

THE DIVISION OF LABOR IN SOCIETY

1893

VII ORGANIC SOLIDARITY AND CONTRACTUAL SOLIDARITY

I

It is true that in the industrial societies that Spencer speaks of, just as in organized societies, social harmony comes essentially from the division of labor. It is characterized by a co-operation which is automatically produced through the pursuit by each individual of his own interests. It suffices that each individual consecrate himself to a special function in order, by the force of events, to make himself solidary with others. Is this not the distinctive sign of organized societies?

But if Spencer has justly noted what the principal cause of social solidarity in higher societies is, he has misunderstood the manner in which this cause produces its effect, and, accordingly, misunderstood the nature of the latter.

In short, for him, industrial solidarity, as he calls it, presents the two following characters:

Since it is spontaneous, it does not require any coercive force either to produce or to maintain it. Society does not have to intervene to assure the harmony which is self-established. Spencer says that each man can maintain himself through his work, can exchange his produce for the goods of another, can lend assistance and receive payment, can enter into some association for pursuing some enterprise, small or large, without obeying the direction of society in its totality. The sphere of social action would

thus grow narrower and narrower, for it would have no other object than that of keeping individuals from disturbing and harming one another. That is to say, it would have only a negative regulative force.

Under these conditions, the only remaining link between men would be that of an absolutely free exchange. As Spencer says, all industrial affairs take place through the medium of free exchange, and this relation becomes predominant in society in so far as individual activity becomes dominant. But the normal form of exchange is the contract. That is why in proportion to the decline of militarism and the ascendancy of industrialism, power as the gateway to authority becomes of less importance and free activity increases, and the relationship of contract becomes general. Finally, in the fully developed industrial type, this relationship becomes universal.

By that, Spencer does not mean that society always rests on an implicit or formal contract. The hypothesis of a social contract is irreconcilable with the notion of the division of labor. The greater the part taken by the latter, the more completely must Rousseau's postulate be renounced. For in order for such a contract to be possible, it is necessary that, at a given moment, all individual wills direct themselves toward the common bases of the social organization, and, consequently, that each particular conscience pose the political problem for itself in all its generality. But that would make it necessary for each individual to leave his special sphere, so that all might equally play the same role, that of statesman and constituents. Thus, this is the situation when

society makes a contract: if adhesion is unanimous, the content of all consciences is identical. Then, in the measure that social solidarity proceeds from such a cause, it has no relation with the division of labor.

Nothing, however, less resembles the spontaneous, automatic solidarity which, according to Spencer, distinguishes industrial societies, for he sees, on the contrary, in this conscious pursuit of social ends the characteristic of military societies. Such a contract supposes that all individuals are able to represent in themselves the general conditions of the collective life in order to make a choice with knowledge. But Spencer understands that such a representation goes beyond the bounds of science in its actual state, and, consequently, beyond the bounds of conscience. He is so convinced of the vanity of reflection when it is applied to such matters that he wishes to take them away even from the legislator, to say nothing of submitting them to public opinion. He believes that social life, just as all life in general, can naturally organize itself only by an unconscious, spontaneous adaptation under the immediate pressure of needs, and not according to a rational plan of reflective intelligence. He does not believe that higher societies can be built according to a rigidly drawn program.

Thus, the conception of a social contract is today difficult to defend, for it has no relation to the facts. The observer does not meet it along his road, so to speak. Not only are there no societies which have such an origin, but there is none whose structure presents the least trace of a contractual organization. It is neither a fact acquired through history nor a tendency which grows out of historical development. Hence, to rejuvenate this doctrine and accredit it, it would be necessary to qualify as a contract the adhesion which each individual, as adult, gave to the society when he was born, solely by reason of which he continues to live. But then we would have to term contractual every action of man which is not determined by constraint. In this light, there is no society, neither present nor past, which is not or has not been contractual, for there is none which could exist solely through pressure. We have given the reason for this above. If it has sometimes been thought that force was greater previously than it is today, that is because of the illusion which attributes to a coercive

regime the small place given over to individual liberty in lower societies. In reality, social life, wherever it is normal, is spontaneous, and if it is abnormal, it cannot endure. The individual abdicates spontaneously. In fact, it is unjust to speak of abdication where there is nothing to abdicate. If this large and somewhat warped interpretation is given to this word, no distinction can be made between different social types, and if we understand by type only the very defined juridical tie which the word designates, we can be sure that no tie of this kind has ever existed between individuals and society.

But if higher societies do not rest upon a fundamental contract which sets forth the general principles of political life, they would have, or would be considered to have, according to Spencer, the vast system of particular contracts which link individuals as a unique basis. They would depend upon the group only in proportion to their dependence upon one another, and they would depend upon one another only in proportion to conventions privately entered into and freely concluded. Social solidarity would then be nothing else than the spontaneous accord of individual interests, an accord of which contracts are the natural expression. The typical social relation would be the economic, stripped of all regulation and resulting from the entirely free initiative of the parties. In short, society would be solely the stage where individuals exchanged the products of their labor, without any action properly social coming to regulate this exchange.

Is this the character of societies whose unity is produced by the division of labor? If this were so, we could with justice doubt their stability. For if interest relates men, it is never for more than some few moments. It can create only an external link between them. In the fact of exchange, the various agents remain outside of each other, and when the business has been completed, each one retires and is left entirely on his own. Consciences are only superficially in contact; they neither penetrate each other, nor do they adhere. If we look further into the matter, we shall see that this total harmony of interests conceals a latent or deferred conflict. For where interest is the only ruling force each individual finds himself in a state of war with every other since

nothing comes to mollify the egos, and any truce in this eternal antagonism would not be of long duration. There is nothing less constant than interest. Today, it unites me to you; tomorrow, it will make me your enemy. Such a cause can only give rise to transient relations and passing associations. We now understand how necessary it is to see if this is really the nature of organic solidarity.

In no respect, according to Spencer, does industrial society exist in a pure state. It is a partially ideal type which slowly disengages itself in the evolutionary process, but it has not yet been completely realized. Consequently, to rightly attribute to it the qualities we have just been discussing, we would have to establish systematically that societies appear in a fashion as complete as they are elevated, discounting cases of regression.

It is first affirmed that the sphere of social activity grows smaller and smaller, to the great advantage of the individual. But to prove this proposition by real instances, it is not enough to cite, as Spencer does, some cases where the individual has been effectively emancipated from collective influence. These examples, numerous as they may be, can serve only as illustrations, and are, by themselves, devoid of any demonstrative force. It is very possible that, in this respect, social action has regressed, but that, in other respects, it has been extended, and that, ultimately, we are mistaking a transformation for a disappearance. The only way of giving objective proof is not to cite some facts taken at random, but to follow historically, from its origins until recent times, the way in which social action has essentially manifested itself, and to see whether, in time, it has added or lost volume. We know that this is law. The obligations that society imposes upon its members, as inconsequential and unenduring as they may be, take on a juridical form. Consequently, the relative dimensions of this system permit us to measure with exactitude the relative extent of social action.

