

CHAPTER 2

The History and Development of Theories of Social Control

Theoretical origins: Social contract philosophy

The question ‘Why do men obey the law?’ is, most likely, as old as law itself. Travis Hirschi, by far the most well known of the control theorists, associates the question with Thomas Hobbes, the first well known social contract philosopher (“the question was Hobbes’s: ‘Why do men obey the rules of society?’”); and he complains that, “although the Hobbesian question is granted a central place in the history of sociological theory, few have accepted the Hobbesian answer.” The Hobbesian answer, of course, is fear (and prudential calculation to help overcome it). Hirschi uses Hobbes here, and the acceptance versus non-acceptance of Hobbes’s own answer, to explain where he believed traditional criminological theories to have gone wrong.

According to Hirschi, because traditional theories do not want to believe that man is controlled by fear, and instead want to believe that “man is a moral animal who desires to obey the rules,” they lose sight of the original question in their search for explaining what “great pressure” a man must be under to resort to deviance and criminality (Hirschi, 1974/1969: 5). Hirschi’s point here is that criminological theory must regain an appreciation for the original Hobbesian question. In this way, Hirschi relates theories of social control to social contract philosophy. Both begin by asking the question ‘Why do men obey the law?’ and both focus, without losing sight of this question, on the best way to answer it. It makes sense, then, to start our historical analysis of control theory by looking at social contract philosophy, where both the question and answers to the question were first made explicit.

It stands to reason that, as soon as Man first felt the need for laws, those individuals who prompted Man to feel that need would ask why they should obey them; for clearly obedience would keep them from achieving a desired goal. Throughout history the answers have generally had much to do with notions of a contract: between men and their gods or god, between citizens and their sovereign, or even simply amongst the citizens of a polis, community, or society. In 1651 Thomas Hobbes published *Leviathan*, considered to be the first great work of social contract theorizing. One of the staples of social contract theorizing is its ideas about what things must have been like “at the beginning,” before civil society. According to Hobbes, men who live without law, without government, live in a state of nature, of which he paints a notoriously bleak picture:

Again, men have no pleasure, (but on the contrary a great deal of grief) in keeping company, where there is no power able to over-awe them all ... Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man ... In such condition, there is ... continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short. (Hobbes, 1985/1651: 185-6)

In Hobbes's state of nature all men are roughly equal in physical strength and cunning, and they possess aggressive tendencies towards one another and a desire to dominate all others. Knowing this, each man in the state of nature is wary of all others and so keeps to himself. Each man then, has plenty of time to contemplate his dreary existence in the state of nature and to think of a way out. Each man realizes that a simple contract between all men would not suffice, as that would entail each man having to simply trust that all would honor the contract. Because each man would hope to dominate while all others honor the contract, he must assume that the other men would plan to dominate as well, making the contract meaningless.

According to Hobbes, then, each man hits upon the same, the only, solution to the way out of the state of nature. Rather than attempt to make law by agreement (a contract between all men), they must choose a lawmaker/law-enforcer by agreement. The contract, then, would be between each man and the one chosen Sovereign. *Whose law is it and*

Why should it be obeyed? It is the sovereign's law and it should be obeyed because you choose this sovereign and empower him to enforce his laws in return for your protection. *Why do men obey the law?* Men obey the law out of a fear of punishment by their sovereign and/or fear of ending up back in the state of nature.

Hobbes's version of the state of nature is clearly quite anti-social: Men in this state have little to no social contact with one another. The unification of men into social living, then, is not a natural, spontaneous phenomenon but a contrived creation of Man attempting to avoid the dismal state of nature he would otherwise find himself in. A natural question for a social theorist today to ask, of course, would be 'How is this possible? Must not the idea of a civil society be born from some sort of lesser unity of men?' Simply put, Hobbes's nature-myth has left us with the obvious question of our social origins: how can men, having no social contact or social experience with one another, formalize a conception of a civil society at all, let alone all formalize the same one?

In 1689 John Locke published his own account of social contract philosophy, the *Second Treatise of Civil Government*, as a response to Hobbes's *Leviathan*. The most important difference between Locke's theory and Hobbes's is their disparate versions of the state of nature, from which all other differences stem. For Locke, Man's state of nature consists of a reasonably social existence:

God having made man such a Creature, that, in his own Judgment, it was not good for him to be alone, put him under strong Obligations of Necessity, Convenience, and Inclination to drive him into Society, as well as fitted him with Understanding and Language to continue and enjoy it. (Locke, 1999/1689: 318-9)

And, though there is no civil or governmental authority, there is divine obligation. For Locke, God's law is Natural Law and it upholds Man's Natural Rights: the right to life, liberty, and property. These Natural Rights lead to a social existence for men who realize that if they are to claim these rights for themselves, they must respect the same rights of other men (assuming, of course, that rational consistency of this sort is itself a natural endowment to which the theorist can appeal).

The State of Nature has a Law of Nature to govern it, which obliges every one: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker. (Locke, 1999/1689: 271)

Unlike Hobbes's state of nature, then, Locke's state of nature sounds like a place where men might want to remain. So, why do men ultimately feel the need to leave this state and form a civil society? They feel this need because of a few, other, aberrant and sinful men. The existence of men who do not always feel bound by divine obligation leads Man to the idea of forming a civil society where a government is entrusted to protect Man's Natural Rights and to punish those who violate them. Locke's social contract is twofold: First, men make a contract with each other to form a particular government, with which, second, each man will make a contract to follow Natural Law in exchange for protection against those who do not. *Whose law is it and Why should it be obeyed?* According to Locke, it is God's law and it would be a sin not to obey it. *Why do men obey the law?* And, for most, they obey the law because it is God's law and it would be sinful not to obey. For those aberrant few, however, they obey the law because to not obey may return Man to the state of nature, which could be a more risky place to be than under the rule of the sovereign.

