WAR AND CRIME AS A SOURCE OF MORAL RENEWAL AND UNITY – REPUBLICAN HERITAGE AND ITS TRANSFORMATION INTO A WORK OF EMILE DURKHEIM

APSTRAKT: U radu želimo pokazati na koji način u svom delu Dirkem integriše pogleda klasika političke misli o ratu kao sredstvu moralne regeneracije društva. Uzimajući u obzir shvatanje posledica rata u republikama – kod Platona, Aristotela, Makijavelija, Montesquieja i Rusoa – pokušaćemo da ponudimo jedan nov način sagledavanja Dirkemove sociološke teorije. Iako nije bio pobornik rata kao načina (moralne) integracije, Dirkem je na primeru istraživanja samoubistva uočio njegovo povoljno dejstvo na moralnu koheziju. Centralna hipoteza našeg rada odnosi se na funkcionalnu ekvivalenciju republikanskog shvatanja posledica rata i Dirkemove teorije o poreklu i ulozi zločina. Za razliku od svojih prethodnika i savremenika (Konta, Sen-Simona i Spensera) Dirkem nikada nije sasvim napustio ideju o sukobu (zločinu) kao integrirućem faktoru unutar jednog društva. Osnovna razlika između Dirkema i navedenih klasika filozofije i republikanske misli tiče se okvira sukoba. Dok se unutar republikanskog nasleđa ona javlja kao sukob sa spoljašnjim neprijateljem (rat), kod Dirkema se pretežno javlja u vidu unutrašnjeg konfliktta.

KLJUČNE REČI: Dirke m, republikanizam, rat, zločin, moralna regeneracija, integracija

ABSTRACT: In this paper we wish to demonstrate how Durkheim integrates in his work the views of the classics of political thought on war as a means of moral regeneration of society. Taking into account the understanding of the consequences of war in republics – in Plato, Aristotle, Machiavelli, Montesquieu, and Rousseau – we will try to offer a new way of looking at Durkheim’s sociological theory. Although he was not a supporter of war as a means of (moral) integration, Durkheim noted...
its positive effect on moral cohesion in the example of the study of suicide. The central hypothesis of our work relates to the functional equivalence of the republican understanding of the consequences of war and Durkheim’s theory of the origin and role of crime. Unlike his predecessors and contemporaries (Comte, Saint-Simon, and Spencer), Durkheim never completely abandoned the idea of conflict (crime) as an integrating factor within a society. The main difference between Durkheim and the abovementioned classics of philosophy and republican thought concerns the framework of conflict. While within the republican legacy it appears as conflict with an external enemy (war), in Durkheim it predominantly appears in the form of internal conflict.

KEY WORDS: Durkheim, Republicanism, War, Crime, Moral Regeneration, Integration.

Introduction

Since the beginning of the 21st century, a number of studies and articles have been published with the work of Émile Durkheim (Émile David Durkheim) as the subject of their analysis. We can but speculate on the total number of papers with references to this classical author of sociology, whether indirectly or just ‘along the way’. Nevertheless, it seems to us that the influence of republicanism as a political legacy remained insufficiently explored in the extensive literature devoted to this classic of sociology. As regards his political affiliation, Durkheim was undoubtedly a Republican. Although he was never a professional politician in Weber’s sense of the word (Weber, 1946: 8), as an intellectual, he participated in the public life of France of that time. From the perspective of important historical events of the Third Republic, his public appearances during the Dreyfus affair and the propaganda activity during the First World War should be emphasized. While in the first case his loyalty to republicanism was at work, in the second case he demonstrated his loyalty to the Third Republic.

However, Durkheim’s observation in relation to important and concrete events in the public life of France is not the only field in which the influence of republicanism can be perceived and pondered. He clearly emphasized that sociology must offer practical solutions to social problems. Insisting on the reforming potential of sociology, i.e. the desire to use a value-neutral science as a means of solving political problems is clearly seen in his work on the example of the preface to the second edition of the Division of Labour in Society. In Durkheim, the ‘use’ of sociology for the purpose of achieving practical aims was not just constructive – it also served to criticize alternative political views – nor can the aforementioned preface be taken as the only place where such proposals can be found (Durkheim, 1950).

Certainly, Durkheim is quite aware that its possibilities at a given moment are limited: “Sociology, at its present stage, is hardly capable of guiding us effectively towards the solution of these practical problems” (Durkheim, 1994: 278).
The republic, or republicanism, certainly has many definitions. Unfortunately, the framework of this paper does not allow us a deeper historical analysis of the meanings attributed to them. There will not be an entire history of republicanism at the center of our attention, and even less the history of all republics as forms of government – from the ancient times to the present. Considering all of the above, we must immediately, at the very beginning, outline one of the possible meanings of the term *republic*. The determination that we will offer will certainly be specific and normativistic, and thus should in no way be understood as an attempt to establish a general meaning of the term republic or republicanism. Namely, it is depicted by the common elements of the classics of political philosophy who have had a significant impact on Durkheim’s work, but also on the understanding of the concept of the republic in general: Plato, Aristotle, Machiavelli, Montesquieu, and Rousseau. The republican conceptual and historical vertical, which we will ‘choose’ here, is only one of the possible, and the justification for choosing this particular one or similar can be found in Durkheim’s works, or rather the unique influence we have recognized. To us, Durkheim’s work is the ultimate destination in which we will try to find the ‘imprint’ of republicanism.

