

Montclair State University Digital Commons

Department of Justice Studies Faculty Scholarship and Creative Works

Department of Justice Studies

Summer 8-23-2011

Between Structure and Agency: Assassination, Social Forces, and the Production of the Criminal Subject

Cary H. Federman

Montclair State University, federmanc@montclair.edu

Follow this and additional works at: https://digitalcommons.montclair.edu/justice-studies-facpubs

Part of the Community-Based Learning Commons, Criminology Commons, Criminology and Criminal Justice Commons, Demography, Population, and Ecology Commons, Law Commons, Other Political Science Commons, Other Sociology Commons, Place and Environment Commons, Politics and Social Change Commons, Public Affairs, Public Policy and Public Administration Commons, Quantitative, Qualitative, Comparative, and Historical Methodologies Commons, Regional Sociology Commons, Social Justice Commons, Social Psychology and Interaction Commons, and the Theory, Knowledge and Science Commons

MSU Digital Commons Citation

Federman, Cary H., "Between Structure and Agency: Assassination, Social Forces, and the Production of the Criminal Subject" (2011). *Department of Justice Studies Faculty Scholarship and Creative Works*. 172. https://digitalcommons.montclair.edu/justice-studies-facpubs/172

This Review Article is brought to you for free and open access by the Department of Justice Studies at Montclair State University Digital Commons. It has been accepted for inclusion in Department of Justice Studies Faculty Scholarship and Creative Works by an authorized administrator of Montclair State University Digital Commons. For more information, please contact digitalcommons@montclair.edu.





Between structure and agency: assassination, social forces, and the production of the criminal subject

History of the Human Sciences 24(5) 73–88 © The Author(s) 2011 Reprints and permission: sagepub.co.uk/journalsPermissions.nav DOI: 10.1177/0952695111414335 hhs.sagepub.com



Cary Federman

Montclair State University, USA

Abstract

Assassins are often regarded as ahistorical figures of evil. In this article, I contest this view by analysing the assassination of President William McKinley by Leon Czolgosz in 1901. There are two purposes to this article. The first is to situate McKinley's assassination within the history and development of the social sciences, principally sociology, rather than assume that the assassin is a trans-historical representation of willful irresponsibility. The second is to describe and critique the discourse that made Czolgosz into a rational agent once he entered history as an assassin.

Keywords

agency, assassination, Leon Czolgosz, social forces, structure

Assassins are often regarded as ahistorical figures of evil. They 'kill by stealth or treachery, and ... [their] motive is fanaticism or greed' (Lewis, 1968: 2). In this article, I contest this view by analysing the assassination of President William McKinley by Leon Czolgosz in 1901. There are two purposes to this article. The first is to situate McKinley's assassination within the history and development of the social sciences, principally sociology, rather than assume that the assassin is a trans-historical representation of willful irresponsibility. The second is to describe and critique the discourse that made Czolgosz into a rational agent once he entered history as an assassin.

Corresponding author:

Dr Cary Federman, Department of Justice Studies, Montclair State University, Montclair, NJ 07043, USA Email: federmanc@mail.montclair.edu

On 6 September 1901, Leon Czolgosz, an unemployed factory worker and the American-born son of Polish emigrants, shot President McKinley at the Pan-American Exposition in Buffalo. McKinley died on 14 September. Czolgosz offered no explanation other than that McKinley was the 'enemy of the working people' (Briggs, 1983[1921]: 251). During interrogation, Czolgosz declared his sympathy with anarchism, though his statements to this effect are enigmatic. Indeed, there are reasons to believe that the District Attorney edited the confessions to fit the image of what an anarchist assassin should say (Federman, 2010). Because three doctors who together examined Czolgosz in jail declared him sane, his lawyers called no experts to testify on Czolgosz's behalf. The trial began on 23 September and ended the next day with a guilty verdict. Czolgosz was executed on 29 October 1901, and then, quite unconventionally, a 'carboy of acid was obtained and poured upon the body in the coffin after it had been lowered into the grave. Straw was used in the four corners of the grave as the earth was put in to give vent to such gases as might form' ('Assassin's Body Destroyed', 1901: 2).

A discourse is a technique for understanding the constitution of a subject within a given horizon. There can be any number of discourses that operate on a subject. Subjectivity, according to Michel Foucault, exists within the 'diversity of discourse[s]' (Foucault, 1972: 200) that has constituted the subject since before the Enlightenment. Foucault's discursive project sought to break free from the historical methodologies that presumed 'causality' was based on 'temporal continuity' (ibid.: 203, 202) or the presence of a consciousness that guides action. The purpose of Foucault's discourse on discourse was to stress the discontinuities that are implicit in the subject's coming into being (ibid.: 206), rather than positing the subject's existence as an historical and phenomenological given, complete with interests, desires and wants.

Social scientists and historians have often located the motive for an assassination in what was said right after the murder or within the historical milieu in which the assassination took place (Warren Commission Report, 1992: ch. VII). The point is to situate the meaning of the assassination within a reasoning subject. Yet what Fernand Braudel said of France can be said of assassinations: 'it is certainly futile to try to reduce [assassinations] to one discourse, one equation, one formula, one image or one myth' (Matsuda, 1996: 4). Indeed, by the end of the 19th century, crime was no longer seen as the effect of an individual who willfully violated the law. It functioned within a 'discursive practice' (Foucault, 1972: 164) that sought to identify, via anthropology, the criminal subject's points of entry into history. Rather than a focal point of legal investigation, criminal behavior was subject to a 'series of descriptive statements' (ibid.: 33) about the character of the criminal. The emphasis was on the criminal, not the crime. The question was no longer 'What *is* this act?' but 'How can we assign the causal process that produced it?' (Foucault, 1979: 19; original emphasis).