Locke's state of nature as a naturally arising somewhat social and not entirely unpleasant place is a critical difference from Hobbes's social-less dire state of nature. This important difference stems from the political purposes with which each wrote. Hobbes wrote his theory in support of absolute government. Locke wrote his in support of limited government. For Locke, when the sovereign takes on more than the protection of Man's Natural Rights, it may be time to choose a new sovereign. This may or may not include a brief period of time back in the state of nature. The question society must ask itself is whether life under the rule of the current sovereign is better or worse than life would be back in the state of nature. For Hobbes, on the other hand, the state of nature will always be worse than life under any sovereign. For Hobbes, therefore, it makes sense to live by your sovereign's rules, whether you agree with them or not.

Both Hobbes's and Locke's theories were based on the need for an explanation of how the civil society of their day came into being. Hobbes wrote his theory in support of absolute government. Locke wrote his in support of limited government. In either case, however, social order, whether natural or unnatural, is tied to external forms of sovereignty, grounded in Man's ability to reason, which leads him to live a social life; and both Hobbes and Locke felt that the election of this sovereign and the entering into a civil society is defined by the moment of social contract and that a civil society cannot exist until the contract is made.

Jean-Jacques Rousseau, on the other hand, understood the theory of the social contract in a very different way and in 1762 Rousseau published *The Social Contract or Principles of Political Right*. According to Rousseau, the state of nature, which he in fact first discusses in his 1754 essay "A Discourse on Inequality," is a vague time in Man's history and relatively unimportant to the social contract. For, Rousseau has his own political agenda in mind and is not interested in how Man made the move from the state of nature to a civil society. He is interested, instead, in defining a legitimate society: a state which may have occurred in the past (he makes use of ancient Sparta as a model), will hopefully occur in the future, but most definitely does not exist in Rousseau's own time.

The move for Man out of the state of nature and into civil society, according to Rousseau, was a natural progression after the invention of property, which then had to lead to the invention of law and the state. No contract, in fact, was necessary for this advancement to work. However, the unfortunate outcome of this progression, Rousseau tells us, is the function of the inequality of Man. In the state of nature men were naturally unequal but it did not matter because they had very little to do with each other. Once the competition for property, and with it status, became a part of Man's life, this natural inequality, corrupted by the addition of property and status, became a crucial aspect in the life of Man. What does any of this have to do with the social contract? For Rousseau, the social contract is a way out of this illegitimate and corrupt society – a society based on the inequality of Man – and back to a just and legitimate society – one based on the equality of Man.

Up until Rousseau, one of the main purposes of social contract philosophy was to legitimate civil society and the power, whether complete or limited, of the sovereign. The social contract, entered into

by all members of a society, is the means by which the sovereign and his civil society are legitimated. Rousseau's idea of a naturally arising social and legal life for Man made the idea of the social contract unnecessary as a theory for explaining the emergence of a civil society. Instead, Rousseau concentrated on explaining why the civil society that had emerged was not legitimate.

For Rousseau, a legitimate society would be a society based on the equality of Man, which emerges from a social contract and manifests itself in the General Will. The general will represents the best interests of the entire society and can be contrasted to the situation in illegitimate societies where each member looks out for his own best interest: "So long as several men joined together consider themselves a single body, they have only one will, which is directed towards their common preservation and general well-being" (Rousseau, 1969/1762: 149). At the moment of the social contract, each individual surrenders his own self-interest and power to that of the general will, which takes the place of both the state itself and the sovereign that rules it. In other words, Rousseau envisions a utopian society where personal greed and power are forfeited for the good of the society. *Whose law is it and Why should it be obeyed?* It is the people's law and it should be obeyed for the good of the society. *Why do men obey the law?* Men obey the law because they agree with it: their will, incorporated into the General Will, decided that the law should be made and obeyed.

The move to Durkheim and social science

Rousseau's writings in contract philosophy were revolutionary at the time. This was borne out in two very different ways: first, his work was in fact used by some to justify the revolution in France and second, and more to the point for us, it took over one hundred years for his work to be furthered or extended in any significant way. And, in an ultimate tribute to Rousseau, Emile Durkheim, writing in the late 19th and early 20th centuries, while attempting to repudiate social contract philosophy, in fact borrowed, continued, and extended many of Rousseau's own themes and ideas. In this way, in fact, much of Rousseau's theory seems to have stood the test of time far better than did Hobbes's or Locke's.

One of the most important concepts that Durkheim borrowed from Rousseau was his notion of the general will, which Durkheim incorporated into his theory of social solidarity, though he renames it

the Collective Consciousness. According to Durkheim, social solidarity was obvious in pre-industrial, or what he called Mechanical, societies and he claimed it stemmed from this collective consciousness. This, of course, harkens as well to Rousseau's belief that ancient societies such as Sparta might have been legitimate societies based on the rule of the general will. Like Rousseau, Durkheim believed that it was the individualism (in Rousseau's case the self-interest) of industrial, or what he called Organic, societies which threatened the health of these societies.

