

CHAPTER 1

Introduction

Criminological theories can be divided and categorized in a number of different ways: positivist or classical; macro or micro; biological, psychological, or sociological. Historically, the primary theories within criminology, since criminology became a distinct discipline, have been positivist macro-sociological theories. The questions they have tended to ask include ‘Who commits crime?’ and ‘Why?’ or, more specifically, ‘Why don’t (some) men obey the law?’ And the answers they provide are efforts to explain why certain individuals go against the grain and do not obey the law. These theories have been guided by the assumption that people, by nature, are “good” and would naturally obey the law. The reason some do not obey the law is then explained by the theory - e.g., human ecology and social disorganization (*à la* Park and Burgess, Shaw and McKay), anomie and strain (*à la* Robert Merton), learning and differential associations (*à la* Tarde, Sutherland), etc.

In the 1950s, however, a group of theories began to develop which looked at criminal behavior very differently. Instead of assuming that humans, by nature, are “good,” they seemed to assume that humans, by nature, are “bad” and that they needed to be controlled. And, instead of trying to understand what led people – who by nature would be perfectly law-abiding – to be criminals, these theories looked at what kept people – who by nature *would* break the law – from committing crimes. Because of the emphasis these theories placed on the notion of control, these theories came to be known as control, or social control, theories, and each theory developed its own list of what it believed was

necessary for the controlling of human beings, such as bonds, personal controls, internalization, or conscience.

Because traditional theories of crime generally assumed that conformity and obedience to society's laws are natural, while control theories assume that nonconformity and crime and delinquency are to be expected when social controls are not in place or not effective, control theories are often labeled as theories of conformity. To label control theories as theories of conformity, however, is to miss one of the fundamental messages of these theories – that conformity must be brought about by social processes other than formal deterrence. That is to say, theories of social control are to be distinguished from theories of deterrence, and the main distinguishing factor is that where theories of deterrence are based on formal controls and the fear of formal sanctions, theories of social control are based on informal controlling forces that work through a process of socialization. Just what these informal controlling forces are differs from one control theory to the next. What remains stable, however, across all control theories, is that these assumptions of informal controlling forces must rely on some process of socialization. So, instead of asking the question 'Why *don't* (some) men obey the law?' control theories ask the question 'Why *do* (most) men obey the law?'

The simple fact that there is law reveals the need for law, or rules, of some kind: if everyone agreed on how to behave at all times, there would be no need for rules which told people how not to behave. Jean-Jacques Rousseau puts it succinctly when he says in "A Discourse on Inequality:" "a country in which no one evaded the laws or abused the magistracy, would need neither laws nor magistrates" (Rousseau, 1988/1755: 52). The question that separates control theorists from other criminological theorists is whether these laws were designed to control the natural impulses of all men or whether they were designed to demarcate that minority of individuals who are guided by abnormal, unnatural, or wrong impulses to commit acts that the majority, guided by natural or right impulses, agrees to be wrong. In other words, is the behavior that the law attempts to control behavior that is natural to all human beings, behavior that is to be expected *unless* controlled, or is it the behavior of abnormal individuals?

All of these questions, of course, have in common the assumption that "the law" is something to be obeyed. In other words, not only does the simple fact that there are laws imply the need for them, it also then implies the need for them to be obeyed and the responsibility of

society's members to obey them. The obvious questions which stem from this assumption, and the ones which conflict theorists – those theorists whose interest is not in the criminal individual but in what makes a society label one individual or one act as criminal – ask is 'Whose law is it?' and 'Why *should* it be obeyed?' So, conflict theorists focus on who has the right to make the laws, who gave them that right, for whose advantage the laws are made, and to whose advantage they are obeyed; while traditional (and control) theorists might assume that all behaviors which come to be labeled as "criminal" are deviant and unnatural (or "bad") and that the laws are written simply in order to deal with (control) these few members of the society who behave deviantly or unnaturally (or badly). Moreover, traditional and control theorists seem to assume that the laws are written for the good of the society and that they are written by individuals, or groups of individuals, who have the society's best interests at heart.

In trying to understand how a society controls its members (that is, keeps them from breaking the law) however, it becomes necessary to understand how that society justifies its laws to those individuals who are inclined to disobey them. For, if an individual is inclined to disobey a law of his society, in order to understand why he might follow through on such an inclination, the question arises as to whether he does not believe the law should apply to him, or indeed to anyone within that society. In other words, traditional criminologists are not so much interested in individuals who behave in a manner which they themselves assume to be lawful, though it may not be; they are interested in those individuals who knowingly and willfully break the laws of their society. And, by the same token, control theorists are not interested in those natural – one might say instinctual – behaviors of individuals that happen to be in line with the law, they are interested in how a society keeps its members from acting out their natural or instinctual behaviors when those behaviors would break the law. So, as we try to better understand the historical and theoretical bases for theories of social control, we need to ask not only the questions 'Who obeys (or does not obey, as the case may be) the law?' and 'Why?' we need also to ask 'Whose law is it?' and 'Why *should* it be obeyed?'

According to traditional criminologists, the law is simply a formal extension of what the majority of men agree to be natural and correct behavior; and, for men who behave naturally, the laws should be easy to follow, while, for men who are deviant and unnatural, the laws may

be difficult to follow. Control theorists, on the other hand, believe that the desire to act in such a way as to break the law is natural, and that behavior that stems from obeying the law is unnatural but necessary for the smooth running of society. Because control theorists do not believe that laws are simply a formal extension of what is natural behavior, the questions of whose law it is and why it should be obeyed become both more important and more difficult to answer; for, whether one supports the smooth running of society depends upon whether one supports those who are running it.

In an attempt to come up with plausible and defensible answers to all of these questions, we will conduct an historical and theoretical analysis of both current and past theories of social control and the basic assumptions upon which these theories rest. What we will find is an historic inability or disinterest of control theories fully to answer these questions. In an effort to support the prominence and currency of control theories as an explanation of criminal behavior, we will then discuss how a theory of social control might be built that both answers these questions and explains criminal behavior.