The second question represents more than an administrative reorientation of police work. It created a knowledge problem within the social sciences because it provided psychologists and anthropologists with the tools to code the criminal and inscribe him or her within a field of knowledge. The assessment of criminality was no longer the preserve of the legal profession. Scientific methods of criminal detection, such as fingerprinting and anthropometry — the measurement of body parts — were deemed more exact and definitive than observation. Criminals, after all, wear masks, grow facial hair and alter

their body shapes; photographs lie, deceive and distort. Fingerprinting is unique. Criminal anthropology made the body into a material reality. The important difference between the old criminology, which was law-based, and the new was that the criminal body was now measurable. Indeed, the body's measurability created a way of thinking about human potential and regress that led to the classification of criminals by body type and by resemblance to others, for the purpose of creating useful distinctions in law and the social sciences.

At the time of the assassination, however, the legal profession insisted that the distinction between Czolgosz and those who chose not to murder was neither artificial nor quantifiable. They ignored the social scientific understanding of the subject as a positive product of historical events because a criminology without a subject would eviscerate responsibility, and an anthropology beholden to evolutionary ideas would destroy any distinction between human being and animal. Modern-day historians have accepted this discourse by ignoring the sociological understanding of the time of the assassination – the cultural pessimism that pervaded the discipline, the rise of socialism, the challenge of structuralism and the collapse of liberalism. In its place, they have offered reductionist economic explanations to support their claims. They make two important assertions. First, to buttress their belief in personal responsibility, they dismiss the idea that Czolgosz was mentally ill and regard his behavioral abnormalities as psychosomatic effects of his worldview. For James W. Clarke, Czolgosz's motive lies in the 'political and social context of the crime' (Clarke, 1990: 40). Second, they use his apparent anger at society to establish his rationality. 'Because industrial civilization ... made millionaires of a few and poor toilers of a multitude of others', Eric Rauchway has written, Czolgosz 'wanted to strike at the American leader to prove the nation vulnerable, and to shatter its illusions of safety' (Rauchway, 2003: x). Modern writers begin, then, with the idea that Czolgosz was angry because he understood capitalism's destructive force. They frame his motivations by his affiliations and circumstances because today these are considered important elements in the constitution of subjectivity, although Czolgosz never mentioned them as reasons for the assassination. The result is to embed an angry and astute Czolgosz within a milieu that gave him no opportunity but to commit an act of violence, while holding him responsible for his act because only a rational man could have assessed how bad conditions were for unemployed day laborers during the Gilded Age. Modern historians, it could be said, cling to the idea of personal responsibility as the cornerstone of ethical behavior, yet their narrative suggests otherwise: it was a murder by social structure.

The idea of an assassin as an independent agent and a creature of history suggest that the twin ideas of late 19th-century thought, structure and agency, are the foundational problem in the development of the social sciences. While acknowledging the important role social forces played in shaping Czolgosz, modern historians maintain that Czolgosz preserved a realm of freedom that surpassed any structural limitations that may have exerted an influence on him. In doing so, they have ignored sociology's contribution to the assassination and relied on a set of assumptions about motivation that, as I will demonstrate, were not at work at the time of the assassination.

The sociological understanding of the McKinley assassination has been ignored because it is not really there. Unlike others in the social and medical sciences,

sociologists refrained from commenting on the assassination. But they did so for valid sociological and scientific reasons. For sociologists, it was deeply problematic to assume a link between thought and action. 'Sociology', Albion Small wrote, can 'not make its way into the microcosm of phenomena. It must devote itself to the total of the same, on pain of never performing its task' (Small, 1908: 435). Small and other sociologists rejected the notion that there was a direct correlation between ideational cause and behavioral effect. At the end of the 19th century, causation was understood as the result of 'psycho-physical' phenomena, a combination of physical stimuli and motor reactions. Psycho-physical phenomena are inseparable and cannot be disentangled by the 'mysterious entity' known as 'free will'. Stimuli are divided into primary and secondary groups. Primary stimuli include the environment, which is understood as a collectivity and a product of evolution. Secondary stimuli include the ideals by which human beings live, garnered from sources beyond the individual's own milieu. Overall, these two forms of stimuli include the 'institutions of human history, and all the events of history' (Giddings, 1904: 144).

If it is fair to say that we live in a world in which responsibility is too easily assigned to those who kill without motive, then it is important to reclaim sociology's argument against the subject as rational and willful, if only to arrive at a more historical and nuanced understanding of the structure/agency problem. In this article, I will explain how the sociologists Albion Small, Edward Ross and Lester Ward, and the political economist Simon Patten, viewed the coming into being of the criminal subject and the subject's relationship with civil society at the turn of the century. Without mentioning Czolgosz, but by analysing the structure/agency problem in light of the events that constituted the Gilded Age, these writers put themselves in a better position than their fellow social scientists (and future historians) to explain the Czolgoszian phenomenon. My intention, then, is to address the question: can an assassination inform our understanding of the history of the social sciences? The answer is yes, as I will explain. But first, I want to describe how the assassin came into being during the late 19th century as a dangerous figure. Then I will discuss how sociologists ignored the assassination yet cast a critical eye on it by turning to the problem of social forces.

The assassin as type

By 1901, the United States had experienced its third presidential assassination in 36 years, more than any other country during this period. Between 1894 and 1901, anarchists had assassinated four other heads of state or of government (President Sadi Carnot, France [1894]; Spanish Prime Minister Antonio Canovas del Castillo [1897]; Empress Elizabeth, Austria [1898]; and King Umberto I, Italy [1900]). The USA also experienced, in Chicago in 1886, a domestic act of violence from European-born anarchists, an event that connected foreigners to anarchism and violence (Schurz, 1897). Indeed, it was said that Czolgosz, who was born in Detroit but was living in Cleveland when he assassinated the president, must have gone to Chicago to seek out anarchists for assassination advice, although there is no evidence Czolgosz was ever in Chicago or that any anarchist taught him about assassination. But by the logic of a discourse that equated anarchism with location (Chicago, Prussia), he was an anarchist (Virstow, 1901).