But it is very evident that, far from diminishing, it grows greater and greater and becomes more and more complex. The more primitive a code is, the smaller its volume. On the contrary, it is as large as it is more recent. There can be no doubt about this. To be sure, it does not result in making the sphere of

individual activity smaller. We must not forget that if there is more regulation in life, there is more life in general. This is sufficient proof that social discipline has not been relaxing. One of its forms tends, it is true, to regress, as we have already seen, but others, much richer and much more complex, develop in its place. If repressive law loses ground, restitutive law, which originally did not exist at all, keeps growing. If society no longer imposes upon everybody certain uniform practices, it takes greater care to define and regulate the special relations between different social functions, and this activity is not smaller because it is different.

Spencer would reply that he had not insisted upon the diminution of every kind of control, but only of positive control. Let us admit this distinction. Whether it be positive or negative, the control is none the less social, and the principal question is to understand whether it has extended itself or contracted. Whether it be to command or to deny, to say *Do this* or *Do not do that*, if society intervenes more, we have not the right to say that individual spontaneity suffices more and more in all spheres. If the rules determining conduct have multiplied, whether they be imperative or prohibitive, it is not true that it depends more and more completely on private initiative.

But has this distinction itself any foundation? By positive control, Spencer means that which commands action, while negative control commands only abstention. As he says: A man has a piece of land; I cultivate it for him either wholly or in part, or else I impose upon him either wholly or in part the way in which he should cultivate it. This is a positive control. On the other hand, I give him neither aid nor advice about its cultivation; I simply do not molest my neighbor's crop, or trespass upon my neighbor's land, or put rubbish on his clearing. This is a negative control. The difference is very marked between ordering him to follow, as a citizen, a certain course, or suggesting means for the citizen to employ, and, on the other hand, not disturbing the course which some citizen is pursuing. If such is the meaning of these terms, then positive control is not disappearing.

We know, of course, that restitutive law is growing. But, in the large majority of cases, it either

points out to a citizen the course he ought to pursue, or it interests itself in the means that this citizen is employing to attain his end. It answers the two following questions for each juridical relation: (1) Under what conditions and in what form does it normally exist? (2) What are the obligations it entails? The determination of the form and the conditions is essentially positive, since it forces the individual to follow a certain procedure in order to attain his end. As for the obligations, if they only forbid, in principle, our troubling another person in the exercise of his functions, Spencer's thesis would be true, at least in part. But they consist most often in the statement of services of a positive nature.

On this point we must go into some detail.

II

It is quite true that contractual relations, which originally were rare or completely absent, multiply as social labor becomes divided. But what Spencer seems to have failed to see is that non-contractual relations develop at the same time.

First, let us examine that part of law which is improperly termed private, and which, in reality, regulates diffuse social functions, or what may be called the visceral life of the social organism.

In the first place, we know that domestic law, as simple as it was in the beginning, has become more and more complex. That is to say, that the different species of juridical relations to which family life gives rise are much more numerous than heretofore. But the obligations which result from this are of an eminently positive nature; they constitute a reciprocity of rights and duties. Moreover, they are not contractual, at least in their typical form. The conditions upon which they are dependent are related to our personal status which, in turn, depends upon birth, on our consanguineous relations, and, consequently, upon facts which are beyond volition.

Marriage and adoption, however, are sources of domestic relations and they are contracts. But it rightly happens that the closer we get to the most elevated social types, the more also do these two juridical operations lose their properly contractual character.

Not only in lower societies, but in Rome itself until the end of the Empire, marriage remains an entirely private affair. It generally is a sale, real among primitive people, later fictive, but valid only through the consent of the parties duly attested. Neither solemn formalities of any kind nor intervention by some authority were then necessary. It is only with Christianity that marriage took on another character. The Christians early got into the habit of having their union consecrated by a priest. An act of the emperor Leo the Philosopher converted this usage into a law for the East. The Council of Trent sanctioned it likewise for the West. From then on, marriage ceased to be freely contracted, and was concluded through the intermediary of a public power, the Church, and the role that the Church played was not only that of a witness, but it was she and she alone who created the juridical tie which until then the wills of the participants sufficed to establish. We know how, later, the civil authority was substituted in this function for the religious authority, and how at the same time the part played by society and its necessary formalities was extended.

The history of the contract of adoption is still more instructive.

We have already seen with what facility and on what a large scale adoption was practiced among the Indian tribes of North America. It could give rise to all the forms of kinship. If the adopted was of the same age as the adopting, they became brothers and sisters; if the adopted was already a mother, she became the mother of the one who adopted her.

Among the Arabs, before Mohammed, adoption often served to establish real families. It frequently happened that several persons would mutually adopt one another. They then became brothers and sisters, and the kinship which united them was just as strong as if they had been descended from a common origin. We find the same type of adoption among the Slavs. Very often, the members of different families became brothers and sisters and formed what is called a confraternity (*pro-batinstvo*). These societies were contracted for freely and without formality; agreement was enough to establish them. Moreover, the tie which binds these elective brothers is even stronger than that which results from natural fraternity.

Among the Germans, adoption was probably quite as easy and frequent. Very simple ceremonies were enough to establish it. But in India, Greece, and Rome, it was already subordinated to determined conditions. The one adopting had to be of a certain age, could not stand in such relation to the age of the adopted that it would be impossible to be his natural father. Ultimately, this change of family became a highly complex juridical operation which necessitated the intervention of a magistrate. At the same time, the number of those who could enjoy the right of adoption became more restricted. Only the father of a family or a bachelor *sui juris* could adopt, and the first could, only if he had no legitimate children.

In our current law the restrictive conditions have been even more multiplied. The adopted must be of age, the adopting must be more than fifty years of age, and have long treated the adopted as his child. We must notice that, thus limited, it has become a very rare event. Before the appearance of the French Code, the whole procedure had almost completely fallen into disuse, and today it is, in certain countries such as Holland and lower Canada, not permitted at all.

At the same time, that it became more rare, adoption lost its efficacy. In the beginning, adoptive kinship was in all respects similar to natural kinship. In Rome, the similarity was still very great. It was no longer, however, a perfect identity. In the sixteenth century, the adopted no longer has the right of succession if the adoptive father dies intestate. The French Code has re-established this right, but the kinship to which the adoption gives rise does not extend beyond the adopting and the adopted.