However, regardless of these limitations, we can distinguish several common features of the republic seen with the eyes of the aforementioned classics: relatively small territory, virtue and the spirit of communion as the basis of a political and moral order, a political body based on virtuous customs, rule of law, education as the basis of the political order, and absence of an exclusive concentration of power/power in the hands of an individual or a group of individuals. In the case of the last criterion, we tend to avoid the use of the notion of the division of power, since in modern political thought it usually relates to Montesquieu, who did not bring the republic in conjunction with such a form of government. We can say, however, that states in which all the power is in the hands of only one group or individual cannot be regarded as republics, even if they rule in accordance with the laws. For example, the form of government outlined in Plato’s *Republic* cannot be considered republican, while the ideal of a state shown in the *Laws* meets the abovementioned criteria.

In this paper, we want to show that Durkheim found the functional equivalent of war in the republican thought in criminality. What is interesting is that, in the lecture held in Lyceum (*Lycée de Sens*), as a philosophy teacher, Durkheim directly points out the link between war and crime (Durkheim, 2004: 262). Not just one of his lectures, but the consequences which Durkheim saw in the sense of the occurrence of crime stand in support of this idea. Although Durkheim’s attitude towards crime as a normal phenomenon shocked the public of the time (Fournier, 2013: 205), hemerely wished to point out the integrative

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3 In this sense, Machiavelli seems ambivalent and incoherent to us. However, we are not lonely in the opinion that his understanding of the republic does not imply the power of one person or the concentration of power (Pavlović, 2007: 68–69).

4 „No matter how different these acts termed crimes may appear to be at first sight, they cannot fail to have some common basis. Universally they strike the moral consciousness of nations in the same way and universally produce the same consequence“ (Durkheim, 1994: 31).
social function which appears as a reaction of the collective consciousness⁵. The act of punishment itself performs the function of moral restoration of society equal to the potential of integration and regeneration of war itself – seen with the eyes of the classical authors of republicanism.

**Plato and Aristotle on the moral consequences of war**

The political map of the world from the beginning of the American or French Revolution shows us the vastness of space under the authority of emperors and kings. These two large republics (by size of territory and population) originated in bloody wars which caused the previously marginalized form of government to return to the historical scene. The circumstances surrounding the emergence of republics (the United States and France) are not the only reason for believing that citizens should take arms to defend the new political order from the intrusion of internal and external enemies.

The need for armed citizens is by no means merely the result of pragmatic understanding of historical circumstances in which every individual is welcome in defending the new and threatened order. Without a doubt, the history of the American Revolution would look different if *minutemen* had not entered the battlefield. At the same time, it is difficult to imagine the beginning of the French Revolution and its dispersion across the continent (Napoleon’s conquests) without the ‘use’ of an armed regiment.

However, we wish to show that in the republican heritage, that is, long before the aforementioned revolutions, there is an idea of war among all the authors as a means of moral renewal of a society. War and armed conflicts represent one – but certainly not the only – way of social regeneration which enables republics to resist ‘corruption’. In the absence of moral restoration, the republican system becomes unstable and subject to deformations which jeopardize its continuity. In this chapter, we wish to demonstrate the way in which war in the republican tradition is a means of regeneration, and how such an idea was rearticulated and transformed in Durkheim’s sociological understanding of crime. We will try to show the role of crime in Durkheim’s sociology as the equivalents of the occurrence of war within the republican tradition. These two phenomena (war and criminality) are equalized only in terms of understanding the nature of its ‘mechanisms’ and the desired outcomes – moral regeneration. These two phenomena (war and crime) are being equalized only in terms of understanding the nature of their ‘mechanisms’ and the desired outcomes – moral regeneration.

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⁵ Durkheim is not the only sociologist of his time who saw conflict as important potential for moral or social regeneration. At the beginning of twenty century, famous sociologist Georg Simmel has published interesting work on this subject (Simmel, 1971: 70–95). We can see how he understand a role of conflict in society: „Just as the universe needs ‘love and hate,’ that is, attractive and repulsive forces, in order to have any form at all, so society, too, in order to attain a determinate shape, needs some quantitative ratio of harmony and disharmony, of association and competition, of favorable and unfavorable tendencies”. Simmel’s ideas have been further developed by Lewis Coser in book *The Functions of Social Conflict* (Coser, 1956).
The aforementioned notwithstanding, we can find within the republican heritage different and shaded understandings of the phenomena of war, and in this respect it cannot be assessed as monolithic and homologue. It would be particularly wrong to equalize the republican tradition with aggressive militarism or lack of a tendency to establish peace. Here, we do not want to point out mere profound historical roots of the republican idea of armed citizens as a backbone of defense of a state. They cannot in any way be limited to the specific destinies of certain republics – glorious conquests or tragic defeats. Consequences are often considered as potential war threats or preparations for a future war. For some of the classics of republicanism, military exercises represent an adequate replacement of war threats, as they provide equally beneficial consequences for the moral structure of the republic.