Another idea of Rousseau's that Durkheim agreed with is the natural progression, what we today might call the social evolution, of Man. Though, where Rousseau seemed to explain only the move for Man from the state of nature to civil society by this notion of natural progression, Durkheim believed that this progression will and should continue. So, where Rousseau believed that it should be possible to return to a society ruled by the general will, Durkheim believed that the progression from mechanical to organic societies is also natural and healthy, as long as new social bonds are produced to take the place of those that were based only on the commonalities of men (the collective consciousness), so that individualism does not infect the society. This difference regarding the extent of the natural progression of Man is the point at which Durkheim deviates sharply from Rousseau and where his arguments against Rousseau's social contract theorizing begin.

Rousseau's belief in the natural progression of Man from the state of nature to a civil society was radical for its time. Durkheim, however, had the advantage of Charles Darwin's theorizing and the publication of *Origin of Species* in 1859 to support an alternative view of the natural progression of Man. It made sense, then, for Durkheim to extend the concept indefinitely. In believing that this natural progression can and will continue throughout time, the need for a radical change in the function of society, such as that believed necessary by Rousseau, is in fact unnecessary. Durkheim's main argument against social contract theorizing is that it presupposes a social order that the theory claims the contract itself is essential to fulfill: "The contract is not sufficient by itself, but is only possible because of the regulation of contracts, which is of social origin" (Durkheim, 1984/1897: 162). This argument is the basis for his belief that Man naturally progressed from mechanical to organic solidarity.

According to Durkheim, mechanical solidarity is rooted in the members of a society being engaged in essentially similar activities for their daily living, while organic solidarity develops from spontaneously arising consensus between the members of a society who, because they are now engaged in different roles and tasks for their daily living, are dependent upon each other. Just as Rousseau believed that the social contract was unnecessary for Man to progress from the state of nature to civil society because the progression was spontaneous and natural, so does Durkheim believe that there is no room for the social contract within societies based on mechanical or organic solidarity, as they too arose spontaneously and naturally. Furthermore, as organic societies emphasize the differentiated roles and tasks of their individual members, the notion of the social contract, where every individual believes and supports the same thing, goes against the very foundation of what these societies are built on.

One of the distinct differences between Durkheim and the earlier theorists we have discussed is their approach to supporting and/or justifying the ideas they are working with. Hobbes, Locke, and Rousseau were all political philosophers who did not feel the need to “test” their theories empirically. Durkheim, on the other hand, was a sociologist who viewed empiricism as one of the cornerstones of social science. And Durkheim’s final argument against social contract philosophy is that there is no “proof” that such social contracts have ever been made, no “facts” to be found that could sustain the theory.

To test his own theory of the significance of the division of labor in society and the natural progression from mechanical to organic solidarity, Durkheim looks at the types of legal sanctions that predominate in each type of society; types, which he claims, represent the different types of social solidarity. Durkheim describes two types of sanctions: repressive sanctions, which he asserts best represents mechanical solidarity, and restorative sanctions which best represent organic solidarity. In mechanical societies social solidarity is based on the collective consciousness of its members, and the rules or laws that are formed represent that collective consciousness. An act is labeled a crime, then, when it strongly offends the collective consciousness – in other words, everyone equally.

Because the social solidarity of the society relies solely on the cohesion of the collective consciousness, its members punish those individuals who threaten this cohesion by acting outside of the manner deemed appropriate by the collective consciousness. Mechanical

societies, therefore, are best represented by the repressive sanctions they use to maintain their solidarity. *Whose law is it and Why should it be obeyed?* Similar to Rousseau's legitimate society, the law is of the people and it should be obeyed for the good of the society; for, not to obey is to threaten the cohesion of society. *Why do men obey the law?* Men obey the law because of social solidarity and the bonds between the individual and his society. And, because through this solidarity, they agree with it: their will, incorporated into the collective consciousness, decided that the law should be made and obeyed.

In organic societies, on the other hand, solidarity is based on a division of labor and the rules or laws do not involve all members of the society equally. A violation of a rule or law in organic societies, then, does not threaten the cohesion of the collective consciousness; rather it threatens one relationship within the society and upon which the society is dependent. The purpose of the sanction meted out is to restore this relationship so that it does not disintegrate and have a dire effect on the society. Organic societies, therefore, are best represented by the restitutory sanctions they use to maintain their solidarity. *Whose law is it and Why should it be obeyed?* As in mechanical societies, the law in organic societies is of the people and it should be obeyed for the good of the society. To not obey the law in an organic society, however, is to threaten the delicate balance produced by the division of labor upon which that society depends. *Why do men obey the law?* Again, as in mechanical societies, social solidarity and the bonds between the individual and his society are what make men obey the law; in organic societies, however, they obey because they know that they are dependent upon each other, and not to obey them would upset the balance, which would in turn have negative consequences on the entire society, including their own relationships within it.

The move from Rousseau to Durkheim and from "philosophy" to "sociology" in looking for answers to these questions regarding law is a significant one with regards to our investigation of the roots of social control theories. The emphasis on positivist epistemologies within social scientific theorizing versus the emphasis on the history and development of ideas in philosophical theorizing precipitated a split and two distinct paths of inquiry, defined by different disciplinary and methodological approaches, tended to be the result. Theories regarding the questions 'Whose law is it?' and 'Why should it be obeyed?' remained in the purview of philosophy while the question 'Why

do/don't men obey the law?' moved on to the sciences, both physical and social. I am not suggesting that one can or should in fact establish a firm line of demarcation between philosophy and science – a long-standing discussion, of course, from Popper, Kuhn, and Quine forward in the Anglo-American context, and from Dilthey and Gadamer to Foucault, to name a few, in the European context. The point here is that Durkheim himself was writing at a time when sociology was inventing itself and social thinking was undergoing enormous change.