We see how insufficient the traditional explanation is, which attributes this custom of adoption among ancient societies to the need of assuring the perpetuity of the ancestral cult. The peoples who have practiced it in the greatest and freest manner, as the Indians of America, the Arabs, the Slavs, had no such cult, and, furthermore, at Rome and Athens, where domestic religion was at its height, this law is for the first time submitted to control and restrictions. If it was able to satisfy these needs, it was not established to satisfy them, and, inversely, if it tends to disappear, it is not because we have less desire to

perpetuate our name and our race. It is in the structure of actual societies and in the place which the family occupies that we must seek the determining cause for this change.

Another proof of the truth of this is that it has become even more impossible to leave a family by an act of private authority than to enter into it. As the kinship-tie does not result from a contract, it cannot be broken as a contract can. Among the Iroquois, we sometimes see a part of a clan leave to go to join a neighboring clan. Among the Slavs, a member of the Zadruga who is tired of the common life can separate himself from the rest of the family and become a juridical stranger to it, even as he can be excluded by it. Among the Germans, a ceremony of some slight complexity permitted every Frank who so desired to completely drop off all kinship-obligations. In Rome, the son could not leave the family of his own will, and by this sign we recognize a more elevated social type. But the tie that the son could not break could be broken by the father. Thus was emancipation possible. Today neither the father nor the son can alter the natural state of domestic relations. They remain as birth determines them.

In short, at the same time that domestic obligations become more numerous, they take on, as is said, a public character. Not only in early times do they not have a contractual origin, but the role which contract plays in them becomes ever smaller. On the contrary, social control over the manner in which they form, break down, and are modified, becomes greater. The reason lies in the progressive effacement of segmental organization. The family, in truth, is for a long time a veritable social segment. In origin, it confounds itself with the clan. If, later, it becomes distinguished from the clan, it is as a part of the whole. It is a product of a secondary segmentation of the clan, identical with that which has given birth to the clan itself, and when the latter has disappeared, it still keeps the same quality. But everything segmental tends to be more and more reabsorbed into the social mass. That is why the family is forced to transform itself. Instead of remaining an autonomous society along side of the great society, it becomes more and more involved in the system of social organs. It even becomes one of the organs,

charged with special functions, and, accordingly, everything that happens within it is capable of general repercussions. That is what brings it about that the regulative organs of society are forced to intervene in order to exercise a moderating influence over the functioning of the family, or even, in certain cases, a positively arousing influence.

But it is not only outside of contractual relations, it is in the play of these relations themselves that social action makes itself felt. For everything in the contract is not contractual. The only engagements which deserve this name are those which have been desired by the individuals and which have no other origin except in this manifestation of free will. Inversely, every obligation which has not been mutually consented to has nothing contractual about it. But wherever a contract exists, it is submitted to regulation which is the work of society and not that of individuals, and which becomes ever more voluminous and more complicated.

It is true that the contracting parties can, in certain respects, arrange to act contrary to the dispositions of the law. But, of course, their rights in this regard are not unlimited. For example, the agreement of the parties cannot make a contract valid if it does not satisfy the conditions of validity required by law. To be sure, in the great majority of cases, a contract is no longer restricted to determined forms. Still it must not be forgotten that there are in our Codes solemn contracts. But if law no longer has the formal exigencies of yesterday, it subjects contracts to obligations of a different sort. It refuses all obligatory force to engagements contracted by an incompetent, or without object, or with illicit purpose, or made by a person who cannot sell, or transacted over an article which cannot be sold. Among the obligations which it attaches to various contracts, there are some which cannot be changed by any stipulation. Thus, a vendor cannot fail in his obligation to guarantee the purchaser against any eviction which results from something personal to the vendor (art. 1628); he cannot fail to repay the purchase-price in case of eviction, whatever its origin, provided that the buyer has not known of the danger (art. 1629), nor to set forth clearly what is being contracted for (art. 1602). Indeed, in a certain measure, he cannot be exempt

from guaranteeing against hidden defects (arts. 1641 and 1643), particularly when known. If it is a question of fixtures, it is the buyer who must not profit from the situation by imposing a price too obviously below the real value of the thing (art. 1674), etc. Moreover, everything that relates to proof, the nature of the actions to which the contract gives a right, the time in which they must be begun, is absolutely independent of individual transactions.

In other cases social action does not manifest itself only by the refusal to recognize a contract formed in violation of the law, but by a positive intervention. Thus, the judge can, whatever the terms of the agreement, grant a delay to a debtor (arts. 1184, 1244, 1655, 1900), or even oblige the borrower to restore the article to the lender before the term agreed upon, if the latter has pressing need of it (art. 1189). But what shows better than anything else that contracts give rise to obligations which have not been contracted for is that they "make obligatory not only what there is expressed in them, but also all consequences which equity, usage, or the law imputes from the nature of the obligation" (art. 1135). In virtue of this principle, there must be supplied in the contract "clauses pertaining to usage, although they may not be expressed therein" (art. 1160).

But even if social action should not express itself in this way, it would not cease to be real. This possibility of derogating the law, which seems to reduce the contractual right to the role of eventual substitute for contracts properly called, is, in the very great majority of cases, purely theoretical. We can convince ourselves of this by showing what it consists in.

To be sure, when men unite in a contract, it is because, through the division of labor, either simple or complex, they need each other. But in order for them to co-operate harmoniously, it is not enough that they enter into a relationship, nor even that they feel the state of mutual dependence in which they find themselves. It is still necessary that the conditions of this co-operation be fixed for the duration of their relations. The rights and duties of each must be defined, not only in view of the situation such as it presents itself at the moment when the contract is made, but with foresight for the circumstances which may arise to modify it. Otherwise, at every

instant, there would be conflicts and endless difficulties. We must not forget that, if the division of labor makes interests solidary, it does not confound them; it keeps them distinct and opposite. Even as in the internal workings of the individual organism each organ is in conflict with others while co-operating with them, each of the contractants, while needing the other, seeks to obtain what he needs at the least expense; that is to say, to acquire as many rights as possible in exchange for the smallest possible obligations.