In *The Republic*, Plato devotes the role of defense of poleis to a layer of warriors. Considering their function as very significant, he limits the power of this class only by philosophers as undisputed rulers of a state. Plato elsewhere (*Laws*) offers construction of a political community that is much closer to the principles of a republic, therefore we will limit Plato’s contribution to this work.

The ethos of the republicanism in terms of social genesis is anti-individualistic. We are not referring to the meaning of a term that implies the absence of personal freedom or suppression of individual initiatives. In this case, we aim to deny social genesis as a result of the agreement among rational individuals who are able to anticipate all the advantages of mutual association and the danger of the absence of a common normative order⁶. In addition, he is anti-individualistic in view of the absence of mutual isolation of citizens, that is, the tendency to practice cohabitation and everyday activities. Already we can see such tendency in Plato, and the potential danger of war represents one of the reasons for cultivating and preserving the spirit of communion within a polis:

„In a word, one should teach one’s soul by habits not to know, and not to know how to carry out, any action at all apart from the others; as much as possible everyone should in every respect live always in a group, together, and in common – for there is not nor will there ever be anything stronger, better, and more artful than this for producing security and victory in war“ (Plato, 1988: 343).

Here, the possible danger of war appears as one of the reasons for social integration. Although for Plato war is not a desirable phenomenon in and of itself, the consequences it produces can be beneficial for preservation and moral regeneration of a republic. Therefore, in order to avoid negative consequences of war – which appears as a sign of poorly ordered republics – Plato suggests mimicking conditions of war in the form of a military exercise:

„This very same thing applies to a city: if it becomes good it lives a life of peace, but it lives a life of external and internal war if it is evil. Since this is just about the way things are, no one should wait until wartime to

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⁶ In the *Social Contract*, Rousseau’s understanding of social genesis in a certain sense ‘pops out’ from the republican framework. That is precisely the reason he was criticized by Durkheim.
exercise the gymnastic of war, but all should do so while living at peace. So any city that possesses intelligence should engage in army maneuvers not less than one day every month, and even more if the rulers think it advisable. They should exercise paying no heed to cold or hot weather – themselves and their women and children as well – whenever the rulers think it fitting to lead the whole populace out; then at other times they’ll be led out in sections. They should always be devising noble games to accompany the sacrifices, so that there’ll be certain festival battles that imitate as clearly as possible the battles of war. On every such occasion prizes should be distributed for victory or prowess, and they should compose for one another poems of praise and blame that reflect what sort of person each is becoming both in the contests and in life as a whole, adorning the one who seems to be best and blaming the one who does not” (Plato, 1988: 219).

Interestingly, Plato suggests organizing war games at the time of religious festivities, or sacrifice rites. One can say that both events, viewed from Durkheim’s perspective, have the same social function, that is, the effects on strengthening and maintaining the collective consciousness. War games must reflect opportunities in a battlefield in the most credible and approximate way possible. Mimicking various situations in which soldiers could find themselves in the event of a real war, as well as a rich scenography that would bring such conditions closer to each participant of the exercise, contributes to a more successful fulfillment of the principal goal.

We have seen that for Plato this goal is precisely the competition in achieving and expressing virtue, or the selection of the best citizens of a republic in moral sense as examples to look up to. He also emphasizes that the path to moral regeneration of a republic can, on certain occasions, include biological regeneration:

„Won’t he order that certain major gymnastic exercises with heavy arms be held no less than once a month, where they must struggle with one another over every point of the territory, competing to capture positions and set ambushes? Won’t he have them imitate the whole art of war so that they are actually ‘fighting with padded practice gloves’, using missiles that come as near as possible to true ones, though with less risky weapons? That way, the play they engage in with one another will not be altogether lacking in fear, and through the fear it will in a certain way make apparent who has a stout soul and who does not; as a result, couldn’t he correctly assign honors to the former and dishonor to the latter, thereby equipping the whole city to be serviceable in the true contest it must wage throughout life? And moreover, if someone should die as a result of these exercises, wouldn’t the murder be considered involuntary, and wouldn’t the lawgiver decree that the killer’s hands are clean once he’s undergone the lawful purification, figuring that not many human beings will die this way, and that others no; worse will grow to take their place, but that if fear
should, as it were, die, then he could not find another way of testing, in all such exercises, who is better and who is worse, and that for the city this would be a much greater evil“ (Plato, 1988: 221).

Although death of the participants is obviously mentioned in the context of an accident, thus representing an exception and not a rule, the mechanism of moral regeneration is not less interesting for this reason. Murder of an individual in this case represents the price that must be paid in order to secure fear (arising as a result of possible dangers to participants in military games) in all participants, which would enable the rise or demonstration of virtue. If the fear disappears, the republic is in for greater dangers in the long run. In any case, Plato suggests a mechanism which, at least exceptionally, turns an innocent victim into a collateral of moral restoration of the entire society, or the republic. Later we will see that Durkheim’s mechanism of restoring the collective consciousness in this respect is no different from Plato’s. The organization of war games in this case provides for moral ‘purification’ of citizens of the republic and rewarding of individuals who are distinguished by the desired virtues.

Aristotle sees one of the reasons for arming citizens in protection from potential subjugation, that is, the interests of a regiment itself. However, the armed regiment also provides for preservation of slavery, but also protection from the armies of other states that could appear as conquerors:

„Training in war should not be undertaken for the sake of reducing those who do not deserve it to slavery, but, first, to avoid becoming enslaved to others; second, to pursue a position of leadership in order to benefit the ruled, not to be masters of all of them; and, third, to be masters of those who deserve to be slaves“ (Aristotle, 1998: 217).

