

PUNISHMENT AND SOCIAL ORGANIZATION: A STUDY OF DURKHEIM'S THEORY OF PENAL EVOLUTION*

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For Emile Durkheim, crime and punishment were integral features of organized social life. He considered the study of crime and punishment essential to the sociological enterprise precisely because these "social facts" revealed the inner workings of society and the mechanism through which societies change. In *The Rules of Sociological Method* Durkheim argues (1938:70) that "crime is . . . necessary, it is bound up with the fundamental conditions of all social life," and that "it is no longer possible . . . to dispute the fact that law and morality vary from one social type to the next, nor that they change within the same type if the conditions of life are modified." Because he viewed law as a reflection of basic social arrangements, Durkheim grounded his theory of social change in an analysis of comparative legal types. He assumed (1933:68) that "since law reproduces the principal forms of social solidarity, we have only to classify the different types of law to find therefrom the different types of social solidarity which correspond to it." In his central theoretical work, *The Division of Labor in Society* (1933), Durkheim linked the changing nature of legal controls (repressive to restorative) to transformations in the nature of social solidarity (mechanical to organic).

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DISCUSSION

The evidence developed here raises serious questions about Durkheim's perspective on punishment and social change. To summarize: (1) The severity of punishment does not decrease as societies grow more concentrated and complex. On the contrary, greater punitiveness is associated with higher levels of structural differentiation. (2) While variations in political structure are related to punitive intensity, these variations are neither historically contingent, nor idiosyncratic. (3) Although the "religiosity" of deviance is correlated with punitiveness, collective crimes are more common in complex than simple societies. (4) Controls involving social and geographic segregation are not represented by incarceration alone and are not peculiar to advanced societies.

2PP vs 3PP

Second Party Punishment