As already mentioned, Charles Darwin had published *Origin of Species* which was having a prodigious impact on both physical and social scientific theorizing, and Charles Sanders Peirce had founded a new movement within philosophy called pragmatism. William James, James Mark Baldwin, and Charles Horton Cooley, all important and influential social psychologists working within the new pragmatist tradition, were writing at the same time as Durkheim and links between his work and theirs are also unmistakable. In fact, Durkheim, who was actually formally trained in philosophy, is an interesting intermediary for this shift between the purely philosophical and the social scientific. With Durkheim we continue to see ways to answer the questions 'Whose law is it?' and 'Why should it be obeyed?' However we also see a distinct departure in the way the last question, 'Why do men obey the law?' is dealt with, and this leads us down the social scientific path.

We should recall, however, that control theories are differentiated from other criminological theories by the fact that they ask the question 'Why *do* (most) men obey the rules of society' rather than 'Why *don't* (some) men obey the rules of society.' In this vein, Durkheim's theory of social solidarity can, in fact, be considered an early version of a control theory. Though his purpose is not to explain criminal behavior, Durkheim does attempt to explain what makes a society function smoothly and why an anomic society (with higher rates of crime) might not.

Durkheim claims that societies develop and run smoothly due to the social solidarity, be it mechanical or organic, of its members. For Durkheim this social solidarity is the equivalent to the moral order of the society, and he looks at suicide and crime rates as indicators of the health of this moral order. Therefore, when the social solidarity is compromised, so too is the moral order compromised, which results in increased levels of suicide and crime. Durkheim believes that the social solidarity of pre-industrial, or mechanical, societies is unquestionable and based on common values and norms (the collective consciousness).

His purpose, then, is to explain how the social solidarity of post-industrial, or organic, societies continues without these common values and norms. His answer is that the social solidarity of organic societies is based on the division of labor itself and the mutual dependence that this entails. Either way, for Durkheim it is this social solidarity, arising either from common values and norms or from the division of labor, which moderates Man's individualism and makes him a "moral creature:" when the bonds of solidarity are weakened, problems with the moral order arise which then lead to increases in the suicide and crime rates of the society.

For Durkheim, two constructs were involved in the maintenance of social solidarity: Integration and Regulation. Today, looking at these constructs through a framework of the social control perspective as a whole, integration and regulation might be considered Durkheim's two "controls." For Durkheim, integration can be defined as the bonds an individual develops with his society through the common activities, norms, and values he shares with that society. Through integration, like-minded solidarity is developed in which the individual is naturally subordinated to the group. Durkheim uses agrarian societies, where all the individuals within the society have mutual interests, as examples of societies that are structured almost completely around integration.

Regulation, on the other hand, can be defined as the constraining regulative force of the society – i.e., the way society makes explicit its social values through the use of formal rules and laws. For Durkheim, then, individuals are "controlled," or kept from simply going after their individual interests, through a balance of integration and regulation which together lead to social solidarity. And, the weakening of the bonds that was occurring in his day (and, he would say, today as well) could be explained by the rapidity with which the industrialization of society was occurring, making the transition from mechanical solidarity to organic solidarity occur too rapidly for the morality associated with organic solidarity to develop properly and for Man effectively to adjust to this new moral order.

When discussing control theories, therefore, questions regarding the "true" nature of Man often arise. These questions are very much related to Hirschi's point that, while traditional criminological theory refuses to accept the centrality of Hobbes's question regarding why men obey the law, control theory understands that this is where criminological theory must begin. In fact, the reason that traditional

criminology has refused to accept the centrality of the Hobbesian question is precisely because of its implications regarding the true nature of Man: if control theories state that Man would naturally act in such a way as to commit crimes unless somehow “controlled,” is this not to assume that Man must, by nature, be “bad?” This idea is, of course, strengthened by the implications of the conception that some sort of “socialization” needs to occur for men to be controlled. And this idea that civilized Man stems from a process of socialization that individual men must go through harkens back to the social contract theories we have discussed, where the point at which Man agrees to the social contract – social contract theories’ form of socialization – Man is able to escape his natural state, the State of Nature.

Unfortunately, since the split between philosophy and sociology which began in Durkheim’s time, in-depth answers to questions concerning Man’s “nature” tend to be considered within the purview of philosophy rather than the social sciences – most likely, because of the difficulty in “testing” or “proving” such an elusive idea as the nature of anything. Although the majority of control theories, in fact, do not discuss this question, Durkheim, who as we have already noted straddles the two disciplines, faces it head on: “We start from the principle that man must realize his nature as man” (Durkheim, 1984/1897: 334).

This discussion of the nature of Man, and of society, found throughout his writings is where we see important links between Durkheim and the pragmatist social psychologists of his time, William James, James Mark Baldwin, and Charles Horton Cooley, whose works were foundational for George Herbert Mead and the theory of symbolic interactionism. Durkheim discusses collective, or social, life as something that does not arise out of the existence of men’s individual life, as the social contract philosophers before had believed. Instead, like these forerunners of symbolic interactionism, he claims that life as individual men emerged from life as Man within collective groups.

For Durkheim this is an important distinction because at the same time as he talks about Man within these collective groups he is talking about Man as a moral being. Since Durkheim believes that morality, or the moral order, is a function of the solidarity of men within the group, the only way for men as individuals to be moral is for them to emerge from and live within a collective group. Rather than focus on the morality of men, the symbolic interactionists focus on the individual’s sense of self and identity, which they claim is at all times relational,

social, and placed within a context of interaction. In both theoretical viewpoints, however, the same main point is clear - that men are not stable, in Durkheim's case moral, individuals that came together to form societies, but dynamic beings whose social life and interactions help the individuals themselves to emerge. So, for Durkheim and the early symbolic interactionists, the "true nature" of Man is one of sociability, or being a part of society.

