

Classical Sociological Theory
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Division of Labour (conti...)

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Division of Labour (conti...)



Welcome back to the class. We are continuing our discussion with Emil Durkheim's work, Division of Labour. This is the second class or second session on his work Division of Labour. In the previous class, we discussed some of the very important concepts that Durkheim used in order to build his argument about a host of very interesting aspects starting with this fundamental question that what holds the society together and how are societies becoming more and more complicated.

In other words, Durkheim was trying to ask the question how and why are societies undergoing social change or social transformation and what happens to a host of important concerns or processes and dynamics when the societies move from one stage or one type of societies to that of other. We discussed that he introduced this concept of collective conscience as a sum total of beliefs and value systems that almost every member of that particular society upholds.

We discussed its four important features and that on the basis of this understanding of collective consciousness, collective conscious in other words, he distinguished societies into two groups. One is a set of societies characterized by mechanical solidarity and the other one as society is characterized by organic solidarity. So, we are continuing that discussion on his magnum opus, the Division of Labour.

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Legal systems and collective consciousness

Repressive Law and Restitutive Law



- In the pre-modern era, with its strong collective consciousness, the legal code consists mainly of "penal" laws with "repressive" sanctions.
- It operates through the informal agency of society as a whole rather than through the authority of specialized institutions.



In this class we are looking at some of his larger arguments with which follow the same logic of this distinction between societies characterised by mechanical solidarity and that of organic solidarity. So here, he brings in a very important analysis on the questions of law and punishment, especially questions of legal system i.e. questions of that the whole idea of social norms, enforcement of social norms and how this enforcement of social norms differ in primitive societies and in modern societies and it is an extremely important argument.

For any student of sociology of law or even the law student, the discussions and arguments and observations of Durkheim are something very important and canonical because he gives some very fascinating arguments and accounts about this transforming the genesis and the characteristics and evolution of laws in different types of societies. So, he argues that there is a very close connection between the legal systems and the collective consciousness that we discussed other day.

Collective consciousness does not exist in isolation or it does not exist in vacuum, it gets reflected in a host of social institutions. So, we discussed that in societies which are characterized by extremely rigid form of collective consciousness. There would not be much of a flexibility, the idea of individual freedom would be very rudimental, and also would be almost non-existent.

The idea of multiple forms of faith or multiple forms of political authority, marital arrangement, multiple forms of living in different forms of family, all these ideas do not exists because in societies characterised by strong collective consciousness, things would be

more regimented, simple, similar, and homogenised. So, he argues that on the basis of this collective consciousness, he brings in two very important types of legal system.

One is a repressive law, the other one is a restitutive law. Again, I am emphasising the argument that he present this two as a kind of a idea with typical categories not as something that has to be, that can be empirically verifiable at every place. So, one is the repressive law and the second one is this restitutive law. So, in pre-modern era or in primitive societies as we discussed, the first example could be that of a tribal society with its strong collective consciousness, the legal code insists mainly of “penal” laws with “repressive” sanction.

His argument is that in the primitive societies, the primary aim or the fundamental objective of the law is to punish. It is to punish, it is to teach a lesson, it is to repress the people who violate the laws. So, that is why he uses the term it is repressive. This legal system do not talk about reformation, this legal system do not talk about giving an opportunity for that person to reform and come back and then get reintegrated, no.

These societies mostly function with an aim of penalising that person, punishing that person, that is why he uses the term penal law or with repressive sanctions. It operates through the informal agency of society as a whole rather than through the authority of specialized institutions. And in most of the societies you will not have specialized institutions like a court system or a legal system rather it works as a collective agency of the society because the Division of Labour would be at a very rudimentary level in these societies.

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- Violations fall under the jurisdiction of *penal law*, they are considered *crimes*, and they are subject to *repressive sanctions*, ranging from banishment to dismemberment to execution.