The image of the anarchist, by 1900, as something more than law's 'rational man' undermines the assumption that the criminal can only be seen as a responsible agent, a being with desire. A common theme among philosophers and scientists at the end of the 19th century was that the subject is a 'thing moved, a will utterly helpless, the mere shuttlecock of forces' (Thilly, 1894: 395). Free will, hitherto the foundational idea of responsible agency, was now considered a by-product of an 'uninterrupted series of mechanical phenomena' (Hamon, 1899: 19). Crime was not the product of a logical deduction of costs and benefits but of 'cranial, cerebral structure, the temperament, the structure of the body ... [and] the entire physical organism' (ibid.: 4). The criminal, then, is not a 'willful transgressor, who deserve[s] to suffer retributively'. He is, instead, always in the midst of a 'psychic overthrow' (de Quiros, 1912: xiii, 8), and deprived of his moral sense through no fault of his own. The criminal is not willful but a type, and the type 'is a sort of fixed point and a common center, about which the differences presented are deviations in a diverse sense and indefinite and varied oscillations' (MacDonald, 1893: ix). The type is the summation of all the parts of a social system. 'If the average man ... could be ascertained according to the mass of men, he would present the type of the human species in its entirety' (Quetelet, 1833: 1; original emphasis).

The McKinley assassination occurred during a time when the subject was being re-thought, away from the legal assertion of 'man' as rational and toward the social and medical sciences' understanding of 'man' as a historical being. As Foucault has written:

The human sciences are not, then, an analysis of what man is by nature; but rather an analysis that extends from what man is in his positivity (living, speaking, labouring being) to what enables this same being to know (or seek to know) what life is, in what the essence of labour and its laws consist, and in what way he is able to speak. (Foucault, 1994: 353)

The subject, once described by the western philosophic tradition as a self-interested individual who made his way out of the state of nature by a peculiar combination of reason and passion, gave way to a subject who, emerging from lower animals, was now a receptacle for all the forces of history. Informed by evolutionary ideas, social scientists began pushing back against the idea that criminal subjects 'had something like a nature' (Foucault, 2003: 85) that enabled them to 'possess the truth' (ibid.: 86).

Yet it was necessary, many social scientists felt, in order to preserve responsibility, to ward off the fatalistic elements of determinism built into the scientific method that regarded criminals as operating on instinct.

Whether criminality is due to atavism, degeneration, or pathology constitutes a question of pure criminal anthropology. Whatever be the conclusion reached, as long as the phenomenon is due to a cause, we are justified to ask: Where shall we fasten responsibility? (de Quiros, 1912: 142)

The problem of agency in light of structuralist critiques of individuality even plagued Cesare Lombroso, the symbol of 19th-century determinism. 'The whole world knows what a good or bad action is', he protested (Lombroso, 1911: 378). Lombroso argued that although congenital deformations pointed to the limits of agency, they did not spell the

end of punishment or of responsibility. He emphasized that the true meaning of agency lay in quantitative distinctions among men. What the work of criminal anthropology represents is an application of the myriad quantitative connections between structure and agency. 'Knowledge of the act,' Anton Delbrück wrote, 'with an examination of the body and the mind before and after it, is not enough to clear up the question of responsibility; it is necessary to know the life of the criminal from the cradle to the dissecting table' (ibid.: 378).

Seeking to replace the 'insecurity of the ancient criminological scaffolding' (ibid.: 365) with an edifice that measured responsibility according to body type, Lombroso classified criminals into four groups: (1) the born criminal; (2) the insane criminal; (3) the criminal by passion, which included one subgroup: (a) political criminals; and (4) occasional criminals, which included three subgroups: (a) pseudocriminals; (b) habitual criminals; and (c) criminaloid (Parmelee, 1918: 188). Born criminals are 'half-civilized' types who fail to adapt themselves to the demands of modern life. They are criminals by the 'inexorable tyranny of congenital tendencies'. They show clear signs of physical malformations (Lombroso, 1911: 365–6) and bear the 'special marks revealed by criminal anthropology' (Ferri, 1917: 144).

Each method to group criminals into types had a specific purpose. Broad classifications helped scientists understand evolution's successes and failures, while more specific classifications aided the courts in the distribution of responsibility. Patterns of behavior were forever inscribed on the body and routed through the legal system, via the methodologies of the human sciences, creating a universal recording of responsibility's genealogy.

Czolgosz, then, bears the weight of a particular moment in the history of the social sciences. Responsibility replaces agency because the subject appears less 'whole' and more inaccessible. At the same time, the criminal appears less responsible for his or her actions and society more. Responsibility is the stamp put on agents in an age of structuralism. As *Outlook* magazine editorialized after the McKinley assassination: 'The assassinations of President Lincoln and of President Garfield are at least comprehensible' ('The Assault upon the President', 1901: 107). Who, then, pulled the trigger? The answer: neither political opportunism nor insanity, because both point to a willful person. Rather: 'that loathsome, venomous creature Anarchy – the enemy of all law, the snarling, hating foe of order, morality and cleanliness – raising its dirt-crusted hand to strike at the existence of a government which is of the people, for the people, and by the people' ('Anarchy's Victim', 1901: 2).