For such an understanding of the role of armed citizens, we can find a particular example in Politics:

„The aforementioned change occurred at Thurii. Because the property assessment for holding office was rather high, a change was made to a smaller one and to a larger number of offices. But because the notables illegally acquired all the land (for the constitution was still too oligarchic), they were able as a result to get more. But the people, who had received military training during the war, proved stronger than the garrison troops, and forced those who had more than their fair share of the land to give it up“ (Aristotle, 1998: 151).

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7 In order to avoid possible confusion, we note that in this case we are not targeting Durkheim’s reflection on the consequences of war in terms of moral cohesion and social integration, but rather on his understanding of the role of crime, i.e. violation of the criminal law. In addition, we are well aware of all the significant differences, and here we emphasize that the abovementioned elements are the same.

8 In this case as well, we can see how much the meritocratic idea which cannot (or must not) be limited to the issue of material reproduction of society, i.e. economic achievements and rewards was present in the republican heritage.
We can see from this example that the idea of war or armed conflicts occurs together with the fulfillment of the ideal of equality. As we shall see below, Aristotle is not the only author, within the republican heritage, to directly link war (or armed conflict) with the achievement of equality and justice (meritocracy).

In the case of Aristotle as well, the idea of a republic (polity) cannot be identified with aggressive and expansionist militarism. He clearly emphasizes that the purpose of arming citizens is not conquest and subjugation of other states and peoples. Also indicates that motives for the outbreak of war can be understood as a tendency towards its negation, i.e. that “War must be chosen for the sake of peace” (Aristotle 1988: 216). Aristotle repeats such an opinion on the motives of war in the *Nicomachean Ethics* (Aristotle 2004: 195). It is clear that such an attitude towards expansionist wars appears as a consequence of historical circumstances, that is, of his ideal of the political organization of society – the city state. Notwithstanding everything stated, Aristotle was aware that war could also be a means in the hands of a tyrant who wants to preserve their power: “A tyrant also engages in warmongering in order that his subjects will lack leisure and be perpetually in need of a leader” (Aristotle, 1988: 167).

Bearing in mind how much Aristotle attributed to the significance of the virtues of justice(Aristotle, 1988: 87; Molnar, 2001: 69), we can conclude that, in the case of this classical author, war has morally desirable consequences. Therefore, war causes the renewal of important virtues, while peace, on the other hand, leads to arrogance (Aristotle, 1998: 218)

**Machiavelli, Montesquieu, and Rousseau – the Continuity Of the Republican Antique Thought of War**

In a series of republican authors who are at the center of our attention, Machiavelli devotes more space to the problematization of the consequences of war and the role of the army in a republic. For him, the issue of the army is of particular importance, as it represents a significant means of security and survival of every republic. The latter does not refer to mere truism about its necessity for the defense of the state, but about the importance it has for the republic if it is comprised of the citizens themselves. He opposed the frequent practice of Italian republics which often practiced the engagement of mercenaries for the purpose of waging wars. Like Plato, Machiavelli proposes military exercises as well.

Although at first glance, in the context of our topic, it might seem like a completely trivial and subtle detail, Machiavelli’s mention of siege as a way of
warfare is not merely a coincidence. He realizes that well-fortified cities deter potential enemies from attacking, because no one wants to engage in risky ventures (Machiavelli, 1999: 43). On the other hand, he devotes Chapter 24 of his other book (Discourses on the First Decade of Titus Livius) to consideration of the role of fortification. Praising nations and states that did not use fortifications for defense as examples to follow, Machiavelli mentions Rome and Sparta (Machiavelli, 1999: 397).

Machiavelli opposes fortification to keeping and displaying virtues in war as necessary to the republic\(^\text{10}\). Thus, once again we can see the connection between moral discourse and war. The need for virtue as the foundation of a republic concerns the possibility of internal conflict as a potential threat as well. Internal conflicts and divisions can ruin the political structure of an entire republic and are among the most frequently highlighted disadvantages and weaknesses of this form of government. Machiavelli finds remedy for this danger to the republic in war itself:

> „The Veientians expected by attacking the Romans when disunited to defeat them, but their attack caused Roman union and their own destruction. The disunion of republics usually results from idleness and peace; the cause of union is fear and war“ (Machiavelli, 1999: 399).

Below we will see how, according to Durkheim, cohesion, i.e. integration as a consequence of war leads to reduction of the rate of (the anomic type of) suicide. But in the case of Machiavelli’s Discourses, what seems more interesting to us is the ‘Durkheimian’ attitude towards murder and reaction to the act, which has a role of the regeneration of the republic, or – in Durkheim’s words – the collective consciousness. The murders we have just mentioned refer neither to war circumstances nor to preparations for war (in the sense of military exercises), but they encourage (periodical and continuous) moral restoration of the foundations of the republic\(^\text{11}\). There is no need to more closely elaborate on

\(^{10}\) Machiavelli’s political theory can by no means be reduced to denial or complete absence of virtue (see: Čavoški, 2012). It certainly does not hold a significant place as in the case of Plato’s, Aristotle’s, or Montesquieu’s understanding of a republic.