- The function of punishment in such cases, Durkheim argues, is less to exact vengeance on the guilty than to reaffirm the authority of tradition and secure the continued compliance of the innocent. Legal intervention serves the purpose of bolstering the collective consciousness, thereby contributing to the continued cohesion of society



Thus, he argues that violations fall under the jurisdiction of penal law, they are considered as crimes and they are subjected to repressive sanctions ranging from banishment to dismemberment to execution. If you look into the kind of punishment that existed in pre-modern world, it is a very interesting area of investigation, you will see that there were quite a lot of mechanisms and machines and equipments were developed by these societies to inflict maximum pain on the accused.

If there somebody was ordered to be killed, that killing process would be quite ruthless, it is not that that person could be killed immediately but the a host of civilizations across the world sophisticated equipments to inflict maximum pain and to ensure that the person suffers the maximum before he breaths his last.

He talks about that there are different forms of punishment ranging from banishment, from the community, especially what you in other words you understand it as this ex-communication, a person is banished from the community, the community no longer has any association with that.

You know that this was a very powerful form of punishment in India where members were expelled from the caste, they were ex-communicated from the caste or from the village if they have violated some of these caste rules and to that of dismemberment or to that of execution and we know that each of these punishments are not reversible. Once they are done, they are done and it cannot be a remedy and that is why there is quite a lot of discussions and debates even now ranging about the acceptability of capital punishment because capital punishment is an ultimate punishment which you cannot reverse it, you cannot undo that, once it is done, the person's life is taken permanently.

And so that is why there exists a host of discussion along with its moral and ethical standard and who lot of discussions about the accepted variety of capital punishment in the modern world. So, the punishment of, the function of punishment in such cases, Durkheim argues, is less to exact vengeance on the guiltily rather than to reaffirm authority of the tradition and secure the continued compliance of the innocent. It is an extremely important argument. Here, he argues that the, you know that we usually ask this question, what is the fundamental aim of punishment?

You know that once in a class when the teachers punish the children. Most of the time it also has the intention of teaching a lesson to others, it is not only to punish the person, punish the child who has done some mischief but rather it also is used by the teacher to send out a larger

message to others that this particular child or this particular boy or girl has done something wrong and I am punishing and this is the message for all of you to comply. You are not supposed to violate the rules that I have set out or the school has set out and that is how discipline was instilled or discipline was enforced.

Durkheim argues that in the pre-modern societies, in societies where this penal or repressive laws existed the fundamental idea was to secure the continued compliance of the innocent. So, the punishment becomes a performance, it becomes a symbol and a symbol which sends out message to others who are yet to commit a crime. That is why in most of these places punishments were performed in public, executions were performed in public.

Even now in Saudi Arabia, public execution is a public spectacle, public execution is a public spectacle, beheading is a public spectacle. So, in quite a lot of traditional societies, pre-modern societies and execution taking away person's life was then in full public view. And also if you enquire into these modalities, there were quite a number of very interesting cases about how people's lives were taken in a prolonged way. People were executed, people were hung from tree branches, from a host of public things and the others could see these people struggling for their life.

So, this whole idea of sending out message as a lesson is something very important. Legal intervention serves the purpose of bolstering the collective consciousness, thereby contributing to the continued cohesion of the society. Here Durkheim has this very interesting argument that the punishment is something extremely necessary for a society. So, it is an extremely necessary component for the society because the deviance as well as punishment play very important role in reinforcing the boundaries of what is accepted and what is not accepted.

Durkheim argues that you cannot imagine a society where there are no crimes, or there are no forms of punishment and such a society simply do not exist. You cannot have a society of all very good people, excellent people who does not commit any crime or who does not violate any norms. That is impossible because a society requires a concrete understanding about what is permitted and what is not permitted.

And this understanding is reinforced only when somebody tries to violate it and that person is punished. And he is only talking about how this particular process undergoes change from that of a pre-modern to that of a modern society.