The agent was gone, but the forces operating on Czolgosz did not relieve him of responsibility. According to Dr Carlos F. MacDonald, who examined Czolgosz in jail:

It may be said that Czolgosz' belief ... that the President 'was an enemy of the good working people' was a delusion, and such it undoubtedly was in the broadest sense of that term; that is, it was a false belief, but it was in no sense an insane delusion or false belief due to disease of the brain. On the contrary, it was a political delusion ... the false belief which dominates the politico-social sect to which he belonged and of which he was a zealot, who in common with his kind believes that all forms of government are wrong and unnecessary. ... [Czolgosz] was in all respects a sane man – both legally and medically – and fully responsible for his act. (MacDonald, 1902: 384–6)

By the end of the 19th century, agency – free will – was too metaphysical an idea to command the attention of social and medical scientists. Responsibility was imposed on subjects to enforce norms of behavior. So my question is: Given the flux over the meaning of the subject at the time of the assassination, why is there such broad agreement among contemporary historians that Czolgosz was troubled but not mentally ill, odd but sane, a product of the Gilded Age but responsible for his act?

The type defined

Modern-day students of the assassination take for granted that the economic structures of late 19th-century American society assumed a prominence in the field of knowledge at the expense of other producers of thought. Jeremy Kilar, for example, sees Czolgosz's anarchism as a result of the 'working-class realities of poverty, job insecurity and family instability' (Kilar, 1995: 12). Don Sneed writes:

Czolgosz's decision to assassinate McKinley in 1901 can best be understood if analyzed in the context of the economic and political climate in the 25 years which preceded the shooting. ... [It was an age of] big banks, big railroads, big iron and big steel ... strikes and labor unrest. ... Something was welling up inside Leon Czolgosz. (Sneed, 1988: 362–3)

Czolgosz, says Rauchway, was angry at McKinley because capitalism had 'turned traditional farming and hunting into primitive and untenable occupations' (Rauchway, 2003: x).

There is no sense in these accounts that lawyers and economists constructed a mythology of rationality around the idea of responsibility (*Railroad Tax Cases*, 1882: 743–4). Instead, they hold that the capitalist economy is so powerful in shaping subjectivity that it cannot serve as a site for the production and reproduction of other significations, such as the cultural construction of disease and behavior (Hatheway, 2003). Apart from collapsing the structure/agency problem while maintaining free will as a constant in human behavior, I will note two other problems with this view: we are never told (1) how the fundamental assumptions of the age were constituted; and (2) what the non-fundamental assumptions of the age were. The age itself, with its bias toward the economic and its assumption of free will, anticipates, prepares and leads Czolgosz 'endlessly towards his future' (Foucault, 1972: 12). The assassination now has meaning because the era in which it occurred has one central function: to produce robber barons and the resentful working class (Clarke, 1990: 42).

What modern writers fail to note is that the structures of the Gilded Age were not some 'sort of mill, into which all sorts of grain may be thrown and from which the best of flour will inevitably come out' (Mayo-Smith, 1894: 428). Among modern historians, there is no regard for the notion that the factors that determine human affairs are multiple and intertwined; that society, rather than a static force, is 'pure becoming' (Ward, 1897: 534); that human beings, even before the onset of postmodernity, was already thought to have various culturally constructed identities (Marshall, 1904). That it is, moreover, 'impossible to discern [the] large and simple factors behind human affairs' (Ross, 1903a: 194). And, finally, that to situate an assassin solely within the milieu in which

he lived is to engage in the 18th-century practice of the philosophy of history, a discredited theory among sociologists well before McKinley's assassination (ibid.: 193).

To see if it is possible to break out of the narrow dialectic that constructed Czolgosz as a structured agent who reasons, I turn now to sociology's account of the Czolgoszian type.

Social forces

The idea that Czolgosz was motivated to kill McKinley by a mixture of Gilded Age tropes based on his occupation and his attachment to anarchism has serious limitations. Above all, this view fails to account for the literature in sociology and political economy at the end of the century that discussed how social forces shaped an individual's understanding of his or her environment without either obliterating subjectivity or objectifying it.

Most late 19th-century sociologists held that an individual is embedded in society, the molecular within the molar, and that society is a 'plexus of interactions, or interrelations, between individuals' (Ellwood, 1910: 597). The subject at the turn of the century was not considered capable of influencing history by his or her own desires. Yet Rauchway writes: 'by an effort of will ... [Czolgosz] thrust himself into the center' of the 'web of circumstance' that made Theodore Roosevelt president (Rauchway, 2003: 213, 212). According to Edward Ross, however, 'The great error of individualistic psychology is the assumption that man thinks' (Ross, 1903b: 350). Men do not 'glance coolly about them, survey deliberately the desire-awakening contents of existence, and choose each for himself at what goods he will level his endeavor'. If men were 'free agents', Lester Ward wrote, there would be no 'laws to which his activities were subject' (Ward, 1896b: 451). Institutions would crumble at will and there would no need for the human sciences. Man would be a pure biological force operating only on the principle of his happiness. Ward, consequently, argued that men have free will only in the sense that they seek out their hedonistic ends in conjunction with genetic influences. The authors of moral treatises who speak of "free moral agency"... have not yet conceived of the most fundamental truth of all science, the absolute dependence of phenomena upon antecedents' (Ward, 1920: I, 457). Each person is a self-conscious being with severely imposed limits on his or her consciousness and on his or her behavior. Men are aware of the world around them and they recognize themselves within their milieu, of which they are integral parts (Ward, 1895, 255–6).