It is necessary therefore to pre-determine the share of each, but this cannot be done according to a preconceived plan. There is nothing in the nature of things from which one can deduce what the obligations of one or the other ought to be until a certain limit is reached. Every determination of this kind can only result in compromise. It is a compromise between the rivalry of interests present and their solidarity. It is a position of equilibrium which can be found only after more or less laborious experiments. But it is quite evident that we can neither begin these experiments over again nor restore this equilibrium at fresh expense every time that we engage in some contractual relation. We lack all ability to do that. It is not at the moment when difficulties surge upon us that we must resolve them, and, moreover, we can neither foresee the variety of possible circumstances in which our contract will involve itself, nor fix in advance with the aid of simple mental calculus what will be in each case the rights and duties of each, save in matters in which we have a very definite experience. Moreover, the material conditions of life oppose themselves to the repetition of such operations. For, at each instant, and often at the most inopportune, we find ourselves contracting, either for something we have bought, or sold, somewhere we are traveling, our hiring of one's services, some acceptance of hostelry, etc. The greater part of our relations with others is of a contractual nature. If, then, it were necessary each time to begin the struggles anew, to again go through the conferences necessary to establish firmly all the conditions of agreement for the present and the future, we would be put to rout. For all these reasons, if we were linked only by the terms of our contracts, as they

are agreed upon, only a precarious solidarity would result.

But contract-law is that which determines the juridical consequences of our acts that we have not determined. It expresses the normal conditions of equilibrium, as they arise from themselves or from the average. A résumé of numerous, varied experiences, what we cannot foresee individually is there provided for, what we cannot regulate is there regulated, and this regulation imposes itself upon us, although it may not be our handiwork, but that of society and tradition. It forces us to assume obligations that we have not contracted for, in the exact sense of the word, since we have not deliberated upon them, nor even, occasionally, had any knowledge about them in advance. Of course, the initial act is always contractual, but there are consequences, sometimes immediate, which run over the limits of the contract. We co-operate because we wish to, but our voluntary co-operation creates duties for us that we did not desire.

From this point of view, the law of contracts appears in an entirely different light. It is no longer simply a useful complement of individual conventions; it is their fundamental norm. Imposing itself upon us with the authority of traditional experience, it constitutes the foundation of our contractual relations. We cannot evade it, except partially and accidentally. The law confers its rights upon us and subjects us to duties deriving from such acts of our will. We can, in certain cases, abandon them or change them for others. But both are none the less the normal type of rights and duties which circumstance lays upon us, and an express act is necessary for their modification. Thus, modifications are relatively rare. In principle, the rule applies; innovations are exceptional. The law of contracts exercises over us a regulative force of the greatest importance, since it determines what we ought, to do and what we can require. It is a law which can be changed only by the consent of the parties, but so long as it is not abrogated or replaced, it guards its authority, and, moreover, a legislative act can be passed only in rare cases. There is, then, only a difference of degree between the law which regulates the obligations which that contract engenders and those which fix the other duties of citizens.

Finally, besides this organized, defined pressure which law exercises, there is one which comes from custom. In the way in which we make our contracts and in which we execute them, we are held to conform to rules which, though not sanctioned either directly or indirectly by any code, are none the less imperative. There are professional obligations, purely moral, which are, however, very strict. They are particularly apparent in the so-called liberal professions, and if they are perhaps less numerous in others, there is place for demanding them, as we shall see, if such demand is not the result of a morbid condition. But if this action is more diffuse than the preceding, it is just, as social. Moreover, it is necessarily as much more extended as the contractual relations are more developed, for it is diversified like contracts.

In sum, a contract is not sufficient unto itself, but is possible only thanks to a regulation of the contract which is originally social. It is implied, first, because it has for its function much less the creation of new rules than the diversification in particular cases of pre-established rules; then, because it has and can have the power to bind only under certain conditions which it is necessary to define. If, in principle, society lends it an obligatory force, it is because, in general, the accord of particular wills suffices to assure, with the preceding reservations, the harmonious coming together of diffuse social functions. But if it conflicts with social purposes, if it tends to trouble the regular operation of organs, if, as is said, it is not just, it is necessary, while depriving it of all social value, to strip it of all authority as well. The role of society is not, then, in any case, simply to see passively that contracts are carried out. It is also to determine under what conditions they are executable, and if it is necessary, to restore them to their normal form. The agreement of parties cannot render a clause just which by itself is unjust, and there are rules of justice whose violation social justice prevents, even if it has been consented to by the interested parties.

A regulation whose extent cannot be limited in advance is thus necessary. A contract, says Spencer, has for its object assuring the worker the equivalent

of the expense which his work has cost him. If such is truly the role of a contract, it will never be able to fulfill it unless it is more minutely regulated than it is today, for it surely would be a miracle if it succeeded in bringing about this equivalence. In fact, it is as much the gain which exceeds the expense, as the expense which exceeds the gain, and the disproportion is often striking. But, replies a whole school, if the gains are too small, the function will be abandoned for others. If they are too high, they will be sought after and this will diminish the profits. It is forgotten that one whole part of the population cannot thus quit its task, because no other is accessible to it. The very ones who have more liberty of movement cannot replace it in an instant. Such revolutions always take long to accomplish. While waiting, unjust contracts, unsocial by definition, have been executed with the agreement of society, and when the equilibrium in this respect has been reestablished, there is no reason for not breaking it for another.

There is no need for showing that this intervention, under its different forms, is of an eminently positive nature, since it has for its purpose the determination of the way in which we ought to cooperate. It is not it, it is true, which gives the impulse to the functions concurring, but once the concourse has begun, it rules it. As soon as we have made the first step towards co-operation, we are involved in the regulative action which society exercises over us. If Spencer qualified this as negative, it is because, for him, contract consists only in exchange. But, even from this point of view, the expression he employs is not exact. No doubt, when, after having an object delivered, or profiting from a service, I refuse to furnish a suitable equivalent, I take from another what belongs to him, and we can say that society, by obliging me to keep my promise, is only preventing an injury, an indirect aggression. But if I have simply promised a service without having previously received remuneration, I am not less held to keep my engagement. In this case, however, I do not enrich myself at the expense of another; I only refuse to be useful to him. Moreover, exchange, as we have seen, is not all there is to a contract. There

is also the proper harmony of functions concurring. They are not only in contact for the short time during which things pass from one hand to another; but more extensive relations necessarily result from them, in the course of which it is important that their solidarity be not troubled.

Even the biological comparisons on which Spencer willingly bases his theory of free contract are rather the refutation of it. He compares, as we have done, economic functions to the visceral life of the individual organism, and remarks that the latter does not directly depend upon the cerebrospinal system, but upon a special system whose principal branches are the great sympathetic and the pneumogastric. But if from this comparison he is permitted to induce, with some probability, that economic functions are not of a kind to be placed under the immediate influence of the social brain, it does not follow that they can be freed of all regulative influences, for, if the great sympathetic is, in certain measure, independent of the brain, it dominates the movements of the visceral system just as the brain does those of the muscles. If, then, there is in society a system of the same kind, it must have an analogous action over the organs subject to it.