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- On the other hand, in modern societies with its advanced division of labor, the legal code consists mainly of "co-operative" laws with "restitutive" sanctions.
- Cooperative law such civil laws, property laws, business laws etc, becomes the dominant form, with penal law reduced to a proportionately small fraction of the legal code.
- The modern legal system is designed less to quash deviance than to achieve restitution, less to punish criminals than to restore the orderly functioning of social life. Restitutive law, in contrast to repressive law, Durkheim argues, serves the purpose of managing cooperative relations and enabling individuals and institutions to "work together in a regular fashion"



On the other hand, in modern societies with its advanced division of labour, the legal code consists mainly of "cooperative" laws with "restitutive" sanctions. So, in a modern society as the society is becoming more differentiated, society is becoming more complicated, there are exclusive institutions such as a legal system and courts and advocates and then constitution and law enforcement agencies. Such established division of institutions ensure that it mainly revolves around a kind of a co-operative laws with a restitutive function.

Restitutive is to restore the damage that is already done. Its primary aim is not to annihilate the person who has done a crime or the primary aim is also not to teach a lesson to the innocent people, not to send out a message but rather to ensure that a collective coexistence is possible. That is why he is emphasizing this whole argument of cooperative and restitutive sanction and you know that the fundamental motive of modern legal system or especially that punishment is to reform the culprit, reintegration of the offender even extremely important objective of any modern system of punishment.

Every systems of imprisonment, the jail systems in across the modern societies are increasingly getting oriented towards this whole question. What do you do? How do you ensure that this person who has committed an offense is brought back to the mainstream society? How is he reintegrated into the society, how can we reform? So, even a jail sentence is consider to be an opportunity for this particular person to get reformed.

So, jail punishment is not seen as a system of inflicting more and more agony on this person but it is seen as a opportunity for this person to get reformed and then to become a completely functional integrated person once he or she is out of this imprisonment. So, cooperative laws

such as civil laws, property laws, business laws, etc become the dominant form with the penal law reduced to a proportionately small fraction of legal code, a very important observation made by Durkheim.

In modern societies of course you have a criminal system of law that exists or to look into all kind of criminal activities but an increasingly more number of legal domains emerge which look into the civil cases in case of property laws, business laws, patenting laws and cooperate laws, a host of laws which simply did not exist in the pre-modern societies. So, this modern legal system is designed less to quash evidence than to achieve restitution, less to punish criminals than to restore the orderly functioning of the social life.

The fundamental aim is to restore the orderly functioning of the social life. Restitutive law in contract to repressive law, Durkheim argues, serves the purpose of managing cooperative relations and enabling individuals and institutions to work together in a regular fashion. And this is the most important argument. The legal system it changes its character once it moves from societies characterized by mechanical solidarity to societies characterized by organic solidarity.

From a repressive character, it moves into a restitutive character. The aim of the law in a modern society is to encourage, enable people to work together, live together amicably and then function the society in a more regular manner.

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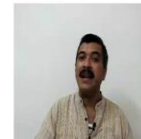
Social Change



- Durkheim's view of social change revolves around an analysis of the causes and consequences of increases in the division of labor with respect to

Volume refers to population size and concentration and *density* pertains to the increased interaction arising from escalated volume.

- "The division of labor varies in direct ratio with the volume and density of societies, and, if it progresses in a continuous manner in the course of social development, it is because societies become regularly denser and generally more voluminous".



And from here we will spend some time trying to understand how does Durkheim brings an element of social change. Now, so far from the discussion we must have understood that he is talking about two scenarios, one is a set of societies characterized by mechanical solidarity, another set of societies characterized by organic solidarity. Now, he is trying to explain how this change happens? How societies do from a mechanical solidarity moves into that of an organic solidarity?

Durkheim's view of social change revolves around an analysis of the causes and consequences of increases in division of labour with respect to the volume and the density. So, his analysis of social change revolves around the whole process of division of labour which becomes the parameter for Durkheim to understand social change. This is a very important argument and he talks about this argument in terms of the volume of division of labour and the density of the division of labour.