\(^{11}\) „This good effect, then, comes about in republics either by virtue of a man or by virtue of a law. As to the effect of law, the legal means that brought the Roman republic back toward its beginning were the Tribunes of the People, the Censors, and all the other laws that opposed the ambition and pride of the citizens. These legal means need to be brought to life by the wisdom of a citizen who courageously strives to enforce them against the power of those who violate them. Of such enforcement, before the capture of Rome by the French, there were notable in stances in the death of the sons of Brutus, the death of the Ten Citizens, and that of Maelius the corn-merchant. After the capture of Rome came Manlius Capitolinus’ death, the death of Manlius Torquatus’ son, Papirius Cursor’s prosecution of Fabius his Master of the Horse, and the accusations against the Scipios. These things, because they were extreme and noteworthy, whenever one of them came up, made men draw back to their proper stations; and as they became rarer, they also gave men more room for growing wicked and acting in a more dangerous and lawless fashion. For this reason, from one such enforcement of the law to the next, there should be a lapse of not more than ten years, because, when that time has gone by, men change their habits and break the laws; and if something does not
how much attention Durkheim paid to the periodical renewal of the collective consciousness through (criminal) acts which are most fundamentally disruptive to it. For Durkheim, the social reaction to a crime is primarily a consequence of the awareness of social ties being broken and fundamental social solidarity endangered.

In Rousseau, as in the case of other classics of republicanism, we find an idea of competition among citizens in order to maintain ability and physical fitness. Rousseau proposes these competitions emulating military exercises (Rousseau, 1960: 126–127). Rousseau places these competitions in the context of public festivals (in the republic of Geneva). Suffice it to say that the republican asceticism, or emphasizing the importance of physical exercise to achieve firmness and readiness of citizens is obvious in Rousseau as well. Regardless of the fact that here physical exercise does not appear as a substitute, not even as a form of preparation for war, the consequences that such competitions could have on moral and spiritual renewal of the republic are obvious.

Pointing out that war assumes relations between two collective entities, Rousseau, in fact, denies that Hobbes’s famous phrase (‘the war of all against all’) can occur at least as a possibility. In his view, war is an exclusively collective undertaking which implies relations between states, that is, in no way between individuals themselves (Rousseau, 2002: 160–161). According to Rousseau, war occurs neither in its natural state, nor in the social state governed by law:

„Men are not naturally enemies, if only for the reason that, living in their primitive independence, they have no mutual relations sufficiently durable to constitute a state of peace or a state of war. It is the relation of things and not of men that constitutes war; and since the state of war cannot arise from simple personal relations, but only from real relations, private war – war between man and man – cannot exist either in the state of nature, where there is no settled ownership, or in the social state, where everything is under the authority of the laws“ (Rousseau, 2002: 160).

The abovementioned, however, must not lead us to conclude that Rousseau denied the need for the existence of the army as an institution. Like Machiavelli, Rousseau too believes that in no way must compulsory military service be ‘given’ to armies of mercenaries. The republic faces a great danger if the military duty which all citizens have towards the state is replaced by monetary compensation (Rousseau, 2002: 220–221). Rousseau finds money, comfort, and greed to be contrary to the fulfillment of military and other obligations to the republic. We find similar perception in Machiavelli’s case as well:

“We see, then, that republics show this defect: they pay slight attention to capable men in quiet times. This condition makes such men feel injured in two ways: first, they fail to attain their proper rank; second, they are obliged to have as associates and superiors men who are unworthy and happen to bring the penalty back to their memories and renew fear in their minds, so many offenders quickly join together that they cannot be punished without danger” (Machiavelli, 1999: 420–421).
of less ability than themselves. This abuse in republics has produced much turmoil, because those citizens who see themselves undeservedly rejected, and know that they can be neglected only in times that are easy and not perilous, make an effort to disturb them by stirring up new wars to the damage of the republic. When I consider possible remedies, I find two: the first is to keep the citizens poor, so that, when without goodness and wisdom, they cannot corrupt themselves or others with riches; the second is to arrange that such republics will continually make war, and therefore always will need citizens of high repute, like the Romans in their early days” (Machiavelli, 1999: 469).

We can see that war appears as an incentive for moral regeneration of society, and its long-term absence poses a danger to the republic itself. Machiavelli finds the remedy in poverty as fertile ground for preservation of virtue, but also in preparations for war which ought to keep the whole republic prepared. On the other hand, Montesquieu too proposes preparations for war as a necessity for every republic that wants to preserve its foundations. Although he does not directly call for poverty as a means of preserving moral virtues, Montesquieu too opposes war (or preparations for war) to profane economic interests of citizens of the republic (Montesquieu, 1989: 40). Also, Montesquieu saw danger to the republic in the absence of danger or fear of a potential enemy. He believed that long-term security and stability of the republic does not contribute to its survival:

„A certain kind of confidence is the glory and security of a monarchy, but, by contrast, a republic must dread something. Fear of the Persians maintained the laws among the Greeks. Carthage and Rome intimidated one another and were mutually strengthened. How singular! The more secure these states are, the more, as with tranquil waters, they are subject to corruption“ (Montesquieu, 1989: 116).