What corresponds to it, according to Spencer, is this exchange of information which takes place unceasingly from one place to another through supply and demand, and which, accordingly, stops or stimulates production. But there is nothing here which resembles a regulatory action. To transmit a new movement is not to command movements. This function pertains to the afferent nerves, but it has nothing in common with that of the nerve-ganglia. It is the latter which exercise the domination of which we have been speaking. Interposed in the path of sensations, it is exclusively through their mediation that the latter reflect themselves in movements. Very probably, if the study were more advanced, we would see that their role, whether they are central or not, is to assure the harmonious concourse of the functions that they govern, which would at every instant be disorganized if it had to vary with each variation of the excitatory impressions. The great social sympathetic must, then, comprise, besides a

system of roads for transmission, organs truly regulative which, charged to combine the intestinal acts as the cerebral ganglion combines the external acts, would have the power either to stop the excitations, or to amplify them, or to moderate them according to need.

This comparison induces us to think that the regulative action to which economic life is actually submitted is not what it should normally be. Of course, it is not nil; we have just shown that. Either it is diffuse, or else it comes directly from the State. We will with difficulty find in contemporary societies regulative centres analogous to the ganglia of the great sympathetic. Assuredly, if this doubt had no other basis than the lack of symmetry between the individual and society, it would not merit any attention. But it must not be forgotten that up until recent times these intermediary organizations existed; they were the bodies of workers. We do not have to discuss here their advantages or disadvantages. Moreover, it is difficult to be objective about such discussion, for we cannot settle questions of practical utility without regard to personal feelings. But because of this fact alone, that an institution has been necessary to societies for centuries, it appears improbable that it should all at once fall away. No doubt, societies have changed, but it is legitimate to presume a priori that the changes through which they have passed demand less a radical destruction of this type of organization than a transformation. In any case, we have not lived under present conditions long enough to know if this state is normal and definitive or simply accidental and morbid. Even the uneasiness which is felt during this epoch in this sphere of social life does not seem to prejudge a favorable reply. We shall find in the rest of this work other facts which confirm this presumption.

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IV

The following propositions sum up the first part of our work.

Social life comes from a double source, the likeness of consciences and the division of social labor.

The individual is socialized in the first case, because, not having any real individuality, he becomes, with those whom he resembles, part of the same collective type; in the second case, because, while having a physiognomy and a personal activity which distinguishes him from others, he depends upon them in the same measure that he is distinguished from them, and consequently upon the society which results from their union.

The similitude of consciences gives rise to juridical rules which, with the threat of repressive measures, impose uniform beliefs and practices upon all. The more pronounced this is, the more completely is social life confounded with religious life, and the nearer to communism are economic institutions.

The division of labor gives rise to juridical rules which determine the nature and the relations of divided functions, but whose violation calls forth only restitutive measures without any expiatory character.

Each of these bodies of juridical rules is, moreover, accompanied by a body of purely moral rules. Where penal law is very voluminous, common morality is very extensive; that is to say, there is a multitude of collective practices placed under the protection of public opinion. Where restitutive law is highly developed, there is an occupational morality for each profession. In the interior of the same group of workers, there exists an opinion, diffuse in the entire extent of this circumscribed aggregate, which, without being furnished with legal sanctions, is rendered obedience. There are usages and customs common to the same order of functionaries which no one of them can break without incurring the censure of the corporation. This morality is distinguished from the preceding by differences analogous to those which separate the two corresponding types of law. It is localized in a limited region of society. Moreover, the repressive character of the sanctions attaching to it is much less accentuated. Professional misdeeds call forth reprobation much more feeble than attacks against public morality.

The rules of occupational morality and justice, however, are as imperative as the others. They force the individual to act in view of ends which are not strictly his own, to make concessions, to consent to compromises, to take into account interests higher

than his own. Consequently, even where society relies most completely upon the division of labor, it does not become a jumble of juxtaposed atoms, between which it can establish only external, transient contacts. Rather the members are united by ties which extend deeper and far beyond the short moments during which the exchange is made. Each of the functions that they exercise is, in a fixed way, dependent upon others, and with them forms a solidary system. Accordingly, from the nature of the chosen task permanent duties arise. Because we fill some certain domestic or social function, we are involved in a complex of obligations from which we have no right to free ourselves. There is, above all, an organ upon which we are tending to depend more and more; this is the State. The points at which we are in contact with it multiply as do the occasions when it is entrusted with the duty of reminding us of the sentiment of common solidarity.

Thus, altruism is not destined to become, as Spencer desires, a sort of agreeable ornament to social life, but it will forever be its fundamental basis. How can we ever really dispense with it? Men cannot live together without acknowledging, and, consequently, making mutual sacrifices, without tying themselves to one another with strong, durable bonds. Every society is a moral society. In certain respects, this character is even more pronounced in organized societies. Because the individual is not sufficient unto himself, it is from society that he receives everything necessary to him, as it is for society that he works. Thus is formed a very strong sentiment of the state of dependence in which he finds himself. He becomes accustomed to estimating it at its just value, that is to say, in regarding himself as part of a whole, the organ of an organism. Such sentiments naturally inspire not only mundane sacrifices which assure the regular development of daily social life, but even, on occasion, acts of complete self-renunciation and wholesale abnegation. On its side, society learns to regard its members no longer as things over which it has rights, but as co-operators whom it cannot neglect and towards whom it owes duties. Thus, it is wrong to oppose a society which comes from a community of beliefs to one which has a co-operative basis, according only

to the first a moral character, and seeing in the latter only an economic grouping. In reality, co-operation also has its intrinsic morality. There is, however, reason to believe, as we shall see later, that in contemporary societies this morality has not yet reached the high development which would now seem necessary to it.

But it is not of the same nature as the other. The other is strong only if the individual is not. Made up of rules which are practiced by all indistinctly, it receives from this universal, uniform practice an authority which bestows something superhuman upon it, and which puts it beyond the pale of discussion. The co-operative society, on the contrary, develops in the measure that individual personality becomes stronger. As regulated as a function may be, there is a large place always left for personal initiative. A great many of the obligations thus sanctioned have their origin in a choice of the will. It is we who choose our professions, and even certain of our domestic functions. Of course, once our resolution has ceased to be internal and has been externally translated by social consequences, we are tied down. Duties are imposed upon us that we have not expressly desired. It is, however, through a voluntary act that this has taken place. Finally, because these rules of conduct relate, not to the conditions of common life, but to the different forms of professional activity, they have a more temporal character, which, while lessening their obligatory force, renders them more accessible to the action of men.