The development of control theory

Though Durkheim may be considered an early social control theorist, control theory as a distinct perspective did not really emerge until the early 1950s. Within this span of approximately half a decade sociology developed as a discipline very distinct from philosophy, and the question 'Why do men obey the law?' became very much separated from the questions 'Whose law is it?' and 'Why should it be obeyed?' Control theories themselves focused much more on what, exactly, were the controls that were keeping individuals from breaking the law rather than on trying to understand the development of the controls and the society within which they were or were not working. In other words, the focus of control theories became centered exclusively on the Hobbesian question 'Why do men obey the law?' and their answers all focused on controls that are informal and which can be (or need to be) explained by reference to a socialization process of some sort.

Albert Reiss

In 1951 Albert Reiss published "Delinquency as the Failure of Personal and Social Controls" and kicked off the beginning of what was to become one of the foremost groups of criminological theory, the social control perspective. According to Albert Reiss's 1951 theory of personal and social controls, social control, or enforcement of rules by the social group, reinforces the internalization of these rules, which leads to personal control:

Delinquency results when there is a relative absence of internalized norms and rules governing behavior in conformity with the norms of the social system to which legal penalties are attached, a breakdown in previously established controls,

and/or a relative absence of or conflict in social rules or techniques for enforcing such behavior in the social groups or institutions of which the person is a member. (Reiss, 1951: 196)

For Reiss, the controls are vaguely defined as “the ability of social groups or institutions to make norms or rules effective” (social control, Reiss, 1951: 196), or the “internalization” of the norms and rules that the social group feels it needs to control (personal control). The socialization process by which this internalization occurs is based on one of providing non-delinquent social roles and a moderate system of negative and positive reinforcements (i.e. punishment and reward) pertaining to delinquent and non-delinquent behavior. This internalization occurs best when the family is “meeting the needs of the child” (Reiss, 1951: 198) economically, and when the family is structured in such a way that the child can identify with his or her conforming family members.

With his view that personal controls are a result of the internalization of social controls, Reiss is explicating a very different conceptualization of control than that proposed by Durkheim. Though the term integration is often related to that of internalization, Durkheim’s use of the term meant something very different. For Durkheim, the collective consciousness refers to ideas and symbols which are not only widely accepted by society, but whose social force stems from the fact that they were collectively created and developed through the interaction of all of the members of the society. Remember that, for Durkheim, the social values of the society did not need to be made explicit for integration to occur, only for regulation to occur.

Reiss’s notion of personal control, on the other hand, being the result of the internalization of social controls, implies that the social control was created outside of the sphere of the individual needing to be controlled, and it needs to be integrated, through internalization, by the individual. From the use of such terms as superego controls and mature ego ideal in relation to the internalization of the controls of the family and social group the individual comes from, the reader can infer, instead, a reliance, even if only superficial, on a Freudian psychoanalytic framework. Reiss wrote this theory, however, as a way to predict future delinquent acts, not as a way to explain what causes delinquency. And what, exactly, he means by the notion of internalization, or how this process of identification with non-

delinquent social roles actually works, is not explained. The importance of providing an explanation, however, will be discussed in the following chapter.

Jackson Toby

In 1957, Jackson Toby published a theory of social disorganization in which he introduced the concept of stakes in conformity. In this paper Toby claimed that it was not an impulse to act in ways that violated the law that differentiated law-abiding and law-breaking youth, but rather the youths' stakes in conformity:

Clinical study reveals that the impulses to steal and murder and rape are universal. Apparently, the difference between the law-abiding adolescent and the hoodlum is not that one has impulses to violate the rules of society while the other has not. Both are tempted to break laws at some time or other - because laws prohibit what circumstance may make attractive... The hoodlum yields to these temptations. The boy living in a middle-class neighborhood does not. (Toby 1957: 16)

The question that Toby is interested in answering is why, given this universality, do some youngsters "yield to these temptations" while others do not? His answer lies in the individual's stakes in conformity, which give the potential delinquent something more than formal sanctions to consider if he were to get caught doing something wrong. In essence, what he has to lose is far more than the unpleasantness of the formal sanction; he must worry about losing the social approval he has worked hard to gain, as well as the potential for jeopardizing his future prospects for a good life:

The middle class youngster...usually has social approval... [And], he has a basis for anticipating that this will continue... If he applied his energies to burglary instead of [conventional work]... he would risk not only the ego-flattering rewards currently available but his future prospects as well... In short, youngsters vary in the extent to which they feel a stake in American society. For those with social honor, disgrace is a

powerful sanction. For a boy disapproved of already, there is less incentive to resist the temptation to do what he wants when he wants to do it. Usually, the higher the socio-economic status of the family, the more the youngster feels he has to lose by [engaging in] deviant behavior. (Toby 1957: 16)

Though Toby's explanation of delinquency is an attempt at an individual-level explanation, explaining differential delinquency rates between individuals rather than simply between whole communities, his theory does take into account the type of neighborhood the youngster grew up in, and explains why youngsters who grow up in middle-class neighborhoods are less susceptible to giving in to their delinquent impulses than those from lower-class neighborhoods. The explanation is simple: for the child who grows up in the slum, his stakes in conformity will be tenuous due to a general disorganization of his family life, his education, and his social community. For Toby, then, his controls are easily defined as what the individual has to lose, both economically and socially, if he gets caught acting delinquently. The socialization process itself, through which these controls are functionalized, however, is never explained. For example, Toby tells us that "a youngster needs a larger stake in conformity in the slum than in the suburb in order to resist temptation" (Toby, 1957: 17); however, he does not tell us how so many individuals in the slum manage to develop enough stakes in conformity to stay out of trouble while others do not. Likewise, he does not explain how some individuals in the suburb do not develop enough stakes in conformity to stay out of trouble while the majority does. What he does tell us is that there is a "social component to stakes in conformity" (Toby, 1957: 17). The implication is that some form of socialization is occurring which involves social support, as well as the opportunity to do well. Without an explanation of the socialization process, however, we are left to wonder how these stakes in conformity develop within the individual.

