The modernist myth in criminology

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Abstract

In this contribution, Hirschi’s widely influential social bond theory is criticized on logical and theoretical grounds. Central to this critique is the fact that the social bond theory defines crime and the criminal as not being part of (‘conventional’) ‘society’. In that respect, the social bond theory is seen as merely one exponent of what may be called ‘modernist’ criminology. Characteristic of modernist social theory is an abstraction from the social, which presupposes certain legitimized social constructions of ‘society’ to be naturally what society consists of. Thus, in scientific, political and popular discourse, ‘reintegration’ of the criminal can be propagated. This article questions such modernist, static, yet taken-for-granted conceptions of ‘society’, ‘crime’ and ‘integration’, calling instead for a study of the structural relations that separate the normal (‘society’) from the criminal.

Key Words

control theory • criminological theory • modernism • Travis Hirschi

Among the better studies of delinquency, then, inconsistency is not, in my opinion, a serious problem.

(Hirschi, 1969: 243)
If research on the structural determinants of delinquency is to increase our understanding, it is going to have to take a much more aggressive and skeptical stance toward its own theories.

(Hirschi, 1969: 243–4)

Introduction

Few other theories have been as influential in criminology as Hirschi’s social bond theory, as expressed in his *Causes of Delinquency* (Hirschi, 1969). This theory has been very widely discussed and empirically tested. So why bring it up again? Because its influence is still huge, because it is still a dominant perspective in empirical research and especially because I feel that there are good reasons for reviewing the assumptions of this theory. I will therefore criticize Hirschi’s theory taking a perspective which appears to have been rarely adopted up to now. Basic to this approach is the idea that the flaws of many ‘classic’ criminological theories, of which Hirschi’s social control theory is but one, are due to their static conceptualizations of what can be said to be a central consideration: the idea of ‘society’. Many theories are based on modernist conceptions of society, and have accordingly incorporated static binary oppositions of which those differentiating the ‘conventional’ from the ‘criminal’, or the ‘conforming’ from the ‘deviant’, are the most notable examples. Perhaps such theories were acceptable in times when the idea of ‘modern’ society was accepted, but there are, certainly today—in what may be a crisis of modernism, a start of postmodernism, a crisis of postmodernism or whatever label is pinned upon it—several substantial reasons for a rethinking of the validity of the underlying differential relations in social theory.

From this perspective, Hirschi’s theory can be seen as just one symptom of a mistake often made in social scientific discourse in general, and thus also in criminology and in Hirschi’s subsequent efforts to find the causes of delinquency, i.e. the self-control theory. It consists of mistaking social constructions of reality for natural states of affairs, and this theoretical flaw—the appearance of which in everyday life is in fact one of the things the social sciences ideally uncover, to *defamiliarize*, as Bauman (1990: 15) puts it—is intertwined with what can be called ‘popular’ discourse. My experiences are based largely on the Dutch situation, which is the situation that is most familiar to me when it comes to the act of defamiliarizing. First I want to show how Hirschi’s theory is a modernist theory *par excellence*, in that it involves a conception of ‘society’ that is only thinly conceptualized and one that offers a highly static perspective on the relations between delinquent and society. I will contend that the social bond theory has a tautological form, as a result of which Hirschi sets the criminal apart from society beforehand. The second part of this article then links the modernist conception of society in social scientific use to a similar popular use of the idea of society. It is contended here that this use of the concept
of society, which separates ‘society’ from the criminal (or in general: from those not fully ‘integrated’), draws a caesura through what ‘society’ would be from a sociological point of view. This separation between ‘society’ and its ‘outside’ takes the form of a binary opposition in which only the legitimate (legitimated) difference between the two is constitutive of their meaning. In so differentiating, it functions as a mechanism of social inclusion and exclusion.