There are, then, two great currents of social life to which two types of structure, not less different, correspond.

Of these currents, that which has its origin in social similitudes first runs on alone and without a rival. At this moment, it confounds itself with the very life of society; then, little by little, it canalizes, rarefies, while the second is always growing. Indeed, the segmental structure is more and more covered over by the other, but without ever completely disappearing.

We have just established the reality of this relation of inverse variation. We shall find the causes for it in the following book.

...

CONCLUSION

I

We are now in a position to solve the practical problem that we posed for ourselves at the beginning of this work.

If there is one rule of conduct which is incontestable, it is that which orders us to realize in ourselves the essential traits of the collective type. Among lower peoples, this reaches its greatest rigor. There, one's first duty is to resemble everybody else, not to have anything personal about one's beliefs or actions. In more advanced societies, required likenesses are less numerous; the absences of some likenesses, however, is still a sign of moral failure. Of course, crime falls into fewer different categories; but today, as heretofore, if a criminal is the object of reprobation, it is because he is unlike us. Likewise, in lesser degree, acts simply immoral and prohibited as such are those which evince dissemblances less profound but nevertheless considered serious. Is this not the case with the rule which common morality expresses when it orders a man to be a man in every sense of the word, which is to say, to have all the ideas and sentiments which go to make up a human conscience? No doubt, if this formula is taken literally, the man prescribed would be man in general and not one of some particular social species. But, in reality, this human conscience that we must integrally realize is nothing else than the collective conscience of the group of which we are a part. For what can it be composed of, if not the ideas and sentiments to which we are most attached? Where can we find the traits of our model, if not within us and around us? If we believe that this collective ideal is that of all humanity, that is because it has become so abstract and general that it appears fitting for all men indiscriminately. But, really, every people makes for itself some particular conception of this type which pertains to its personal temperament. Each represents it in its own image. Even the moralist who thinks he can, through thought, overcome the influence of transient ideas, cannot do so, for he is impregnated with them, and no matter what he does, he finds these precepts in the body of his

deductions. That is why each nation has its own school of moral philosophy conforming to its character.

On the other hand, we have shown that this rule had as its function the prevention of all agitation of the common conscience, and, consequently, of social solidarity, and that it could accomplish this role only by having a moral character. It is impossible for offenses against the most fundamental collective sentiments to be tolerated without the disintegration of society, and it is necessary to combat them with the aid of the particularly energetic reaction which attaches to moral rules.

But the contrary rule, which orders us to specialize, has exactly the same function. It also is necessary for the cohesion of societies, at least at a certain period in their evolution. Of course, its solidarity is different from the preceding, but though it is different, it is no less indispensable. Higher societies can maintain themselves in equilibrium only if labor is divided; the attraction of like for like less and less suffices to produce this result. If, then, the moral character of the first of these rules is necessary to the playing of its role, it is no less necessary to the second. They both correspond to the same social need, but satisfy the need differently, because the conditions of existence in the societies themselves differ. Consequently, without speculating concerning the first principle of ethics, we can induce the moral value of one from the moral value of the other. If, from certain points of view, there is a real antagonism between them, that is not because they serve different ends. On the contrary, it is because they lead to the same end, but through opposed means. Accordingly, there is no necessity for choosing between them once for all nor of condemning one in the name of the other. What is necessary is to give each, at each moment in history, the place that is fitting to it.

Perhaps we can even generalize further in this matter.

The requirements of our subject have obliged us to classify moral rules and to review the principal types. We are thus in a better position than we were in the beginning to see, or at least to conjecture, not only upon the external sign, but also upon the

internal character which is common to all of them and which can serve to define them. We have put them into two groups: rules with repressive sanctions, which may be diffuse or organized, and rules with restitutive sanctions. We have seen that the first of these express the conditions of the solidarity, *sui generis*, which comes from resemblances, and to which we have given the name mechanical; the second, the conditions of negative solidarity and organic solidarity. We can thus say that, in general, the characteristic of moral rules is that they enunciate the fundamental conditions of social solidarity. Law and morality are the totality of ties which bind each of us to society, which make a unitary, coherent aggregate of the mass of individuals. Everything which is a source of solidarity is moral, everything which forces man to take account of other men is moral, everything which forces him to regulate his conduct through something other than the striving of his ego is moral, and morality is as solid as these ties are numerous and strong. We can see how inexact it is to define it, as is often done, through liberty. It rather consists in a state of dependence. Far from serving to emancipate the individual, or disengaging him from the environment which surrounds him, it has, on the contrary, the function of making him an integral part of a whole, and, consequently, of depriving him of some liberty of movement. We sometimes, it is true, come across people not without nobility who find the idea of such dependence intolerable. But that is because they do not perceive the source from which their own morality flows, since these sources are very deep. Conscience is a bad judge of what goes on in the depths of a person, because it does not penetrate to them.

Society is not, then, as has often been thought, a stranger to the moral world, or something which has only secondary repercussions upon it. It is, on the contrary, the necessary condition of its existence. It is not a simple juxtaposition of individuals who bring an intrinsic morality with them, but rather man is a moral being only because he lives in society, since morality consists in being solidary with a group and varying with this solidarity. Let all social life disappear, and moral life will disappear with it, since it would no longer have any objective. The

state of nature of the philosophers of the eighteenth century, if not immoral, is, at least, *amoral*. Rousseau himself recognized this. Through this, however, we do not come upon the formula which expresses morality as a function of social interest. To be sure, society cannot exist if its parts are not solidary, but solidarity is only one of its conditions of existence. There are many others which are no less necessary and which are not moral. Moreover, it can happen that, in the system of ties which make up morality, there are some which are not useful in themselves or which have power without any relation to their degree of utility. The idea of utility does not enter as an essential element in our definition.

As for what is called individual morality, if we understand by that a totality of duties of which the individual would, at the same time, be subject and object, and which would link him only to himself, and which would, consequently, exist even if he were solitary, —that is an abstract conception which has no relation to reality. Morality, in all its forms, is never met with except in society. It never varies except in relation to social conditions. To ask what it would be if societies did not exist is thus to depart from facts and enter the domain of gratuitous hypotheses and unverifiable flights of the imagination. The duties of the individual towards himself are, in reality, duties towards society. They correspond to certain collective sentiments which he cannot offend, whether the offended and the offender are one and the same person, or whether they are distinct. Today, for example, there is in all healthy consciences a very lively sense of respect for human dignity, to which we are supposed to conform as much in our relations with ourselves as in our relations with others, and this constitutes the essential quality of what is called individual morality. Every act which contravenes this is censured, even when the agent and the sufferer are the same person. That is why, according to the Kantian formula, we ought to respect human personality wherever we find it, which is to say, in ourselves as in those like us. The sentiment of which it is the object is not less offended in one case than in the other.