Sociology focuses on persons as 'centers of desire' (Small, 1900c: 178) and not as seekers of pleasure and avoiders of pain. Unlike the utilitarians, these sociologists viewed desires as existing within a permanent state of conditioning the subject; in turn, desires are in a constant state of being conditioned by other forces. This dynamic understanding of the self set sociology in a different direction from law, which focuses on the individual as a thing in itself. The true meaning of social forces, then, is to attack the understanding of volitions, desires and wills as arising from a stable subject, as propounded by Herbert Spencer and the advocates of laissez- faire. In rejecting desires as philosophical or biological abstractions, these sociologists held that desires cannot be teleological because society always imposes brakes on them; society determines a

desire's end. Properly understood, desires are the wants of an individual living in a society of variable structures, which are subject to variable social forces. '[D]esire in its essential nature is a form of pain' (Ward, 1906: 54) because a desire does not always seek its appropriate object. According to Ward, desire is a 'true natural force' connected to 'will', which is the 'motor of the social world'. Together, desire and will create the 'dynamic agent in society' (Ward, 1896a: 628; original emphases). Because of desire's dynamism, its moral neutrality, its subject-less force, no late 19th-century sociologist viewed desire as something that was produced by an individual's conscious will. Ward's dynamic agent is not philosophy's 'free agent'. Desire is never left to itself. Institutions, individual limitations and societal structures canalize desires, diminishing and enhancing them. Laissez-faire advocates confuse the individual with his or her desires, which could be said of modern historians as well. For sociologists critical of laissez-faire, humans are aware of their desires, but unaware of the shaping of their desires by internal and outside forces (Small, 1908: 5).

Desires, insofar as they can be satisfied, can only be so within what Small calls 'associational activities' (Small, 1901: 494). Associations are not what they appear to be – organizations that individuals freely join – but rather the outcome of a series of events by motivated (desiring) individuals seeking pleasure, for a limited time and in a limited place, in the company of other desiring persons. Given the plasticity of desire and of subjectivity, it would be absurd to assume that individuals are what they appear to be based on their most immediate desires, or their connection to an association, or that they are locked into ethnic, religious, political and cultural types. Persons, like associations, are the adventitious outcome of a series of events and forces. As there is no single desire, there is no single individual, no single association that represents what a person 'is'. A person is driven by 'social impulses' to belong to various associations (ibid.: 496).

The main barrier to the successful study of society lies in the assumption of the 'isolated majesty' of 'man' (Small, 1900b: 61). For Small, sociology begins where psychology stops, which is in the 'true account' of men in their relations with others (Small, 1900c: 180). Sociology begins with the quest for knowledge regarding social forces and social structures and not with an inquiry into man as he appears or as we imagine him to be. Indeed, there can be no science of the individual subject, only of subjects acting within groups. The isolated individual that the law reifies as a criminal, psychology as a deviant and history as great is unknown to experience. The content of the human is only a 'portion of matter', Small writes. 'We are fragments of the physical world' (Small, 1900b: 50), forever desiring health, wealth, sociability, knowledge, beauty and righteousness. For Small, the rise of the transcendental individual subject has no basis in reality because it (1) fails to place man in his proper setting; and (2) places man too firmly in one setting. The idea that the 'realm of the social is the realm of circuits' (Small, 1900a: 779) is a matter of historically informed observation, not speculation based on types. The realm of circuits is a realm of exchanges, past with present, present with future, the future with the past. Within each man are multiple voices, operating in constant struggle for survival (ibid.: 779, 784–5). Man is in a constant process of becoming; he is neither cause nor effect, but both. It would, therefore, be impossible to study an individual in isolation from his surroundings or to attribute to him motives located specifically within a particular milieu. Such so-called 'facts' are not facts at all until 'they find their setting' in the reality of the social processes that generate life (ibid.: 787). Regarding the sources of violence, Small situates the rise of labor problems not in any individual notion of resentment, but in the human desire 'to be taken at full value' (Small, 1900c: 191). For Small, the 'radical evil' of the capitalist system is not in the unequal distribution of wealth, but in the social-psychological sphere. Capitalism 'gives artificial weight to the will of some persons and artificially counts out the will of others'. It creates a symbolic scapegoat among a class of persons who seek 'reciprocal valuation' from a society that refuses the offer. At the heart of Small's analysis of violence is that capitalism interferes with the 'wealth desire' (ibid.: 192).

While no one at the end of the 19th century would have disputed that economic factors exert a powerful force on all individuals, Small's understanding of economic forces is radically different from the understanding that we have seen in the analyses of Czolgosz by certain historians. Economic man is not a 'simple social element' but a 'complex social product' (ibid.: 183). As such, it is impossible to make clear psychological determinations regarding the behavior of those who opt out of society and of those who join it. Even man's desire for autonomy, which Small translates as a desire to be a god, is not subject to reductionist psychological analyses. The desire to be a god cannot be equated with autonomy, as gods require ruling, and ruling requires a realm. Modern men cannot be god-like because they 'possess things only by proxy' (ibid.: 185). And for this reason, all individuals are alienated within a capitalist society, not just workers, because 'I buy the thing I cannot produce'. The purchaser is 'powerless' and 'less than a man'. There is no such thing as 'the dignity of labor' under capitalism (ibid.). It is a reification of a concept that lost its meaning when men lost mastery over production.

The denial of lordship over things desocializes and dehumanizes men. Consequently, a society that is in a constant state of production creates a class of people whose status is subject to their qualifications on the line of production. This explains why Czolgosz's unemployment is seen as a choice, and a bad one. (In fact, Czolgosz left his factory job because of illness; see Briggs, 1983[1921]: 298.) Moreover, a competitive society not only 'multiplies material products', it 'glorifies the controllers' of these products, so it appears natural that Czolgosz, an unskilled worker, would resent owners. In the process of capitalist formation, Small writes, two oppressed classes are created: those whom society simply 'exempts' from the 'personal mastery of things', and those whom society identifies with 'unthinking machine production of things' (Small, 1900c: 185), diminishing both classes' sense of their selfhood. Whereas lordship can lead to self-realization, the denial of that desire to others, for Small, leads to the fabrication of ideals over workers, so that laborers are called 'honest' for their refusal to act on their desire for self-mastery, and 'dignity' is attached to a form of labor for which there is nothing but drudgery (ibid.: 189). It is noted that anarchism and socialism make their appearance here, among those who have been told that they lack dignity by striking.

