In *Elementary Forms of Religious Life* and *The Division of Labor in Society*, Durkheim takes a hard look at the fundamental elements of societal concepts. Specifically, Durkheim investigates two concepts, religion and crime, which are reflections of society’s collective conscience and social organization. He suggests that every concept (including religion and crime) must be part of a society in order to have meaning: a concept which doesn’t reflect society doesn’t exist. While the two readings shared this theoretical framework, what follows is a description of Durkheim’s analysis of these concepts in the two works.

In *Elementary Forms of Religious Life*, Durkheim explores the relationship between religion and society by suggesting that the origins of religion are found in social organization. His inquiry into the origins of religion brings us closer to an understanding of the origins of thought and knowledge, and the nature of present-day man. Tying together religion, society, and knowledge could very well lead us into a theoretical morass, so we will begin cautiously and with the simplest form of religious thought: primitive religion.

In order to understand the nature of religious life, we should first understand its origins. In order to study the origins of religions, we must trace the historical development of religion back to its most basic form, the primitive form. The benefits of such an historical analysis are that we can “try to account for the characteristics by which it [religion] was marked at that time, and then to show how it developed and became complicated little by little” (15).

So Durkheim is taking it back to the old school (of religious thought), and here he finds the origins of knowledge. There are essential ideas, or “categories” that are at the root of all of our intellectual life. These “principle categories” are “born in religion and of religion; they are a product of religious thought” (22). They are social things which reflect the way religion has influenced us to think systematically about connections, internal relations, and classification (477). In turn, the ways in which religion molds our thought affects “every great social institution,” from religion itself to science (466).
Religion, we find, “is something eminently social” (22). It reflects an idealized society, but a society nonetheless. Basic principles that add up to our intellectual framework, time and space for instance, are socially constituted. Our very ways of thinking, the whole of our knowledge and logic, are social forms of thought. He writes, “It is not surprising…that social time, social space, social classes and causality should be the basis of the corresponding categories, since it is under their social forms that these different relations were first grasped with a certain clarity by the human intellect” (492). One can never “think outside the box,” because these essential categories are imposed on, in, and by ourselves, and we cannot abandon them (with the exception of Keanu Reeves in The Matrix, of course).

Not only does religion arise from society, it also perpetuates it. While elements of religion can be practiced by the individual, it takes society to keep it alive (473). He writes, “[E]ven when religion seems to be entirely within the individual conscience, it is still in society that it finds the living source from which it is nourished” (472). While other institutions (such as science) may take over some of the functions of religion, these institutions cannot replace religion’s emphasis on collective action.

Durkheim is exploring new ways to approach thinking by suggesting that knowledge and religion are social in nature. Perhaps this means there is a homogenous cognition among individuals, and a homogenous way of thinking about religion that holds for all men, be they worshippers of those “rudimentary and gross” primitive religions or modern Christians (20). This cognition may also hold over time, as The Elementary Forms treats religion with a historical analysis in order to show collective constants that hold from past to present.

In “The Division of Labor in Society” Durkheim tries to answer the question of how modern societies are constituted, what holds them together. He is also interested in the relationship between the individual and society, and how it changes in different societies and at different historical moments. He identifies the cement that binds society in social solidarity, which is directly shaped by the ever-increasing division and specialization of labor (131). The modern world, which is defined by a complex division of labor (and differentiation), is characterized by organic solidarity, as opposed to simple societies, which are characterized by mechanical solidarity.

In his argument on the nature of mechanical solidarity, Durkheim lays out his theoretical framework in a clear and logical manner. He sets out with the inquiry of what crime essentially
consists of, noting that all forms of crime have a common element. After reviewing and ruling out competing theories, Durkheim moves on to his own theory: “The only common characteristic of all crimes is that they consist…in acts universally disapproved of by members of each society (73)” (which a few exceptions of course). Society makes a list of the most punished crimes, and these are the ones people in a normal mental state can not claim ignorance to without being deemed pathological. In conclusion Durkheim states: “The totality of beliefs and sentiments common to average citizens of the same society forms a determinate system which has its own life; one may call it the collective or common conscience (79).” Specifically, “An act is criminal when it offends strong and defined states of the collective conscience (80).”

Stressing the culturally defined nature of crime, he insists that nothing is inherently criminal – crime is always defined in reference to society. “In other words, we must not say that an action shocks the common conscience because it is criminal, but rather that it is criminal because it shocks the common conscience (81).”