In almost the entire republican heritage we find anxiety for the long-term survival of this form of government. Reasons that may jeopardize the survival of the republic are numerous, but at the very top of the list, by frequency, there is fear of civil wars and internal conflicts. In principle, Montesquieu himself sees these phenomena as sources of great troubles; however, in his work Considerations on the Causes of the Greatness of the Romans and their Decline, we realize that they can have positive consequences as well12.

12 „There is no state which so dangerously menaces others with conquest as one which is experiencing the horrors of civil war. All orders of men – the noble, the burgher, the artisan, the laborer – become soldiers; and, when the contending forces are reunited by peace, such a state possesses great advantages over others, whose populations consist mostly of citizens only. In addition to this, great men are often formed during civil wars; for, in the midst of confusion, great men come to light; each determines for himself his own place and his own rank, whilst at other times the places of men are determined for them, and often with no regard to their capabilities. And, to pass from the example of the Romans to others more recent, the French have never been so formidable abroad as after the quarrels of the houses of Burgundy and Orleans, after the troubles of the League, and
We see that Montesquieu joins Plato and Machiavelli in the understanding that war helps us come closer not only to the moral regeneration, but also the meritocratic society. War, in this case civil war, does not only contribute to the realization of cohesion, which, in truth, arises only after conflict, but also to the establishment of the basic meritocratic principle. Every (eminent) position is filled with an individual who deserves it based on their abilities. It is obvious that Montesquieu, in terms of the consequences of wars, in this case, makes no distinction between republics and monarchies. However, this cannot call into question the presence of the idea in this piece of work. The mechanism of creating moral cohesion through war should not be limited to the republics, but only in them does it appear as a certain necessity for the survival of the whole system. The same can be seen in other authors which we included in the context of our definition of the republican heritage. As we have seen (Montesquieu 1989: 116), this is precisely why Montesquieu considers war necessary for the republic:

„As, during the time of the republic the governing principle had been to carry on incessant war, under the emperors the cultivation of peace was a leading maxim of state“ (Montesquieu, 1882: 266).

At the very end of our account of the genesis of treating the occurrence of war within the republican heritage, we would also like to emphasize Montesquieu’s differentiation of crimes committed in the republic and the monarchy (Montesquieu, 1989: 25).

This distinction of the treatment of crime is particularly interesting given Durkheim’s understanding of the distinction between the republic and the monarchy in *The Spirit of the Laws*. Durkheim sees the difference between the two forms of government precisely in the division of labor which does not exist in republics, while in monarchies it has been developed to its maximum (Durkheim, 1983: 29). Although to us such an interpretation of the difference between the two forms of government seems questionable, Durkheim implicitly identifies the republic with mechanical, and the monarchy with organic solidarity. Therefore, we see that Durkheim’s distinction of the role of the collective consciousness in societies with mechanical and organic solidarity is on the trail of Montesquieu’s distinction between the two forms of government. Given the fact that the collective consciousness in societies with mechanical solidarity is more ‘pressuring’ to the individual consciousness, i.e. that it makes for the greater part of their content, the range and scope of acts that can be classified under the category of crime is greater. In other words, the criminal law plays a more significant role in regulating social life and inter-relations among members of the society with organic solidarity.

after the civil wars which occurred during the minorities of Louis XIII and Louis XIV“ (Montesquieu, 1882: 218–219).

It is true that Montesquieu links the development of trade to the monarchical form of government to a greater extent, however, one cannot say that the republic is distinguished by the absence of a division of labor or, more broadly, social differentiation.
Durkheim between war and crime

Nevertheless, we did not just want to emphasize Durkheim’s debt to Montesquieu. We have shown that the contours of the mechanism of reproduction of the collective consciousness through crime (or social reaction to crime) are not only seen in Montesquieu’s work, or his influence on Durkheim. On the other hand, in the case of Durkheim’s perception of the role of crime in regeneration of the collective consciousness, we can see the republican heritage that cannot be found among other ‘non-republican’ authors (Saint-Simon, Comte, Spenser). The distinctiveness of the republican influence is obvious in Durkheim, because in societies with organic solidarity there is no perceivable end to the maintenance of social integration through condemnation of crime, that is, the regeneration of the ‘impoverished’ content of the collective consciousness. It is not a relic of the past which must disappear with the development of the division of labor, i.e., industrial society. Such a way of regenerating the collective consciousness is not only the inertia of history, or a mechanism that will gradually disappear with further development of society. Moreover, Durkheim believed that wars would always exist, but their role in the future would be of lesser importance (Durkheim, 1975: 160).

Durkheim never advocated war conflicts in order to achieve or preserve social integration. He openly criticized the renewal of militarism in French society nearly three decades after the defeat of Germany (Durkheim, 1975: 161). At the end of his life, it was precisely because of war events (World War I) that he experienced a great personal tragedy. His son (André) died on the territory of today’s Macedonia where he was buried in the village of Davidovo (Fournier, 2013: 698). In addition, during his childhood, he witnessed war events in his hometown (Epinal), when German troops occupied the town. Regardless of his personal experiences, Durkheim never called for war conflicts between states, either openly or covertly. Therefore, in his case, the entire republican heritage, that is, the whole single idea of republicanism must be read in a sublimated form. In a way, Durkheim transformed the sources of socially desirable phenomena which are linked with the consequences of war within the republican heritage. Observed from the perspective of the given society, external conflicts (wars) were replaced by internal conflicts (crimes).