The perspective offered in this second part of the article to account for this ‘modernist myth’ is a relational one, based largely on the work of Bourdieu, but also present in Durkheim’s writings. In searching for a sociological understanding of the static conception of society encountered in scientific and popular discourse, a counterperspective is offered that does not claim absolute validity, but that does confront Hirschi’s theory with some severe problems.

**Hirschi’s theory**

The assumption that those who read this will be familiar with Hirschi’s story in *Causes of Delinquency* is no doubt justified. Therefore, I shall restrict myself to a brief review of what can be called the theory’s core, while analysing the conceptual steps Hirschi takes in this theory. In first commenting on the ‘elements of the bond’ several ingredients of the basic flaw in Hirschi’s theory are encountered. They are:

1. A definition of terms resulting in a theory in tautological form.
2. A conception of morality as something purely oppressive, and an anthropological view of man as essentially immoral.

**Attachment**

Hirschi states that sociologists have justly emphasized the idea that man has a certain sensitivity to the opinion of others. However, he regrets the fact that many theories exclude sensitivity to others when it comes to deviant behaviour. So Hirschi does take man’s ‘animate’ sensitivity to others into account, but he does so asymmetrically. Were he to apply the idea of sensitivity to others in a symmetrical way, he would probably end up with a theory not far away from Sutherland’s differential association theory (Sutherland and Cressey, 1978) or from Akers’ differential reinforcement theory (Akers, 1985). Why would kids growing up amid crime, running a high risk of growing up in crime, be any less sensitive to others? It seems, then, that Hirschi has a predisposed notion of exactly which ‘others’ we are talking about, for ‘sensitivity to others’ is a rather general assumption. And the fact that Hirschi implicitly means ‘sensitivity to others with conventional ideas’ is symptomatic of an underlying assumption. This assumption will be further elaborated on later. For now, it suffices to note that ‘sensitivity to others’ is apparently lacking in cases of delinquency.
when applied within psychology, the lacking of such an ‘attachment’ is not a symptom of psychopathy; it is psychopathy (Hirschi, 1969: 18). Thus, individuals who have little attachment to others, who are not very sensitive to others, who are in this respect relatively autonomous, are pathological and prone to delinquency. Or, when the implicit is made explicit and ‘attachment’ is taken to be attachment to ‘conventional society’, then this would include all kinds of statistically deviant groups, even monks, in a picture of people prone to delinquency. The only way out of this seems to be to say—in highly static definitions—that ‘conventional’ means ‘non-delinquent’, while ‘delinquent’ means ‘non-conventional’. That is indeed what Hirschi’s theory assumes. So what already becomes visible is a tautological form—that will be elaborated on later—of the kind: ‘People less engaged in conventional activities will be more engaged in non-conventional activities’.

Commitment
Commitment refers to the idea that rules are obeyed out of fear for the consequences of not doing so. The question that can be raised here is whether this commitment should in fact be replaced by ‘belief’, which Hirschi justly assumes to be an element of ‘the’ bond as well. Because if we try to clarify the concept of commitment in relation to the daily experience of the phenomenon to which it is thought to refer, then it is highly questionable if it is fear of punishment that prevents people from breaking rules. Is this Hobbesian consideration really what makes us not violate the law? Or is it rather the fact that the world-taken-for-granted simply consists of conventional acts for he who ‘conforms’, and of non-conventional acts for those that ‘deviate’? Is the only thing that prevents Travis Hirschi from shooting Gilbert Geis in the head the fact that Hirschi is afraid he will spend the rest of his life in jail? I don’t think so, and Geis certainly hopes not. Such a definition of the idea of commitment would mean that morality is something purely oppressive, and that man, moreover, is deprived of any intrinsic morality.

