social organism, the reaction with the least possible expense to the

outside stimulus, the careful balance between debit and credit. To live is above all things to act, to act without counting the cost and for the pleasure of acting.<sup>6</sup> (Durkheim 2004: 128; English edn. 1974: 86)

This definition brings to light the wellspring of Durkheim's notion of values and makes it clear that his distance from the vitalist position based on an organic–functional understanding of the group is related to his view of action. Social life is action. It is many differentiated actions that cannot possibly be reduced to a single purpose or aim. Of course society seeks to maintain itself. But for society, maintaining itself does not mean uniformly reproducing itself or continuously insuring vital functions. Self-maintenance for society is change, movement. If such movement were merely repetition it would be the equivalent of collapse. Action by individuals, the many paths such action takes, is the only content that can be given to the notion of “social life” (Durkheim 2004: 132). Social life is not the life of the social body conceived as a higher-order organism, but rather the set of individual actions through which society truly lives, ever recreating itself and therefore changing. The only principle with which the concept of value, irreducibly differentiated as it is, can be equated is action. And this principle precludes the possibility of attributing inherent value to things, value they would supposedly have by virtue of their intrinsic properties. Such quality or value is necessarily added to things by the way the subject, in acting, relates to them.

### SOCIETY IN ACTUALITY AND SOCIETY IN ACTION

We still need to understand the nature of this addition, this augmenting of things that occurs through action. That is, how does practice relate to the value attributed to a thing? If value is not *in* things such that those things themselves have qualities capable of making the subject recognize them as valuable, must we say that the experience of value does not exist as experience but rather as something like purely intellectual apprehension of a reality situated outside all possible experience – a noumenal reality? We catch a glimpse of the Kantian pair of alternatives here. However, Durkheim rejects those alternatives for a reason that follows from his earlier definition of the ideal and its intrinsic relation to action. Kant's vision led to a rigid, hypostatized sense of the ideal, incompatible with the variability it has been seen to possess (Durkheim 2004: 129; English edn. 1974: 89). The point here is not merely that the ideal varies historically and socially; it is not merely to state the plurality of valuing processes as demonstrated by sociohistorical analysis. It is instead to show that variation is part of “the nature of things” and thus to integrate the ideal into natural phenomena as the force that moves them. At this level Durkheim's understanding of the importance of action comes to the fore. To set ideals outside nature is to detach them from action, whereas it is through action that the specific life of subjects who organize their behavior as a function of values is determined. In other words, to understand value judgments we can neither reduce them to judgments of reality nor cut them off from reality as it unfolds in time and space. We cannot locate or anchor value judgments anywhere but within phenomenal reality, reality composed of the subjective actions that weave the fabric of social life.

The ideal is not “mere possibility” (Durkheim 2004: 130; English edn. 1974: 89); it is not merely conceived, but desired. This fact is once again the sign of active

attachment. The ideal possesses an intense power of attraction, and this power constitutes a certain phenomenal reality – namely the tension it confers on action itself. The ideal is willed in that it is borne “into action” by subjects who desire it. In this sense it is indeed a “living reality” (Durkheim 2004: 130; English edn. 1974: 89): it has its own life. This might lead us to grant it a detached existence, but in fact the life of the ideal is not really distinct from the life of subjects attached to it, who bear it forward in the same movement by which they are captured by its power to attract.

The importance of Durkheim’s move to naturalize the ideal cannot be overemphasized, for the properly sociological meaning of his concept of ideal depends on it, as does his establishing of a method for making the ideal knowable. A force physics is implied here, whose criterium is intensity of attachment. The value question is more profoundly one of social valuing processes, processes to be measured and compared in terms of variations in intensity. It is never only values themselves – their content – that vary, but always also the currents of feeling and will – attachment, with the double meaning identified above – underlying those values. In sum, Durkheim accredits a certain view of social physics, not at all in connection with morphology but in the matter of representations themselves: Representations possess a measurable, analyzable normative dimension. While sociology must recognize “the field of ideals” as its own particular field (Durkheim 2004: 141; English edn. 1974: 96), the positive character of social phenomena means that sociology’s task, rather than to record the ideal as if it were an objective fact, is to describe “social things,” that term to be defined as an augmentation process through which nature “surpass[es] itself” (Durkheim 2004: 141; English edn. 1974: 97).

The core of Durkheim’s argument is that values are located within *social* things, that is, the natural things by means of which nature surpasses itself. Precisely because such surpassing is *self*-surpassing, we do not move outside nature when we study it. From this follows Durkheim’s position on value judgments: on the one hand, they cannot be reduced to judgments of reality; on the other, they cannot be radically separated from such judgments. Though the two are distinct, they proceed out of one and the same faculty of judgment, applied in both cases to natural realities. It is only the way in which the given is given that distinguishes the ideal from a simple fact. In the case of the ideal, the surpassing or transfiguration of the given is itself the object of judgment, a judgment that now moves beyond observing what is, evaluating instead a reality of a new sort – an “enriched” reality, endowed with value, value that is nothing other than the process by which it comes to surpass itself within nature.