Indeed, it is here, I think, that the break occurs between the ways modern writers have described Czolgosz (lonely, angry, resentful) and the ways 19th-century sociologists analysed the processes by which a Czolgosz comes into being. In both cases, Czolgosz is marginalized by industrial society. But in the second case, it is without the assumptions of a willing subject who kills McKinley in the name of abstract thoughts and principles. Psychology, in the sociological view, cannot explain Czolgosz's motive. 'To think the social reality', Small writes, 'we have to learn how to think together all the incidents and

conditions, all the forces, all the forms of correlation of forces, and all the processes of action among the forces, that always constitute association' (Small, 1900d: 332–3).

These differences in interpretation are greater than any disciplinary split between sociology and history. The question is not one of descriptive differences within the social sciences, with sociology concerning itself with scientific inquiry and history with technique (Small, 1904: 294). For Small, the starting point for inquiry into structures and agency cannot be a rift between the individual and society caused by the individual acting on his or her own. Society cannot be understood by focusing on the deeds of individuals. Sociology searches for the regularities that exist amid the flux of agents and structures, recognizing, above all, the fallibility of both agents and structures to successfully act on behalf of a given society. The production and reproduction of structures and agents is not linear, because structures are both the cause and the effect of agency, as agency is the cause and effect of structures. To understand an agent, it is necessary to study the social structures that constitute the agent's existence. 'Society is what it is at any time as the resultant of all the efforts of all the personal units to reach each its own peculiar sort of satisfaction' (Small, 1902: 206). Small's sociology, then, relies on history and psychology, but not as distinct domains of knowledge. There is, in Small's thought, a denial of any capacity to cordon off events by their unique structural components. 'Every social situation is the product of everything else that exists in the world' (Small, 1900d: 343). The world is a combination of subjective and objective forces. 'Causes are too obscure for immediate detection within the described facts' (Small, 1898: 119).

Simon Patten was a professor of political economy, and like his sociological colleagues, was neither an advocate of an abstract individualism decontextualized from an environment nor an environmental determinist. For Patten, there is 'no single stock out of which all the mental beliefs can be derived. The process of creating beliefs is not logical, nor is it the result of activity at the self-conscious centre' (Patten, 1896b: 65). An individual's desires are determined 'by utilitarian motives and by objective conditions' (Patten, 1894: 89). Economic forces are not 'the true social forces'. The idea of human equality is not a natural concept but the result of a confluence of social forces interacting with economic forces in particular societies, and these societies are themselves products of historical forces.

Environmental determinism cannot be a valid theory of development because it excludes too much both from social forces and from individual endeavors. The environment, according to Patten, is split into objective and subjective realms. 'Laws, customs, habits, democratic feelings [and] ethical ideals' constitute the subjective environment, while objective conditions are the permanent features of the land, the climate and the forces that 'surround society' (ibid.: 88–9). For Patten, it is fancy to assume that any individual understands either the time in which he is living or the interests which serve him best. To reason this way is to 'proceed as if the mind were a unicellular organism directly connected with the outer world' (Patten, 1896b: 32, 46). Rather, there are, he writes, 'innumerable possible environments to which organisms can adjust themselves' (ibid.: 8).

Critical to Patten's thought is the idea that the social 'environment' cannot be understood as a natural phenomenon, a view that allows historians to slice up an era into discrete parts of a century ('the Gilded Age'). Nor can it be assumed to be something that

any individual can understand on his or her own. As Charles Ellwood wrote, 'Every new social coordination, every new adaptation in the group-life, is made upon the basis of already existing social habits' (Ellwood, 1899: 815). In fact, Patten preferred that the term 'environment' be avoided because it is too static. Past environments exert a continual influence on present conditions, and the state of the present environment is not wholly determinative of one's behavior. Patten did not deny that individuals make choices. But he viewed the will as subject to external and internal conditions and avoided the metaphysical language of independent, strong, weak and free wills (Patten, 1896b: 15). For Ellwood, 'there are no direct causal connections between individuals and society', except heredity (Ellwood, 1907: 345; original emphases). Unlike the modern understanding of Czolgosz, then, which posits an unalloyed free will that allowed the subject to act on information he presumably knew or should have known, neither Patten nor Ellwood would say that Czolgosz understood the world as it was without mediation of any kind. Multiple structures, evolving over time, and individual (mutable) agents engage in multiple struggles, from which arise the choices people make.

For Patten, as for Small, life involves more than pleasure and pain and the accompanying types that respond to these stimuli. A self is variable, modulating its identity 'on a plane with two extremities'. At one extreme is the abstract self; at the other is a self 'so expanded as to include every thing within itself' (Patten, 1896a: 10), a description much like how Czolgosz is portrayed today, as the embodiment of every Gilded Age resentment. To be normal, Patten writes, a self should locate itself between these two extremes, in a state of equilibrium. If an individual's concept of self is too small, then he is a skeptic; if too large, then he is a mystic. But the individual can modulate these ideas through environmental changes and equilibrium shifts. The self is synthetic. Humans are 'syntheses of syntheses of syntheses' (Small, 1898: 123). And because the self is neither autonomous nor constructed or produced by an age, but is a synthesis of prior selves and other motive forces, the understanding of an individual within a particular time frame can be the opposite of how the individual sees himself within that frame. 'The normal self is relative to the conditions of existence' (Patten, 1896a: 11).