We find the reason for such a perception of transformation of the long republican tradition, the outlines of which we have given above, in his lectures as a young professor at the lyceum (Lycée de Sens). The lectures he held at the very beginning of his career (1883–1884) testify about the republican attitude towards the role of the army, but, more importantly for us, they point to a certain identification of war as a criminal act (crime):

“Of all taxes, the most noble and obligatory is that of blood. It’s possible that someday all nationalities will merge into a universal republic; but for the moment not only are people divided into rival, frequently conflicting societies, but wars often occur within them.
Every crime is a war, and to guard against this war an armed force must always be at the ready. For this reason, the tax of blood isn't owed just intermittently and must be paid by all without exception. But if society finds itself well protected and possesses of enough soldiers, certain classes of people – those better able to serve in other ways – can be relieved of military service (those who take care of the elderly, for example, or the oldest orphans, etc.)” (Durkheim, 2004: 262)

We can see that Durkheim continues the republican tradition which requires every citizen to engage in the defense of their homeland. Only a few can one day have justifiable reasons to be exempt from such obligations. This is not the only place where the Durkheim directly treats crime as a declaration of war on the entire society:

“To respect the body of another is to do nothing to undermine his life. ‘Thou shalt not kill’ is the first formula of the duty of justice. While this formula seems to be among the most absolute of all morality, there are exceptions to it. If all men followed the moral law perfectly, of course, exceptions would be unnecessary. But this isn't the case, for there are men who constantly threaten others and remain outside the bounds of morality. The result is a state of war, which exists wherever there are criminals, more or less powerful men who consider themselves above the law. In other words, a state of war can exist regardless of whether or not nations attack each other” (Durkheim, 2004: 265).

The last two quotes clearly identify crime with war. Also, it is difficult not to see the similarity with Rousseau's understanding of the relationship between crime and war. If the concept of law is replaced by the notion of morality, the similarities become obvious. Much like Durkheim, Rousseau too sees in crime an act which ostracizes the perpetrator from the state and puts him in a state of war with it (Rousseau, 2002: 220–221).

Bearing in mind that Durkheim regarded Rousseau's political philosophy as overly individualistic, it would be difficult to argue that Durkheim finds Hobbes's view of the emergence and nature of the state theoretically and ideologically close and alluring. However, notwithstanding that Durkheim does not share Hobbes's assumptions on the emergence and role of the state, at the same time he accepts his understanding and treatment of the violator of the social contract. Anyone who rejects the social contract (or, in Durkheim's case, moral law) throws themselves to the natural state, i.e. the state of war with other members of society.

The integrative role of wars and murders, which cause the same or similar moral consequences, may be most perceptibly seen in one of the footnotes of *The Social Contract*. In the context of the idea he originally shapes in the work written for the open competition of the Academy of Dijon (*A Discourse on the Moral Effects of the Arts and Sciences*), Rousseau depicts murders and wars as certain 'antiflex' of the morally negative consequences of the development of arts and sciences. While at first glance it may seem that the development of culture is
the most desirable and highest achievement of a political body, wars and murders represent the moral and, thus, political remedy for its ‘fatal effect’\textsuperscript{14}

The republican perception of the consequences of war is incorporated in Durkheim’s empirical research of suicide. Consideration of the egoistic type of suicide reveals the republican heritage in a ‘cleaner’ and more direct form. According to Durkheim, suicide rates are determined, \textit{inter alia}, by the degree of integration of individuals within a particular community. A higher degree of integration at the same time implies a greater protection factor, or smaller chance that a particular individual will commit suicide. Having looked into the statistics, Durkheim concluded that smaller suicide rates during war periods indicate precisely a higher level of integration, i.e. increased moral cohesion of society. The wars between France and Prussia (Germany) (1870–1871) or Austria and Italy (1866) offered an empirical basis for the conclusion on the morally regenerative impact of wars on societies in a state of conflict (Durkheim, 2005: 163–164, Davies and Neal, 45). In one particular place, Durkheim reaches for clear biological analogies, or discourse on the regeneration of society:

> „History indeed teaches us that suicide, generally rare in young societies in process of evolution and concentration, increases as they disintegrate. In Greece and Rome it makes its appearance with the overthrow of the old city state organization and its progress marks successive stages of decadence“ (Durkheim, 2005: 160–161)

It is obvious that young, regenerated societies\textsuperscript{15} are characterized by a greater level of moral integration which protects its members from high suicide rates. However, let us repeat that Durkheim did not find in war the basis of solidarity of the industrial society of the past or future. The division of labor would constitute a new foundation of solidarity which would, according to the belief, more closely connect potentially atomized individuals. On the other hand, mechanical solidarity loses its significance over time, but the fundamental mechanism of integration for this type of solidarity, by a certain kind of inertia, continues to survive and perform its role. Regardless of the fact that Durkheim persistently points to a reduced volume of the content of the collective consciousness in societies with organic solidarity (Durkheim, 1994: 38), the mechanism of punishing crimes as sources of its regeneration persists regardless of the type of society.