Involvement
The idea of the concept of ‘involvement’ is that someone busy in conventional activities will necessarily be unable to engage in non-conventional activities, simply because of a lack of time to do so. Again, this implies the fact that, in principle, man is immoral: ‘Many persons undoubtedly owe a life of virtue to a lack of opportunity to do otherwise’ (Hirschi, 1969: 21). Apart from that, it seems that Hirschi ignores the fact that much criminal activity goes on not between 9 and 5, but outside the parameters of ‘conventional’ daily activity. Furthermore, violence and theft in school, at work and at home are perfectly combinable with the pillars of what is, for
Hirschi, ‘conventional society’. In fact, the home provides a perfect way for the husband to violate the law in treating his wife in a certain way, and the office provides an opportunity for those who want to make some extra money, just like the school provides a better opportunity than any other place to steal a pair of sneakers in the right size, that is for those that want to steal sneakers. It can, furthermore, be argued that crime on many organized levels occurs only by virtue of the ‘conventional’ framework in which many organizations are shaped. The government constitutes a perfect setting for fraud, and multinational companies are sometimes very skilful in employing underage children, in polluting the environment or perhaps even in silencing opposing voices. According to Hirschi’s conceptualization of the ‘conventional’, such actions are clearly that. The ‘conventional’ and the ‘non-conventional’ are thus much more interwoven than Hirschi assumes. Persons can be perfectly ‘bonded’ to what Hirschi calls conventional society, while at the same time engage in what are said to be non-conventional activities. The fact that Hirschi does not account for this is due to his static conceptions of both terms.

Another matter is that it cannot be all that hard to find the time to engage in delinquent behaviour, since, as far as Hirschi and Gottfredson are concerned, nearly all crimes are ‘mundane, simple, trivial, easy acts aimed at satisfying desires of the moment’ (quoted in Geis, 2000: 37).

Belief

‘The question is, “Why does a man violate the rules in which he believes?” It is not, “Why do men differ in their beliefs about what constitutes good and desirable conduct?” ’ (Hirschi, 1969: 23). And: ‘... the control theory assumes the existence of a common value system within the society or group whose norms are being violated’ (1969: 23). When these are combined with the statement that ‘We assume ... that there is variation in the extent to which people believe they should obey the rules of society, and, furthermore, that the less a person believes he should obey the rules, the more likely he is to violate them’ (Hirschi, 1969: 26, emphasis in original), it leads to a paradox: ‘a man’ violates the rules in which he believes; people that are likely to violate those rules are people who believe in them less. It seems Hirschi’s argument takes a strange turn here. This is probably due to the fact that he assumes there to be something like ‘the rules of society’ in the sense of a static set of rules which apply equally to all members of society. First of all, such an idea rests on a neglect of the social world. Clearly it would be a mistake to assume that ‘rules’ apply to all people equally, since people occupy different positions within the social space, and different positions are characterized by different amounts of power, as Bourdieu has continuously shown (see Bourdieu, 1990). Some are able to control the control, while others are only controlled. To say that ‘rules’
are applied equally to persons occupying completely different positions of power is a neglect of the fact that people occupy these positions, and that, strictly sociologically speaking, the true object of inquiry consists of positions, not people.