But not only does the division of labor present the character by which we have defined morality; it

more and more tends to become the essential condition of social solidarity. As we advance in the evolutionary scale, the ties which bind the individual to his family, to his native soil, to traditions which the past has given to him, to collective group usages, become loose. More mobile, he changes his environment more easily, leaves his people to go elsewhere to live a more autonomous existence, to a greater extent forms his own ideas and sentiments. Of course, the whole common conscience does not, on this account, pass out of existence. At least there will always remain this cult of personality, of individual dignity of which we have just been speaking, and which, today, is the rallying-point of so many people. But how little a thing it is when one contemplates the ever increasing extent of social life, and, consequently, of individual consciences! For, as they become more voluminous, as intelligence becomes richer, activity more varied, in order for morality to remain constant, that is to say, in order for the individual to remain attached to the group with a force equal to that of yesterday, the ties which bind him to it must become stronger and more numerous. If, then, he formed no others than those which come from resemblances, the effacement of the segmental type would be accompanied by a systematic debasement of morality. Man would no longer be sufficiently obligated; he would no longer feel about and above him this salutary pressure of society which moderates his egoism and makes him a moral being. This is what gives moral value to the division of labor. Through it, the individual becomes cognizant of his dependence upon society; from it come the forces which keep him in check and restrain him. In short, since the division of labor becomes the chief source of social solidarity, it becomes, at the same time, the foundation of the moral order.

We can then say that, in higher societies, our duty is not to spread our activity over a large surface, but to concentrate and specialize it. We must contract our horizon, choose a definite task and immerse ourselves in it completely, instead of trying to make ourselves a sort of creative masterpiece, quite complete, which contains its worth in itself and not in the services that it renders. Finally, this specialization ought to be pushed as far as the elevation of the

social type, without assigning any other limit to it. No doubt, we ought so to work as to realize in ourselves the collective type as it exists. There are common sentiments, common ideas, without which, as has been said, one is not a man. The rule which orders us to specialize remains limited by the contrary rule. Our conclusion is not that it is good to press specialization as far as possible, but as far as necessary. As for the part that is to be played by these two opposing necessities, that is determined by experience and cannot be calculated a priori. It is enough for us to have shown that the second is not of a different nature from the first, but that it also is moral, and that, moreover, this duty becomes ever more important and pressing, because the general qualities which are in question suffice less and less to socialize the individual.

It is not without reason that public sentiment reproves an ever more pronounced tendency on the part of dilettantes and even others to be taken up with an exclusively general culture and refuse to take any part in occupational organization. That is because they are not sufficiently attached to society, or, if one wishes, society is not sufficiently attached to them, and they escape it. Precisely because they feel its effect neither with vivacity nor with the continuity that is necessary, they have no cognizance of all the obligations their positions, as social beings demand of them. The general ideal to which they are attached being, for the reasons we have spoken of, formal and shifting, it cannot take them out of themselves. We do not cling to very much when we have no very determined objective, and, consequently, we cannot very well elevate ourselves beyond a more or less refined egotism. On the contrary, he who gives himself over to a definite task is, at every moment, struck by the sentiment of common solidarity in the thousand duties of occupational morality.

II

But does not the division of labor by making each of us an incomplete being bring on a diminution of individual personality? That is a reproach which has often been levelled at it.

Let us first of all remark that it is difficult to see why it would be more in keeping with the logic of human nature to develop superficially rather than profoundly. Why would a more extensive activity, but more dispersed, be superior to a more concentrated, but circumscribed, activity? Why would there be more dignity in being complete and mediocre, rather than in living a more specialized, but more intense life, particularly if it is thus possible for us to find what we have lost in this specialization, through our association with other beings who have what we lack and who complete us? We take off from the principle that man ought to realize his nature as man, to accomplish his *ὀικεῖον ἔργον*, as Aristotle said. But this nature does not remain constant throughout history; it is modified with societies. Among lower peoples, the proper duty of man is to resemble his companions, to realize in himself all the traits of the collective type which are then confounded, much more than today, with the human type. But, in more advanced societies, his nature is, in large part, to be an organ of society, and his proper duty, consequently, is to play his role as an organ.

Moreover, far from being trammelled by the progress of specialization, individual personality develops with the division of labor.

To be a person is to be an autonomous source of action. Man acquires this quality only in so far as there is something in him which is his alone and which individualizes him, as he is something more than a simple incarnation of the generic type of his race and his group. It will be said that he is endowed with free will and that is enough to establish his personality. But although there may be some of this liberty in him, an object of so many discussions, it is not this metaphysical, impersonal, invariable attribute which can serve as the unique basis for concrete personality, which is empirical and variable with individuals. That could not be constituted by the wholly abstract power of choice between two opposites, but it is still necessary for this faculty to be exercised towards ends and aims which are proper to the agent. In other words, the very materials of conscience must have a personal character. But we have seen in the second book of this work that this result is progressively produced as the

division of labor progresses. The effacement of the segmental type, at the same time that it necessitates a very great specialization, partially lifts the individual conscience from the organic environment which supports it, as from the social environment which envelops it, and, accordingly, because of this double emancipation, the individual becomes more of an independent factor in his own conduct. The division of labor itself contributes to this enfranchisement, for individual natures, while specializing, become more complex, and by that are in part freed from collective action and hereditary influences which can only enforce themselves upon simple, general things.

It is, accordingly, a real illusion which makes us believe that personality was so much more complete when the division of labor had penetrated less. No doubt, in looking from without at the diversity of occupations which the individual then embraces, it may seem that he is developing in a very free and complete manner. But, in reality, this activity which he manifests is not really his. It is society, it is the race acting in and through him; he is only the intermediary through which they realize themselves. His liberty is only apparent and his personality borrowed. Because the life of these societies is, in certain respects, less regular, we imagine that original talents have more opportunity for free play, that it is easier for each one to pursue his own tastes, that a very large place is left to free fantasy. But this is to forget that personal sentiments are then very rare. If the motives which govern conduct do not appear as periodically as they do today, they do not leave off being collective, and, consequently, impersonal, and it is the same with the actions that they inspire. Moreover, we have shown above how activity becomes richer and more intense as it becomes more specialized.

Thus, the progress of individual personality and that of the division of labor depend upon one and the same cause. It is thus impossible to desire one without desiring the other. But no one today contests the obligatory character of the rule which orders us to be more and more of a person.

One last consideration will make us see to what extent the division of labor is linked with our whole moral life.