Patten would have rejected the linkage modern writers make between Czolgosz's anger, his economic situation and his deed. For Patten, 'A man is a man because he lives, thinks, and feels and not because of his activities and occupation. The recognition of kind through activities and occupation is a mark of the unsocial man.' Synthetic men have an enlarged concept of self precisely because they are able 'to relate to objects that are agreeable and hence capable of being joined to the self and identified with it' (ibid.: 26). The synthetic man focuses his anger on real world problems, not abstractions. For Patten, it is psychologically healthier to attach evil to a person than to an abstract idea. Why? Because such persons are more social and accepting of the idea that societies change and are more grounded in reality. 'Men who believe a personal devil to be the source of evil are more social than men who believe that natural objects, being impure and unclean, are the cause of their woes' (ibid.: 26).

Because Patten did not write about Czolgosz, I want to refrain from saying that Patten would have viewed Czolgosz sympathetically, despite Czolgosz's seeming, in Patten's view, to be the model for the healthy, synthetic self, although perhaps too much on the mystical side to be completely healthy. Indeed, there are other parts of Patten's writings

that regard the kind of individualism Czolgosz practised as a social pathology (Patten, 1894: 86). But Czolgosz saw McKinley for the evil that he was as the leader of a nascent imperial nation, not as an unnatural object of oppression. (Whether correct or not is not the point. Czolgosz focused his anger on the man responsible, in his mind, for governing a nation, not on an idea of the man.) Yet modern writers do precisely that. They characterize Czolgosz as moved to assassination by every major and minor event of the Gilded Age, starting from when he was 4 years old, for example: the national railroad strike of 1877 (Kilar, 1995: 13); the Alpena, Michigan, lumber wagon-drivers' strike of 1885 (ibid.: 14); the anarchist violence in Chicago in 1886 (Clarke, 1990: 44); the Pullman strike of 1894 (ibid.: 47); and the death of Slavic workers at Lattimer Mines in 1897 (ibid.: 44), although there is no evidence that Czolgosz knew of these strikes or that they factored into his thinking about McKinley, as he said nothing about them. Such mental associations, for Patten, would be the kind of abstractions only someone mad would focus on; and the mad are not responsible.

Conclusion

The recent historiography on Czolgosz situates his motive for the assassination within working-class struggle and Gilded Age factory work that marked Czolgosz's brief life. This is done, I have argued, because these writers do not want to say, 'This is not the fault of the individual. It is the defect of the social organization' (Ward, 1920: II, 406). They want to maintain Czolgosz's responsibility amid the flux of forces that operate on, within and against the subject. So they find meaning in the assassination by connecting Czolgosz's poverty to his economic ideas and turn his economic ideas into political philosophy, making Czolgosz both a product of an ideology and a person possessed of an 'emphatic intuition' (Heller, 1984: 149) of the Gilded Age's dark side. In the absence of a clear statement as to why he shot McKinley, they invest his life with a meaning of which he himself could not have been the creator.

But this is not the method of the social sciences at the turn of the century. For Ward, there is a consistent misapplication of knowledge about things based on an unwillingness to go beneath the events themselves.

The error of moralists and of the world at large has been, that they have taken the common and obvious cases that every one learns as he does the law of gravitation as soon as old enough to think at all, and because all men agree about these and recognize the truth instantly and apparently without mental effort, they have concluded that there must exist an unerring faculty of the mind for discerning right and wrong. (Ward, 1920: II, 351)

It is notable that no late 19th-century sociologist said that Czolgosz existed to foment revolution or derived a motive for murder from his bitterness at being a factory worker who was unemployed more often than not. Only the muckraking press at the time of the assassination saw Czolgosz as the product of one thing or another (tobacco, anarchism, factory life). But sociologists refrained from speculating about Czolgosz's motive because they focused on the historical, hereditarian, social and cultural forces that always operate on subjects. To ignore these forces and the discourses that they produced regarding

foreigners, the working class and the mentally ill is to fail to understand the ideas that shaped and guided the meaning of the assassination. The rise of Czolgosz and the kind of society that bred him combined at a moment in time that cannot be bracketed in an attempt to prove that Czolgosz was acting responsibly when he shot McKinley.

Bibliography

'Anarchy's Victim' (1901) Dickerman's United States Treasury Counterfeit Detector 18(10): 2. 'Assassin's Body Destroyed' (1901) St. Louis Post-Dispatch 54(69): 2.

Briggs, L. V. (1983[1921]) The Manner of Man that Kills. New York: DaCapo Press.

Clarke, J. (1990) *American Assassins: The Darker Side of Politics*. Princeton, NJ: Princeton University Press.

De Quiros, C. B. (1912) Modern Theories of Criminality. Boston, MA: Little, Brown.

Ellwood C. (1899) 'Prolegomena to Social Psychology II: The Fundamental Fact in Social Psychology', *American Journal of Sociology* 4(6): 807–22.

Ellwood C. (1907) 'Sociology: Its Problems and Its Relations', *American Journal of Sociology* 13(3): 300–48.

Ellwood C. (1910) 'The Psychological View of Society', *American Journal of Sociology* 15(5): 596–618.

Federman, C. (2010) 'A "Morphological Sphinx": On the Silence of the Assassin Leon Czolgosz', Journal of Theoretical and Philosophical Criminology 2(2): 100–57.

Ferri, E. (1917) Criminal Sociology. Boston, MA: Little, Brown.

Foucault, M. (1972) Archaeology of Knowledge & the Discourse on Language. New York: Pantheon Books.

Foucault, M. (1979) Discipline and Punish: The Birth of the Prison. New York: Vintage.

Foucault, M. (1994) The Order of Things: An Archeology of the Human Sciences. New York: Vintage.

Foucault, M. (2003) Abnormal: Lectures at the Collège de France, 1974–1975. New York: Picador.