F. Ivan Nye

In 1958, one year after Toby published his theory of social disorganization, F. Ivan Nye published a theory that focused on how family structure and parent-adolescent relationships affect delinquency and postulated that the family was the most important agent of social control over adolescents. According to this theory, the family uses four

modes of control which are well defined and mutually reinforcing: direct control, or threat of punishment; internalized control, or self-regulation through a process such as conscience; indirect control, or fear of embarrassing and/or disappointing one's parents; and control through alternative means of need satisfaction, or the availability of alternative means to achieve one's goals.

Nye's project was much more expansive than was Reiss's or Toby's and included research using primary survey data directed at how family structure and parent-adolescent relationships affect delinquency, which he then explained through the use of his four modes of control. Though Nye alludes, throughout this work, to a socialization process, particularly in relation to his internalized and indirect controls, the process itself remains rather vague. Affectional identification is discussed as the most important element for indirect control: if you believe in the same values as your parents do, and you respect and have affection for them, you will not want to embarrass or disappoint them by behaving in such a way as to go against your shared values. Nye discusses a number of things that may lessen these affectional ties, such as discipline and punishment, freedom and responsibility, amount and nature of time spent with parents. Nye neglects, however, to spell out the process of identification that leads to the affection itself. Rather, he spells out only ways in which it can be interrupted. Nye's discussion of internalization is most detailed when he is discussing discipline and punishment:

If [discipline] is absent...the child...lacks a set of clear-cut parental expectations to which his parents obviously attach importance and which might be incorporated into his personality as internalized controls. If it is unfair or if partiality is shown, it may be associated with an ambivalent or negative attitude toward the parent which...is thought to make it difficult for the parent to act as an agent in the formation of an adequate conscience in the child [and] prevents the adult from serving as a model to be imitated by the child. (Nye, 1958, pp. 79-80)

Here, Nye refers to modeling as an aspect of the socialization process that leads to the incorporation and internalization of the parents' values (and society's mores). He does not, however, discuss the process by

which this modeling may or may not lead to internalization. This concept of modeling clearly involves more than simple imitation, but it does not explain how the attached importance of parental expectations is incorporated into the child's personality. For Nye, the *process* by which internalization occurs seems unimportant, as long as he can show that there is a category of control, which he labels internalized control, and which seems to account for a lower degree of delinquent behavior in adolescents. Because of his reliance on terms such as internalization, identification, and incorporation we may assume that, like Reiss, Nye is relying on a background of Freudian psychoanalytic theory to help explain the socialization process that he, himself, does not detail.

Walter Reckless

In the late 1950s and throughout the 1960s, Walter C. Reckless published his containment theory, which listed changing factors of outer containment and, much more important to Reckless, factors of inner containment – such as self concept, or one's image of oneself as a law-abiding individual; goal orientation, or a sense of direction in life towards legitimate goals and aspirations; frustration tolerance, or one's capacity for coping with life's frustrations; and norm retention, or one's identification with, and acceptance of, the legitimate values, norms, and customs of society. For Reckless, "insulation [the result of social controls] against delinquency...may be viewed as an ongoing process reflecting an internalization of non-delinquent values and conformity to the expectations of significant others" (Reckless, 1956: 746).

As with the other social control theorists that came before him, Reckless did not spell out the socialization process involved with developing these inner containment factors, or how and why this process of internalization works. Reckless admits this and states that a self image "may have been acquired by social definition of role from significant figures in his milieu, such as a mother," it may be a "by-product of effective socialization of the child," or perhaps it is a result of positive social experiences, such as acceptance, from past behavior (Reckless, 1956: 746). Reckless does, however, define some of his concepts in such a way as to make it clear that his conception of internalization does not rest on a Freudian psychoanalytic framework but perhaps on an Eriksonian psychoanalytic one, which itself is related to the works of James Mark Baldwin, Charles Horton Cooley, and George Herbert Mead – i.e., the framework of symbolic interactionism,

where the emphasis is moved from the development of a static personality within the individual, through the means of internalizing fixed social factors, to the development of a dynamic personality within the individual, through the means of ongoing interpretations of the interactions between the individual and others of his society:

Concept of self and other contains the impact of life on the person as he has internalized his experience. In other words, it consists of the residues of attitudes and meanings accumulated through the interaction of a certain organism or constitution in interpersonal relations. Appropriate or inappropriate concept of self and other together comprise a modal socio-psychological development... (Reckless, 1957: 570)

Travis Hirschi

Finally, in 1969, Travis Hirschi published what was to become the theory most identified as a theory of social control. Hirschi's bond theory is based on the proposition that "delinquent acts result when an individual's bond to society is weak or broken" (Hirschi, 1974/1969: 16). In his theory Hirschi describes four principle elements to this bond: attachment, or the affection for and sensitivity one has to others; commitment, or the investment one has in conventional society; involvement, or the amount of time and energy devoted to a given set of activities, and; belief, or the endorsement of general conventional values and norms. When the adolescent's bond is strong, he/she will not commit delinquent acts; however, a weakness in any one of these elements will lead to a potential for the inevitable – deviant behavior.