The volume refers to the population size and the concentration. You know that division of labour becomes imperative once the population of a society exceeds a particular limit. You cannot have no division of labour with a huge society, division of labour is bound to that. And the density, it pertains to the increased interaction arising from the escalated volume. So, this density of division of labour, he talks about if he is again a necessity that emerges out when because of this increased interaction arising from the escalated volume of a population.

So, when a population grows in size, it becomes more complicated, the interaction gets more complicated because there will be division of labour and historically it is you will see quite lot of evidence which connects the kind of between the increasing population size and the

type of a prosperity that human society had very limited number when they were living a very nomadic, hunting, gathering kind of a life because the material availability was very less whereas, this invention of agriculture, the production of surplus food, it played a very important role in increasing the number of people who are available.

This really led to increase in division of labour, people could devote more time into other activities because everybody does not need to spend their time on cultivation for agriculture and that is why societies became more and more complicated. He says that “the division of labour varies in direct ratio with the volume and density of societies and if it progresses in a continuous manner in the course of social development, it is because societies become regularly denser and generally more voluminous”.

He is talking about how societies move from a small, simple, less populated society into a more voluminous one. So, this volume, it is not only the number increases but when the number increases the intensity of their interaction also increases.

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- Durkheim saw migration, population growth, and ecological concentration as causing increased *material density*, which in turn caused increased *moral or dynamic density*—that is, escalated social contact and interaction.
- The increased rates of interaction characteristic of a larger population within a confined ecological space cause increased *competition*, or “*struggle*,” among individuals.
- Talents and resources play important role in *differentiation among the people into different divisions of labour*
- The function of the division of labour is to promote social solidarity, or *societal integration*.



Durkheim saw migration, population growth and ecological concentration as causing increased material density which in turn caused increased moral or dynamic density that is, escalated social contact and interaction. So, all these aspects, the migration of people from other areas to one area, population growth and ecological concentration because if there are natural barriers or natural boundaries, then you get to see that large number of people are concentrated in a particular geographic area.

This ecological concentration as causing increased material density which in turn also causes what Durkheim calls it as a moral or dynamic density that is a escalated social contact and interaction. The increase rate of interaction characteristic of large population within a confined ecological space cause increased competition, or “struggle” among individuals.

Now, Durkheim is explaining this actual mechanisms that leads to the increased division of labour. So, when there are more number of people and what they are congregated in a given space he argues that it leads to increase in competition or struggle among the individuals and in such a scenario talents and resources play important role in differentiation among the people into different division of labour.

Now, Durkheim provides an impression that it is an automatic process that takes place people with better character, people with better abilities and better knowledge and better talents they tend to occupy more specialized fields compared to others who do not have that. People with certain skills they might become artisans, people with better intellectual abilities might become the kind of scholars or priest or others. So, people with better physical ability, people who are good at martial arts might become a group of people who can be called as a soldiers or martial art experts.

So, he is presenting this argument as something rising out of the increased concentration. The function of the division of labour is to promote social solidarity or societal integration. So, once this increased number of specialization emerge that leads to organic solidarity because one group requires the other groups, the group of soldiers require the group of cultivators, the group of artisans, the group intellectuals, the group of priest, the group of religious scholars and then others in order to protect and it is said marked difference from that of a pre-modern era where everything, everybody that that one person was almost doing all these functions. So, here he brings in that kind of a transformation.

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- The concept of function allowed Durkheim to judge whether a structure, such as the division of labour, was functioning normally for a particular type of society.
- He was pre-occupied with the questions of 'normal' and 'pathological' with a strong moral position
- These considerations led him to analyze "abnormal forms" of the division of labor



The concept of function allowed Durkheim to judge whether a structure, such as the division of labour, was functioning normally for a particular type. So, now from here Durkheim comes into this whole question of evaluating a particular society and here he brings in his whole idea what is normal and what is pathological and we discussed that in the previous class as well this has been a major concern for Durkheim throughout his career of what is normal and what is pathological. And he took a very moral position he argued that societies in a pathological state cannot be allowed to continue or it should be rectified and he believed that sociology as a discipline has the ability to make those kind of corrections in a scientific manner.