Giddings, F. (1904) 'A Theory of Social Causation', *Publications of the American Economic Association* 5(2): 139–74.

Hamon, A. (1899) The Universal Illusion of Free Will and Criminal Responsibility. London: University Press.

Hatheway, J. (2003) *The Gilded Age Construction of Modern American Homophobia*. New York: Palgrave.

Heller, T. (1984) 'Structuralism and Critique', Stanford Law Review 36(1/2): 127–98.

Kilar, J. (1995) "I Am Not Sorry", Michigan History Magazine: 10-17.

Lewis, B. (1968) The Assassins: A Radical Sect in Islam. New York: Basic Books.

Lombroso, C. (1911) Crime: Its Causes and Remedies. Boston, MA: Little, Brown.

MacDonald, A. (1893) Criminology, 2nd edn. New York: Funk & Wagnalls.

MacDonald, C. (1902) 'The Trial, Execution, Autopsy and Mental Status of Leon F. Czolgosz, Alias Fred Nieman, the Assassin of President McKinley', *American Journal of Insanity* 58(3): 369–86.

Marshall, H. (1904) 'The Mutability of the Self: Responsibility and Freedom', *Journal of Philosophy, Psychology and Scientific Methods* 1(21): 570–8.

- Matsuda, M. (1996) The Memory of the Modern. New York: Oxford University Press.
- Mayo-Smith, R. (1894) 'Assimilation of Nationalities in the United States I', *Political Science Quarterly* 9(3): 426–44.
- Parmelee, M. (1918) Criminology. New York: Macmillan.
- Patten, S. (1894) 'The Organic Concept of Society', *Annals of the American Academy of Political and Social Science* 5: 88–93.
- Patten, S. (1896a) 'The Relation of Sociology to Psychology', Annals of the American Academy of Political and Social Science 8: 1–28.
- Patten, S. (1896b) 'The Theory of Social Forces', Annals of the American Academy of Political and Social Science 7: 1–151.
- Quetelet, A. (1833) *Recherches sur le Penchant au Crime aux Différents Ages* [Researches into the Tendency to Crime at Different Ages], 2nd edn. Brussels: M. Hayez.
- Railroad Tax Cases (1882) 13 F. 722 C.C.D. Cal.
- Rauchway, E. (2003) Murdering McKinley: The Making of Theodore Roosevelt's America. New York: Hill & Wang.
- Ross, E. (1903a) 'Moot Points in Sociology III: The Unit of Investigation', American Journal of Sociology 9(2): 188–207.
- Ross, E. (1903b) 'Moot Points in Sociology IV: The Properties of Group-Units', *American Journal of Sociology* 9(3): 349–72.
- Schurz, C. (1897) 'Murder as a Political Agency', Harper's Weekly XLI(2123): 847.
- Small, A. (1898) 'Seminar Notes: The Methodology of the Social Problem I: The Sources and Uses of Material', *American Journal of Sociology* 4(1): 113–44.
- Small, A. (1900a) 'The Scope of Sociology III: The Problems of Sociology', American Journal of Sociology 5(6): 778–813.
- Small, A. (1900b) 'The Scope of Sociology IV: The Assumptions of Sociology', *American Journal of Sociology* 6(1): 42–66.
- Small, A. (1900c) 'The Scope of Sociology V: The Assumptions of Sociology', American Journal of Sociology 6(2): 177–203.
- Small, A. (1900d) 'The Scope of Sociology VI: Some Incidents of Association', *American Journal of Sociology* 6(3): 324–80.
- Small, A. (1901) 'The Scope of Sociology VII: Classification of Associations', American Journal of Sociology 6(4): 487–531.
- Small, A. (1902) 'The Scope of Sociology VIII: The Primary Concepts of Sociology', American Journal of Sociology 8(2): 197–250.
- Small, A. (1904) 'The Subject-Matter of Sociology', American Journal of Sociology 10(3): 281–98.
- Small, A. (1908) 'Ratzenhofer's Sociology', American Journal of Sociology 13(4): 433–8.
- Sneed, D. (1988) 'Newspapers Call for Swift Justice: a Study of the McKinley Assassination', Journalism Quarterly 65(2): 360–7.
- 'The Assault upon the President' (1901) Outlook 69(2) (14 September): 106-8.
- Thilly, F. (1894) 'The Freedom of the Will', Philosophical Review 3(4): 385-411.
- Virstow, H. (1901) 'Anarchism: a Study of Social Forces', Modern Culture 14(2) 140-2.
- Ward, L. (1895) 'Relation of Sociology to Anthropology', American Anthropologist 8(3): 241–56.
- Ward, L. (1896a) 'Contributions to Social Philosophy V: Sociology and Psychology', *American Journal of Sociology* 1(5): 618–32.

- Ward, L. (1896b) 'Contributions to Social Philosophy IX: The Purpose of Sociology', *American Journal of Sociology* 2(3): 446–60.
- Ward, L. (1897) 'Contributions to Social Philosophy X: Social Genesis', American Journal of Sociology 2(4): 532–46.
- Ward, L. (1906) The Psychic Factors of Civilization, 2nd edn. Boston, MA: Ginn.
- Ward, L. (1920) Dynamic Sociology, Or Applied Social Science As Based upon Statical Sociology and the Less Complex Sciences, vols I and II. New York: D. Appleton.
- Warren Commission Report (1992) Report of the President's Commission on the Assassination of President John F. Kennedy. New York: Barnes & Noble Books.

Biographical note

Cary Federman is Associate Professor in the Department of Justice Studies at Montclair State University. He is the author of *The Body and the State: Habeas Corpus and American Jurisprudence*, and is currently working on a second book called *No Man's America: Anarchism and Insanity in the Gilded Age*.