Durkheim states that his definition of crime should explain all the characteristics of punishment (85), so he sets out to test this hypothesis and succeeds.

Elaborating on the collective sentiments that inform the laws, Durkheim draws attention to the fact that “…there emerges a unique temper, more or less determinate according to the circumstances, which is everybody’s without being anybody’s in particular. That is the public temper (102).” This collective consciousness can be protected by the “social brain,” the institutions which defend the laws.

A key point of Durkheim’s analysis is that the division of labor does not belong just to economic life, but to all other spheres of life and activity. However, its utility does not necessarily translate into morality, and he asks whether there is a moral value to the division of labor. Durkheim proposes to analyze the function of the division of labor by the need to which it corresponds, and thus identifies the moral effect of the division of labor as solidarity (and the division of labor as one of the main sources of social solidarity).

To measure it, Durkheim turns to the law as a visible, external symbol of social solidarity that can be evaluated and interpreted. Law is central to the analysis because it is the expression of a definite, organized social life.

When analyzing law as an indicator of types of solidarity, Durkheim rejects the traditional distinction between public and private law (because all law is social), and instead
classifies it by the sanctions attached to it into two types: repressive and restitutive. The first type (penal) corresponds to simple societies (where the community predominates), while the second (civil, commercial, etc., aiming to restore the status quo ante) corresponds to modern ones (where individuality predominates).

Restitutory law differs from penal law in that the sanction is not expiatory, but merely aims to restore the status quo ante.¹ Restitutory law is further distinguished from repressive law in that it does not link the individual to society, but different elements of society among themselves in two ways: it lays down the legal framework for all social life, and it confers binding force upon private contracts that conform to the law. Thus, society is not just a third-party arbitrator between various private parties, but through restitutory law actually creates two types of relationships: negative (promote abstention), and positive (afford cooperation). Negative relationships form a negative solidarity because they do not necessarily involve cooperation or consensus. Positive relationships, on the other hand, regulate relationships that express a positive contribution; a cooperation deriving essentially from the social division of labor found in domestic law, contractual law, commercial law, procedural law, administrative and constitutional law (each expressing special types of cooperation that have developed out of the division of labor within their specific areas of regulation).

Positive solidarity is the only one that brings about integration. Durkheim identifies two types of positive solidarity, mechanical and organic, each with its own characteristics. The first type—mechanical—links the individual directly to society (where society is seen as a collective type, as organized society), and stresses the collective consciousness as much stronger than the individual one in each one of us. By contrast, organic solidarity leads to the individual depending upon society and the parts that constitute it; society is understood as a system of different and special functions united by definite relationships, and there are more differences between individuals, with each one depending upon society and each other the more labor is divided and specialized. Thus, organic solidarity is due to the division of labor, where each part is specialized and autonomous, yet the organism, the society, is better and more unified.

¹ Using the collective consciousness as standard of reference, repressive laws correspond to what is at its heart and center, moral laws are a less central part of it, and restitutory laws spring from the farthest zones of consciousness and extend well beyond them. Rules where sanctions are restitutory either constitute no part of the collective consciousness, or subsist in it in only a weak state.
Organic solidarity is thus seen by Durkheim as the savior of individuality, as it is defined by inter-dependency and complementarity, allowing each of us to become more of an individual, and yet also more linked to society at the same time. Through the social division of labor and the organic solidarity it creates, the cohesion of modern societies is ensured, but so is our individuality.

After discussing and analyzing the two texts, our group had several questions. One question that arose during our group discussions is whether *The Division of Labor* is a historical analysis of social solidarity. As demonstrated in *Suicide*, society limits and organizes the desires and ambitions of its members. In order to fulfill this role, society needs to establish a homogenous moral order. If this is so, how are we to interpret the dynamic between the two types of positive solidarity in *The Division of Labor*? Has solidarity “developed” from mechanical to organic types, or do they both co-exist in any given society?

In addition, we wonder about just what counts as a “collective.” In summary of his theoretical argument about mechanical solidarity, Durkheim concludes “…there exists a social solidarity which comes from a certain number of states of conscience which are common to all the members of the same society (109).” How many states of common consciences does it take to get social solidarity?

Last, another point of concern comes in *The Elementary Forms*. It seemed like Durkheim was pulling us around theoretical circles: Religion both comes from society and society comes from religion. Which comes first? Our tentative conclusion form both works is to see that the individual and society are always interdependent, and that this relationship holds constant over time.