So, he argued that the concept of function allowed Durkheim to judge whether a structure, such as a division of labour was functioning normally for a particular type of society. So, if there is a particular level of division of labour Durkheim argued he can look at and then say whether it is normal or pathological by looking into the kind of functions that this particular structure puts out of it. So, he was pre-occupied with the question of normal and pathological with a strong moral position as we discussed. These considerations led him to analyze abnormal forms of the division of labour.

He argues that division of labour while it emerges in a very natural manner also can assume certain abnormal characteristics and this is extremely important argument because he was really puzzled by or he was really worried by a host of issues that he saw in many of his of modern societies especially that of France and many other European societies he was really troubled by what he saw as a set of abnormal or pathological conditions.

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Pathological forms of division of labour



(1) the anomic division of labour

• The challenge of maintaining individuals' commitment to a common set of values and beliefs while allowing them to pursue their specialized interests. When the transformation of society from a mechanical to an organic basis of social solidarity is rapid, it causes the "generalization," or "enfeeblement," of values. With generalization, individuals' attachment to, and regulation by, values are lessened.

• Alienation is a result, but did not see it inevitable unlike Marx



He discusses a couple of types of his abnormal or pathological forms of division of labour and one is this anomic division of labour a very important aspect which directly has a kind of concerns with that of Karl Marx because we discussed in the previous class that Marx is somebody who really theorized alienation, he transformed that concept from a very idealist position to that of a very materialist argument that alienation is a product of capitalism and you cannot have a society free of alienation within the capitalistic system. So, Durkheim also speaks about alienation but markedly different from a Marxian analysis.

He argues that the challenge of maintaining individual's commitment to common set of values and beliefs while allowing them to pursue their specialised interest. He argued that there could be always conflicts between a person's actual passion, a person's actual interest in in pursuing his own interest and his commitment to and compulsion to the kind of larger collective, larger collectivity. If a person is quite passionate about singing, but at the same time he might be forced to do a kind of a manual work because that is what is demanded from the society. So, that he argues it could lead to a situation something similar to alienation.

When transformations of society from a mechanical to an organic basis of social solidarity is rapid, it causes the generalizations or enfeeblement of values. With generalization, individual's attachment to, and regulation by, values are lessened. So, when this transformation happens, people usually lose their kind of the very strong sense of attachment to certain values and people get alienated.

Alienation is a result at the individual level that because of various reason they are not able to point themselves as being a part of a larger collectivity. But markedly, he did not agree it as

something inevitable unlike Marx who argued that you cannot eliminate alienation without eliminating capitalism. Because capitalism has this structural ability to alienate workers, as per Marxian argument which we discussed in the previous class.

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(2) the forced division of labour

Durkheim saw inequalities based on ascription and inheritance 'abnormal' as it works against the natural division of labor based on qualities and abilities

He analyses exploitation and class domination, but believed that with the transition into organic society, these social ills will disappear



Then second one is what a second type of abnormal or pathological division of labour that Durkheim talks about is the forced division of labour. Division of labour does not emerge spontaneously, rather it is being forced upon people. Durkheim saw inequalities based on ascription and inheritance 'abnormal' as it works against the natural division of labour based on qualities and abilities. It looks like Durkheim was rather naive in understanding the power of this ascription and inheritance.

If somebody inherited a huge amount of wealth or somebody is born into a feudal family, upper caste, upper class elite family, the kind of privileges that person is endowed with is something monumental and that cannot be and that person is already on a much privileged position in terms of his or kind of capitals or kind of cultural, social and economic capital which is incomparable with a person who does not have any of these capitals or does not have any of these things.