While surrendering nothing of his realism – indeed, deepening it – Durkheim opened up perspectives in sociology that the objectivism of *The Rules of Sociological Method*, *Division of Labor in Society*, and *Suicide* gave no cause to anticipate. He did so by concentrating on social things that make their power felt as values in certain of our judgments. He did so by relating the concept of society to “social life” understood as the life in which individuals’ lives are truly engaged and which, though irreducible to the lives of its individual components, can be accomplished only through those individuals, their ability to fuel society through constant innervation, a process attested to by value judgments and the moral acts commanded by those judgments. Durkheim’s moral sociology is a sociology of moral facts, facts intrinsically linked to other types of facts, judgments, and acts, facts in which social subjects are actively implicated. If his sociology appears externalist, that is because he undertook to

redefine the subjective status of social subjects, inscribing a split within the subject that is not resolved by that subject's integrating of moral norms, a split according to which a kind of being-outside-self becomes the very wellspring of internal moral tension, determined by the ever continuous, ever timely coexistence of good and duty in the structuring contradiction of their coexistence. Living socially does of course mean submitting to an external order. But the externality of that order, all the difficulty it involves, is to be found first within the subject, as one of the subject's own dimensions.

Durkheim's resistance to pure objectivism was ultimately expressed in his rejection of the utilitarian position, wherein the sovereign value is the life of the social body. To present society as "a system of organs and functions, maintaining itself against outside forces of destruction" (Durkheim 2004: 132; English edn. 1974: 91) was to reduce what is called the life of the group to an appropriate response to outside stimuli. That vision completely eclipsed an element without which the very concept of life as applied to society lost all meaning: the internal moral life (2004: 132). Despite its spiritualist echoes, the expression should not mislead us. That life, composed as it is of ideals and values, can be an object of scientific inquiry precisely because ideals and values are natural realities that can be grasped as things. Clearly the ambiguity lies in the way that last word is interpreted. There can be no moral life, no life of judgments and moral acts carried out by social subjects, unless values become tangible, that is, unless they are reflected and objectified in instituted phenomena. By insisting on this aspect of moral reality, Durkheim gave greater salience to its realness, and externalist determinism may seem to win the day. But the notion of "social thing" demands fuller attention. Once value objectivity is subordinated to the ever ongoing creation of ideals generated by the internal moral life, social things have to move and change. This is because their value inheres in an addition, a real increase, and therefore a transformation of sense-perceived givens – a transformation that Durkheim sought to circumscribe by means of several categories, whose epicenter may be considered the sacred.

In moral reality – which we can investigate only by considering the subjective investments that are its incompressible dimension – this transformation process can be seen as it occurs. Internal moral life cannot be reduced to a purely physical system because that life is what makes society visible at a certain level of itself, like a body in movement propelled by ideals that by definition overflow or exceed the current reality they undertake to transform. Contrary to what we might have thought, it is from the perspective of moral sociology, precisely by way of what cannot be resolved into objectivism, that we can most clearly see the social in the process of creating itself, social things in the process of becoming. Not, of course, as fruits of free, unregulated creation, but as changes in reality at the level at which reality unfolds as actions and judgments of actions. In other words, it is through actions understood as *social* that nature comes to surpass itself.

## NOTES

- 1 Rauh discussed Durkheim's arguments in fine detail in his 1903 work, *L'expérience morale*.
- 2 On this point, which led Durkheim to make a stricter conceptual distinction between individual and person, see Durkheim 1990 and my commentary (Karsenti 2004).

- 3 Text republished in Durkheim 2004; English edn. 1974. For a resituating of Durkheim's position in the context of contemporary thinking on values, see Gurvitch 1937.
- 4 Durkheim's strategic verb "enrich" was a primary focus of pragmatist critiques in 1914.
- 5 In an important note, Durkheim (1990) identified the problem of authority as sociology's problem par excellence, more fundamental than the problem of constraint to which he had given priority in *The Rules of Sociological Method*.
- 6 As early as 1911 Durkheim concentrated his argument on the phenomenon of human energy-*spending*, of disinterested activity involving an extravagant use of energy, thereby developing an anti-utilitarian argument that foreshadows some of Mauss's arguments (1966). Particularly striking in this connection is Durkheim's statement that "economic life itself does not always follow closely the rules of economics" (2004; English edn. 1974: 86).

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