In any case, in \textit{The Division}, Durkheim presents the idea of connection (punishment) of crime and moral regeneration in the most systematic way. Durkheim places the very definition of crime within the framework of collective

\textsuperscript{14} “It seemed, said Machiavelli, that amid murders, proscriptions, and civil wars, our republic became more powerful; the virtues of its citizens, their manners, their independence, were more effectual in strengthening it than all its dissensions had been in weakening it. a little agitation gives energy to men’s minds, and what makes the race truly prosperous is not so much peace as liberty” (Rousseau, 2002: 214).

\textsuperscript{15} By which Durkheim does not refer to the so-called lower societies, in other words, does not place them at the beginning of the evolutionary flow. Thus, the old-young dichotomy does not correspond to the dichotomy of underdeveloped and developed societies.
perceptions that are common to all members of a society. Reaction to acts and events which offend the collective consciousness is a distinctive feature of every crime. Durkheim adds two more criteria to this one. The feelings offended by an act of crime must be strong, but also well-defined (Durkheim, 1994: 39). Durkheim sees a criminal offense as a breakdown of the (mechanical) form of social solidarity. Considering the fact that the moral structure of each society is different, determination of a criminal offense shows variations precisely in line with the contents of the collective consciousness embodied in particular norms. Regardless of the fact that there is a vast number of societies with different definitions of a criminal offense, Durkheim finds their common content – punishment. The difference in the intensity of reaction to different crimes, i.e. violations of the criminal law demonstrates that a punishment is precisely what points to solidarity towards similarities between members of a society. Durkheim notes that the intensity of a punishment is incompatible with the real danger to the entire society. Thus, the crime of murder causes more severe sanctions compared to causing economic instability and crises. The consequences of economic problems are certainly greater and more significant for a society as a whole than those of a single murder:

„Assuredly murder is always an evil, but nothing proves that it is the greatest evil. What does one human being the less matter to society? Or one cell fewer in the organism? It is said that public safety would be endangered in the future if the act remained unpunished. But if we compare the degree of danger, however real it may be, to the penalty, there is a striking disproportion“ (Durkheim, 1994: 33).

Here we can already sense Durkheim’s idea of the *cult of the individual*, which places the freedom and rights of an individual in the center as the sole content of the collective consciousness of developed, industrial societies. Nevertheless, we believe that at this point it is more significant to emphasize Durkheim’s understanding of the consequences of the execution of a punishment itself. While considering the consequences, Durkheim was least interested in the extent to which the execution of a punishment would affect the prevention of the recurrence of the same criminal offense in a particular society. For Durkheim, the preventive role of sanctions is not the primary reason for its occurrence. The punishment arises because it offends the strong and common feelings of individuals, thus it does not arise as a result of rational consideration of the possibilities of reducing future frequency of crimes. In no way must it be assumed that Durkheim saw punishment only as a channel for satisfying the irrational elements of human consciousness. Like any social institution, over time it undergoes a sort of evolution which enables the ‘use’ for rational and planned purposes. In addition, society as a whole leaves the role of punishment to a particular body which implements sanctions. This simultaneously creates a possibility for a more purposeful and rational punishment of the perpetrator.

The irrational character of a sanction must be taken into account only when the debate is reduced to the question of the genesis of punishment, because, according to Durkheim, only then can one understand the reason for
its emergence. Intense and emotional reactions to a committed crime are a good prerequisite for social regeneration:

„A mere re-establishment of the order that has been disturbed cannot suffice. We need a more violent form of satisfaction. The force that the crime has come up against is too intense for it to react with so much moderation. Indeed it could not do so without becoming weakened, for it is thanks to the intensity of its reaction that it recovers, maintaining the same level of vitality“ (Durkheim, 1994: 55).

That the condemnation of crime is always a product of the aspirations and passion of the whole community is also evident from the (political) institution which was called to condemn crime from the very beginning of its existence (Durkheim, 1994: 59).

Durkheim’s opposition to find the origin of punishment and the criminal law in the act of vengeance (vendetta) once again testifies to his sociological realism (Durkheim, 1994: 49). At first glance, it seems that the attitude toward revenge as the ‘first punishment’ has nothing to do with his criticism of the theory of social contract, imitation as the driver of the increase in suicide rates (Durkheim, 2005), or the ‘competing’ theories of the origin of totemism (Durkheim, 1995). But the opposition to methodological individualism combines all the given alternatives with which Durkheim argued. All of the abovementioned theories and approaches (certainly the ‘list’ does not end here) are characterized by the assumption that it is possible to start from the individual to explain the collective, which directly contradicts his understanding of the social fact (see: Lukes, 1973: 8–12). We can see that Durkheim’s insistence on the collective character of the execution of punishment and genesis of the criminal law is only part of his wider epistemological perceptions.

We have established that for Durkheim crime is a source of regeneration of social solidarity, that is, of moral feelings held by members of a society. The moral basis of social cohesion is best restored in the circumstances of communion and mutual closeness of all individuals in whom the collective consciousness caused a reaction (Durkheim, 1994: 59). Gathering and spatial closeness of members of a society appears in the Division as one of the consequences of crime, but also as the condition for the renewal of solidarity which the crimen has temporarily endangered. In The Elementary Forms, collective (religious) festivals are given far more attention and the status of a ‘sprout’ of everything which society will become in its future development.

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