But Durkheim argued that this one, this particular path, this particular division of people who already have this ascribed qualities, somebody is being born at a particular race, particular family, and particular caste and then inherited lot of wealth, and cultural capital. This he argued as abnormal because it works against the natural division of labour based on qualities and abilities. For him, the division of labour must be a natural, it has to be based on a

person's own ability. A person's own orientation and ability must really decide what should be the kind of specific occasion that he or she wants to specialise.

But Durkheim identified that is not how the society works. He frames that as a kind of a pathological situation. He analyses exploitation and class domination, but believed that with the transition into an organic society, these social ills will disappear. So, that is why I mention that we had rather a very naive understanding about social inequalities.

While he was critical of Marx, he also did not pay attention into the actual functioning of power relations, how powerful could be different forms of domination and how domination uses various resources including derived forces, including cultural domains and a host of other things to maintain the kind of a domain which was the favourite area of enquiry of Karl Marx.

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(3) the inadequately coordinated division of labour



Durkheim noted that specialization of tasks is not accompanied by sufficient coordination, creating a situation where energy is wasted and individuals feel poorly integrated into the collective flow of life. In his view, specialization must be "continuous," with functions highly coordinated and individuals laced together through their mutual interdependence. Such a state, he argued, will be achieved as the natural and normal processes creating organic solidarity become dominant in modern society.



Then, the inadequacy, the third type of problem that Durkheim identifies is the inadequately coordinated division of labour. Division of labour exists but it is inadequately coordinated. Durkheim noted that specialization of tasks is not accompanied by sufficient coordination, creating a situation where energy is wasted and individuals feel poorly integrated into collective flow of life. In his view, specialization must be continuous with functions highly coordinated and individuals laced together through their mutual interdependence.

Such a state, he argued, will be achieved as the natural and normal processes creating organic solidarity become dominant in the modern society. So, he had an understanding of a very natural process of social change and an organic society which always tries to reach a kind of

an optimal or complete integration which is realised through a very natural coordinated division of labour.

If that does not happen, it leads to quite a lot of problem. If division of labour is entrusted, if division of labour is imposed that creates quite a lot of issues. So, if individuals are poorly integrated into collective flow of life that according to Durkheim can lead to lot of issues.

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Division of Labor represents an ambitious, original work by Durkheim that helped him to theoretically and empirically analyse inner dynamics of society as well as social change.

This work laid foundation to insightful sociological analysis on law, morality, functional analysis and so on.



So, in order to, we if summarise this work combined in this class as well as the previous class, as I told you this is considered to be his magnum opus. Durkheim's most important work. Of course, he has written work on suicide, on Rules of sociological method, but his doctoral work and his book the Division of Labour turns out his most important work. And because it presents a very ambitious original work of Durkheim by that helped him to theoretically and empirically analyse inner dynamics of society as well as social change.

If you look into the objective of his work and into the theoretically purview of this work, it is a very ambitious one. On one hand, he is explaining social change, on the other hand he is characterising societies into two different types; modern and pre-modern through a very innovative argument about this all argument about collective consciousness and then characterising societies into organic and then mechanical solidarity through this analysis of division of labour.

So, in that sense, it is a very ambitious one and this work laid foundation to insightful sociological analysis of law, morality, functional analysis and a host of other issues. So, as I told you anybody who needs to study the relation between society and law cannot do that

without studying Durkheim, the kind of a relation between law and society, an extremely important and a fascinating area of enquiry. How are laws getting formulated, what is its connection with society, the kind of a reciprocal relationship between law and society?

You know that laws are the products of society, at the same time laws also change society and every nation, especially a country like India is a fascinating example, especially with imposition of colonial legal system, what did his colonial legal system do to Indian traditional forms of living? You can have different opinion about it but structurally how did it alter Indian society? How did it alter the cultural systems and social institutions of Indian society? Fascinating analysis. Any such analysis or law or on functional analysis or on morality this Durkheim's work is a foundational one. So, I am ending the class here and we will resume the discussion on Durkheim with his discussion on Suicide in the next class. So, thank you.