Men have long dreamt of finally realizing in fact the ideal of human fraternity. People pray for a state where war will no longer be the law of international relations, where relations between societies will be pacifically regulated, as those between individuals already are, where all men will collaborate in the same work and live the same life. Although these aspirations are in part neutralized by those which have as their object the particular society of which we are a part, they have not left off being active and are even gaining in force. But they can be satisfied only if all men form one society, subject to the same laws. For, just as private conflicts can be regulated only by the action of the society in which the individuals live, so intersocial conflicts can be regulated only by a society which comprises in its scope all others. The only power which can serve to moderate individual egotism is the power of the group; the only power which can serve to moderate the egotism of groups is that of some other group which embraces them.

Truly, when the problem has been posed in these terms, we must recognize that this ideal is not on the verge of being integrally realized, for there are too many intellectual and moral diversities between different social types existing together on the earth to admit of fraternalization in the same society. But what is possible is that societies of the same type may come together, and it is, indeed, in this direction that evolution appears to move. We have already seen that among European peoples there is a tendency to form, by spontaneous movement, a European society which has, at present, some idea of itself and the beginning of organization. If the formation of a single human society is forever impossible, a fact which has not been proved, at least the formation of continually larger societies brings us vaguely near the goal. These facts, moreover, in no wise contradict the definition of morality that we have given, for if we cling to humanity and if we ought to cling to it, it is because it is a society which is in process of realizing itself in this way, and with which we are solidary.

But we know that greater societies cannot be formed except through the development of the division of labor, for not only could they not maintain

themselves in equilibrium without a greater specialization of functions, but even the increase in the number of those competing would suffice to produce this result mechanically; and that, so much the more, since the growth of volume is generally accompanied by a growth in density. We can then formulate the following proposition: the ideal of human fraternity can be realized only in proportion to the progress of the division of labor. We must choose: either to renounce our dream; if we refuse further to circumscribe our activity, or else to push forward its accomplishment under the condition we have just set forth.

III

But if the division of labor produces solidarity, it is not only because it makes each individual an *exchangist*, as the economists say; it is because it creates among men an entire system of rights and duties which link them together in a durable way. Just as social similitudes give rise to a law and a morality which protect them, so the division of labor gives rise to rules which assure pacific and regular concourse of divided functions. If economists have believed that it would bring forth an abiding solidarity, in some manner of its own making, and if, accordingly, they have held that human societies could and would resolve themselves into purely economic associations, that is because they believed that it affected only individual, temporary interests. Consequently, to estimate the interests in conflict and the way in which they ought to equilibrate, that is to say, to determine the conditions under which exchange ought to take place, is solely a matter of individual competence; and, since these interests are in a perpetual state of becoming, there is no place for any permanent regulation. But such a conception is, in all ways, inadequate for the facts. The division of labor does not present individuals to one another, but social functions. And society is interested in the play of the latter; in so far as they regularly concur, or do not concur, it will be healthy or ill. Its existence thus depends upon them, and the more they are divided the greater its dependence. That is why it cannot leave them in a state of indetermination. In addition to this, they are determined by themselves. Thus are

formed those rules whose number grows as labor is divided, and whose absence makes organic solidarity either impossible or imperfect.

But it is not enough that there be rules; they must be just, and for that it is necessary for the external conditions of competition to be equal. If, moreover, we remember that the collective conscience is becoming more and more a cult of the individual, we shall see that what characterizes the morality of organized societies, compared to that of segmental societies, is that there is something more human, therefore more rational, about them. It does not direct our activities to ends which do not immediately concern us; it does not make us servants of ideal powers of a nature other than our own, which follow their directions without occupying themselves with the interests of men. It only asks that we be thoughtful of our fellows and that we be just, that we fulfill our duty, that we work at the function we can best execute, and receive the just reward for our services. The rules which constitute it do not have a constraining force which snuffs out free thought; but, because they are rather made for us and, in a certain sense, by us, we are free. We wish to understand them; we do not fear to change them. We must, however, guard against finding such an ideal inadequate on the pretext that it is too earthly and too much to our liking. An ideal is not more elevated because more transcendent, but because it leads us to vaster perspectives. What is important is not that it tower high above us, until it becomes a stranger to our lives, but that it open to our activity a large enough field. This is far from being on the verge of realization. We know only too well what a laborious work it is to erect this society where each individual will have the place he merits, will be rewarded as he deserves, where everybody, accordingly, will spontaneously work for the good of all and of each. Indeed, a moral code is not above another because it commands in a drier and more authoritarian manner, or because it is more sheltered from reflection. Of course, it must attach us to something besides ourselves but it is not necessary for it to chain us to it with impregnable bonds.

It has been said with justice that morality—and by that must be understood, not only moral doctrines,

but customs—is going through a real crisis. What precedes can help us to understand the nature and causes of this sick condition. Profound changes have been produced in the structure of our societies in a very short time; they have been freed from the segmental type with a rapidity and in proportions such as have never before been seen in history. Accordingly, the morality which corresponds to this social type has regressed, but without another developing quickly enough to fill the ground that the first left vacant in our consciences. Our faith has been troubled; tradition has lost its sway; individual judgment has been freed from collective judgment. But, on the other hand, the functions which have been disrupted in the course of the upheaval have not had the time to adjust themselves to one another; the new life which has emerged so suddenly has not been able to be completely organized, and above all, it has not been organized in a way to satisfy the need for justice which has grown more ardent in our hearts. If this be so, the remedy for the evil is not to seek to resuscitate traditions and practices which, no longer responding to present conditions of society, can only live an artificial, false existence. What we must do to relieve this anomaly is to discover the means for making the organs which are still wasting themselves in

discordant movements harmoniously concur by introducing into their relations more justice by more and more extenuating the external inequalities which are the source of the evil. Our illness is not, then, as has often been believed, of an intellectual sort; it has more profound causes. We shall not suffer because we no longer know on what theoretical notion to base the morality we have been practicing, but because, in certain of its parts, this morality is irremediably shattered, and that which is necessary to us is only in process of formation. Our anxiety does not arise because the criticism of scholars has broken down the traditional explanation we use to give to our duties; consequently, it is not a new philosophical system which will relieve the situation. Because certain of our duties are no longer founded in the reality of things, a breakdown has resulted which will be repaired only in so far as a new discipline is established and consolidated. In short, our first duty is to make a moral code for ourselves. Such a work cannot be improvised in the silence of the study; it can arise only through itself, little by little, under the pressure of internal causes which make it necessary. But the service that thought can and must render is in fixing the goal that we must attain. That is what we have tried to do.