As stated earlier, social control theory can be distinguished from deterrence theory by its reliance on informal, rather than formal, controls. For most social control theorists before Hirschi – and, for that matter, after him – this informal control was linked to some conception of internalization, often of the social norms/mores. Hirschi's theory of social control, which he called bond theory, was radically different because of his explicit argument against internalization:

But what does it mean to say that a person has internalized the norms of society? The norms of society are by definition shared by the members of society. To violate a norm

is, therefore, to act contrary to the wishes and expectations of other people. If a person does not care about the wishes and expectations of other people – that is, if he is insensitive to the opinion of others – then he is to that extent not bound by the norms. He is free to deviate...

The essence of internalization of norms, conscience, or superego thus lies in the attachment of the individual to others. This view has several advantages over the concept of internalization. For one, explanations of deviance based on attachment do not beg the question, since the extent to which a person is attached to others can be measured independently of his deviant behavior. Furthermore, change or variation in behavior is explainable in a way that it is not when notions of internalization or superego are used. (Hirschi, 1974/1969: 18-19)

So, where the early social control theorists were psycho-social in nature, Hirschi de-emphasized the psychological and tipped the balance towards the sociological. More specifically, Hirschi acknowledges the reliance of prior social control theorists on a Freudian psychoanalytic theory of socialization and explicitly replaces these psychoanalytic constructs with constructs he describes as being sociological in nature: "If attachment to others is the sociological counterpart of the superego or conscience, commitment is the counterpart of the ego" (Hirschi 1969: 20). This brings us back once again to the Hobbesian question 'Why do people obey the law?' and its relationship to conceptions of the "true" nature of Man. What Hirschi wants understood is that these previous theories of social control, while claiming (or feigning) to answer the Hobbesian question, are in fact unable to truly extricate themselves from the traditional criminological notion that "man is a moral animal who desires to obey the rules" (Hirschi, 1974/1969: 5). The difference is that traditional criminological theories seem to claim that this morality is inherent to Man, that he is born with it, while these early theories of social control seem to state that this morality is ingrained in men at a very early age, and become an internalized and integral part of him.

In order to avoid talking about issues of socialization, Hirschi focuses on the development of social relationships. This would appear to simplify social control theory immensely, as the issue of internalization and socialization seems to have been a bit of a problem

for social control theorists in the past (illustrated by their lack of any detailed discussion or explanation of these issues, as discussed above). The theorist has to ask, however, if it is possible to detail a theory of crime or delinquency without referring to a socialization process at all.

In the case of Hirschi's bond theory, how, exactly, do these bonds develop? In discussing the child's attachment to his parents, Hirschi states that "the closer the child's relations with his parents, the more he is attached to and identifies with them, the lower his chances of delinquency" (Hirschi, 1974/1969: 94). What does this identification with parents entail? What leads one to feel affection for others? Why does one endorse the conventional values of his society? It is important to note here, however, that denying the need to understand the process of socialization is not the same as denying the fact of the process. And, Hirschi does not state that no socialization is taking place, but simply that the process of socialization cannot be empirically measured, and so should be avoided by the theory (Hirschi, 1974/1969: 87-88). In other words, Hirschi is a behaviorist of sorts and is simply claiming that such inner workings of the individual should not be the focus of research.

The question then is whether we can accept a theory that, on purportedly methodological grounds, ignores, whether explicitly or not, questions of how such informal controls develop. On the one hand, the desire to be able empirically to test every aspect of one's theory is understandable. While on the other hand, assumptions that are not empirically testable are inherent in any theory of social behavior. Without a discussion of how and why informal controls might work, the empirically founded knowledge that certain informal controls are associated with non-delinquent behavior while lack of these controls is associated with delinquent behavior can not possibly give us a full understanding of social control.

Michael Gottfredson and Travis Hirschi

In 1990 Michael Gottfredson and Travis Hirschi published *A General Theory of Crime*, which changed the focus from social controls to self-control. According to this theory all acts of crime can be explained by the availability of an opportunity to commit the crime coupled with one variable, low self-control, which is a consequence of ineffective or incomplete socialization, especially ineffective child rearing where the child's behavior is not monitored and where any deviant behavior is not

immediately recognized and punished. Like Hirschi's previous theory, this theory is an attempt to simplify theories of social control (or, all theories of crime, for that matter). In 1969 Hirschi attempted this simplification by discarding any notion of internalization and foregoing an explanation of socialization. In 1990, Gottfredson and Hirschi attempt this simplification by saying that socialization is everything – when done properly, it leads to the inculcation of external controls resulting in the development of self-control. The question remains, however, 'How and why does this socialization occur?'

Like Hirschi does in his 1969 theory, Gottfredson and Hirschi claim that, because socialization itself cannot be empirically tested or measured, it does not need to be explained in detail. Instead, they simply spell out "the conditions necessary for adequate child-rearing to occur[:]...(1) monitor the child's behavior; (2) recognize deviant behavior when it occurs; and (3) punish such behavior" (Gottfredson and Hirschi, 1990: 97). They explain to us that "control theories...suggest that disapproval by people one cares about is the most powerful of sanctions" (Gottfredson and Hirschi, 1990: 99); but, they do not explain why disapproval by people one cares about is such a powerful sanction. They tell us that "in infancy and preadolescence it [control theory] is a theory of socialization and social control" (Gottfredson and Hirschi, 1990: 115); but, they do not explain how social control in infancy and preadolescence affects socialization and leads to self-control.

Without an explanation of a socialization process, self-control theory seems best suited for prediction, but it risks being a tautological argument: lack of self-control is the evidence of inadequate socialization. But this is not an explanation of what socialization is or of how it works. As Gottfredson and Hirschi themselves state: "Our perspective asserts that crime can be predicted from evidence of low self-control at any earlier stage of life...[and] that low self-control can be predicted from crime at any earlier stage of life" (Gottfredson and Hirschi, 1990: 119).

Harold Grasmick and Robert Bursik

In 1990 Harold Grasmick and Robert Bursik published a paper that postulated that theories of deterrence and theories of (informal) social control should be combined and understood as theories of rational choice. This is, of course, in marked contrast to what was said earlier,

that for social control theories, conformity must be brought about by social processes *other than formal deterrence*. Historically, deterrence theories looked at the legal system as a means of controlling the behavior of individuals who are members of the society over which enforcement prevails as a consequence of utilitarian calculations of cost and benefits. The assumption is made that individuals weigh the costs and benefits of breaking the law before committing any illegal act. The benefits are what the individual perceives he has to gain from committing the crime and the costs are threats of legal sanctions such as fines and imprisonment. By threatening the members of society with these legal sanctions if they break the law, the legal system expects individuals to conform to its rules so as to avoid such costs. Grasmick and Bursik argue that the informal sanctions of social control theories are simply additional costs in the utilitarian calculations of costs and benefits that the individual makes when deciding whether to commit a crime or not.

Grasmick and Bursik distinguish, as well, between two types of informal sanctions, defining them as the socially imposed and the self imposed costs of violating the law. These categories, or types, can be seen as an attempt to combine, by redefinition, many of the informal controls outlined in the earlier theories of social control. According to these theorists, the socially imposed costs of crime are embarrassment and the loss of respect of those whose opinions matter to the agent; and self imposed costs are feelings of shame or guilt stemming from the individual's conscience. By combining deterrence and social control theories into a theory of rational choice, Grasmick and Bursik seem to think that they can avoid the need to discuss a socialization process. After all, rational choice is simply about utilitarian calculations. However, the question remains: 'How does the socialization process affect how one calculates the costs and rewards associated with a behavior?'

If the development of a conscience is an important aspect of the theory (as it is in relation to the self imposed costs), we are still left with the questions of what this conscience actually is and how it develops. Grasmick and Bursik refer to conscience as stemming from the internalization of societal norms, and the self-imposed costs of breaking the law as the shame or guilt that accompany an offended conscience. However, this appears to be a rather superficial answer to the questions above, as we are no closer to understanding why

individuals feel shame and embarrassment. For example, according to Grasmick and Bursik, we feel guilt because our conscience (the internalized norms of a society) is offended. However, how we internalize these norms or what the internalization means is left unexplained.

With the undefined use of such terminology as internalization and conscience, one might assume a reliance on Freudian psychoanalytic theory as a theory of socialization to help explain how informal controls work to deter individuals from committing delinquent or criminal acts. However, without an explanation of what the process of internalization is, how the individual internalizes societal norms, and how the conscience is actually developed, it is difficult to know what theory of socialization they are relying on. The use of the terminology, however, does indicate a reliance on some notion of socialization, bringing this theory beyond one of simply deterrence.

Conclusion

In conclusion, we return to the questions posed in the introduction: 'Whose law is it?' and 'Why should it be obeyed?' Traditional control theories, it must be said, do not do a very good job at answering the first of these two questions. The assumption seems to be that society makes the laws in order to control our naturally bad instincts and behavior. However, who within society decides what behaviors to make legal and illegal, and why, is not answered (perhaps because this remains within the purview of political philosophy). Control theory seems to assume, as well, that these laws *should* be obeyed because they are "right," and we accept and agree that we *need*, somehow, to be controlled. What we can infer from the fact that control theories do not address these questions is that they do not believe these questions to be important ones in the search for answers to what they consider to be the paramount question, 'Why do men obey the law?' Perhaps, due to the split between philosophy and sociology, they view these questions to be "political" or "philosophical" rather than "social scientific" in nature. (The nature and impact of this split – methodologically and epistemologically considered – is not, however, the primary focus of this analysis.)

So, *Why do men obey the law?* According to traditional theories of social control, men obey the law because they are being "held in check" by informal controls (of which each theory lists its own) which

generally bond the individual to society in some way. If these bonds are weakened, the individual will no longer have reason to obey the law and so will, most likely, not do so. This sounds very much like our answer to this question *à la* Durkheim: social solidarity and the bonds between the individual and his society are decisive. The difference, however, is great simply because Durkheim's answer is very much related to his answers to the two previous questions which our control theorists do not answer. Remember that, for Durkheim, the moral order of a society and its social solidarity are very much dependent upon each other: according to Durkheim, the moral order of a society is a function of its social solidarity. Because the laws that a society makes must be a function of its moral order, they are also, then, a function of its social solidarity. So, if men obey the law because of their social solidarity, it is also their law, which should be obeyed because of this same social solidarity. In other words, the answers to the questions 'Whose law is it,' 'Why should it be obeyed,' and 'Why do men obey the law,' for Durkheim, are interdependent.

The similarities between Durkheim and our control theorists of the 1950s and forward should not be made light of, however. The theoretical lineage of social control is one of the concerns of this book and Durkheim plays a vital role in that lineage - not simply because he may be considered to be the grandfather of control theory, but because he is an important link for us in the move from the philosophical theorizing of the social contract philosophers to the far more positivist social scientific theorizing of the theorists of social control.