Second, the assumption of a body of rules governing each individual in an equal way is flawed because of the underlying assumption that all individuals are apparently endowed with an equal hermeneutic capacity to decipher the content and meaning of those ‘rules’. In reality no such natural gift exists, certainly not in equal amounts in different social strata. Even social scientists would not reach an agreement (if they knew at all where to start) on the issue of what, to all people, the rules of society are. The reason for the uneasiness of Hirschi’s argument here has to be traced to his apparent mixing of the notions of the ‘rules of society’ with a ‘common value system’. These are, in fact, two things that have often been misrecognized in what can be called the classics of the study of deviant behaviour. Such widely differing theories as Merton’s anomic theory (Merton, 1968) and Becker’s labelling theory (Becker, 1973) have incorporated the idea that ‘deviants’ use not only different means, but are also guided by different goals. And so for Becker too, homosexual behaviour and marihuana use are pursued by different deviants. Yet I would say the goals pursued in each case can be said to be the same: the marihuana smoker does not smoke marihuana as an intrinsic goal, but because he or she gets the same sensation from smoking marihuana that others get from smoking cigarettes or from playing sports. The underlying goal, satisfying a particular value that is shared by ‘deviants’ and ‘non-deviants’, is the same. Hirschi’s theory, though more plausible in assuming a common value system, is flawed in the opposite direction, namely in assuming that the rules or norms are thus no different for delinquents and non-delinquents. In reality, the values that underscore much social behaviour may be similar, but it is rather the rules that are different, which finds its realization in the fact, pointed out by Merton, that different people make use of different means to pursue their goals. That is to say, though people have similar values, they differ in that they follow different rules of conduct to achieve their goals, that is, to gain the satisfaction of a particular value that directs their behaviour. To say that goals differ would be to put means and goals on a par (smoking marihuana becomes the goal), but it is imperative to speak of differences in rules. So Hirschi may be correct in assuming collective values, but he is wrong in assuming collective beliefs about rules that are always present. Assuming an underlying value to be present in social behaviour that is observed to be governed by rules of some kind might in many cases be an illegitimate deduction (or reduction) close to the kind Bourdieu has called the ‘teleological illusion’. To follow a rule does not mean having an adequate account of the meaning of the rule or of the reasons for following it at hand; it is much more likely to be a practice, which is most of the time unreflected upon (see Wittgenstein, 1975).
The tautology critique

The main flaw of Hirschi’s theory is, however, its tautological nature. And this tautological form is taken here as a more general symptom of a ‘modernist’ social scientific view on society at large. So discussing how Hirschi’s theory fits together will catalyse a more fundamental issue concerning the very nature of much contemporary criminological and sociological activity.

What Hirschi’s theory amounts to, in the end, is a statement along these lines: ‘people that are less engaged in the conventional are probably more engaged in the non-conventional’. To Hirschi, ‘society’ equals ‘conventional society’, and ‘conventional society’ excludes the ‘non-conventional’, to which delinquency or crime belongs. This way, delinquency is defined as something outside conventional society, and therefore the theory will inevitably prove itself to be correct, since it states that there is a good chance of being non-conventional when one is non-conventional. The ‘bond’ to conventional society consists basically of ‘conventionality’; of actions that are conventional, stakes in those conventional actions, and beliefs in the legitimacy of these actions and of the conventional order. Equally, the bond to the non-conventional will thus be characterized by non-conventional actions and beliefs. It will not be a surprise then that people tied to the non-conventional are indeed not tied to the conventional!

How does the conception of morality Hirschi makes use of fit in to this? ‘Control theory’, according to Hirschi, ‘assumes variation in morality’ (Hirschi, 1969: 11). But, still according to Hirschi, only when the bonds to conventional society are broken does one become free to commit delinquent acts: ‘According to control or bond theories, a person is free to commit delinquent acts because his ties to the conventional order have somehow been broken’ (Hirschi, 1969: 1, emphasis in original). The point here is that Hirschi adopts the ‘wrong’ ideas from Durkheim. As I will show later on, ‘another’ Durkheim can be said to be more enlightening. But, following the Durkheim that turned society into the object of religion and the study of society into the highest form of scientific religion (see Durkheim, 1915, 1961), Hirschi—or, control theory in general, as he has it—assumes the archaic idea of a morality that restrains, whose sole function it is to preserve society, and whose origin is, in turn, that very same society. For Hirschi shares Durkheim’s idea that ‘we are moral beings to the extent that we are social beings’ (quoted in Hirschi, 1969: 18). So morality is reduced to the social, and to something oppressive, of which one must be freed in order to behave in an immoral way: ‘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 not bound by the norms. He is free to deviate’ (Hirschi, 1969: 18). According to Hirschi, one can either be constrained by morality, or one can be free from such moral constraints. Contrary to Matza (1964), Hirschi states that ‘if the moral obstacles are removed’ (Hirschi, 1969: 25) the concept of neutralization is obsolete. Let
us call Hirschi’s view of morality the ‘obstacle-perspective’, which seems to amount to no more than a kind of deontology of coercion. This obstacle view of morality is a contradiction in terms, since the very idea of morality presupposes, as Kant has emphasized, an individual freedom of will. In fact, to Kant, freedom of will is made apparent by the existence of morality (Kant, 1961 [1788]: 10). There is no morality without choice, and morality is thus not a constraint from which one can in any way be freed. In analytical terms, this can be clarified by comparing a moral rule to an illocutionary act with a prescriptive character. Two things are involved in any prescriptive illocutionary act. The first is a higher order rule to which one is referred (since there has to be some justification for the prescriptive); the second is the freedom and possibility of acting according to the prescriptive. It is useless to order someone to do A when he or she has no alternative but to do A, or when that person is in a practical sense incapable of doing A. So when Hirschi makes it look as if weakened bonds to conventional society facilitate a freedom—that was thus not there before, and that is not there in the case of strong bonds to conventional society, since that means the presence of moral ‘constraints’—he logically has to assume that:

1. Delinquency is neither moral nor immoral; it simply has nothing to do with morality.

2. People with strong bonds to conventional society are not free to commit delinquent acts, and nor are they free to act conventionally; therefore conventional acts are neither moral nor immoral: they simply have nothing to do with morality.

The only way out of these assumptions, which are of course not satisfactory, but which are logical conclusions of a constraint-perspective on morality, would be to posit:

3. People, regardless of their bonds to conventional society, are free to commit delinquent acts, just as they are free not to do so.

This is clearly not true in Hirschi’s view, which is based on a notion of morality that has nothing to do with morality.

But if we think the consequences of the ‘constraint-perspective’ through and go back to Hirschi’s idea that those with weakened bonds to conventional society are ‘freed from moral constraints’, it is interesting to contrast this with the statements that ‘the norms of society are by definition shared by the members of society’ (Hirschi, 1969: 18) and that

   to violate a norm is . . . 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.

(1969: 18)

Given that norms are constraints, and given that norms are shared, by definition, by the members of society, the fact that those with weakened
bonds to society are freed from normative constraints not only shows, as was shown before, that Hirschi contends to a ‘constraint-perspective’ on morality which is a contradiction in terms, but also that the delinquent is thus defined as not being part of society. Because if he were a member of society, he would, ‘by definition’, share in the norms of society, and the norms are ‘moral constraints’. The delinquent, however, is ‘free to deviate’, is thus not constrained and cannot, logically speaking, be a member of society. His terms being defined this way, it becomes clear how Hirschi’s view of morality adds to the tautological nature of his theory. The delinquent is already defined as not being part of conventional society—after all, delinquency is non-conventional behaviour, and non-conventional behaviour is not conventional behaviour—so it is obvious that those with weakened bonds to society stand a good chance of becoming delinquent. This is a logical necessity in Hirschi’s theory, which is therefore true on the basis of its logical form, or which, in other words, is a tautology.

A Wittgensteinian argument

The chance of delinquency is said to be greater when the bonds to the conventional are weakened, but the bond to (conventional) society is defined in terms of elements that are conventional activities or beliefs. So when delinquency is seen as a kind of non-conventional activity, it is clear that the definition of terms leads to the conclusion that weakened bonds to conventional society, or less conventional activity, leads to a greater chance of non-conventional activity: delinquency. Put like that, it is indeed true that a kind of behaviour that is non-conventional stands a greater chance of being a certain kind of non-conventional behaviour (delinquency) than conventional behaviour, which has a zero chance of being non-conventional.

Now Hirschi has some experience with tautology-criticism (see Akers, 1991; Meier, 1995; Geis, 2000). In fact, he has a seemingly rather effective way of reasoning around such critique. On the self-control theory he and Gottfredson state that ‘one may say the theory is incorrect, but one cannot say that it is incorrect because it contains tautologies. Theories, after all, are logical systems. Theories are circular’ (Hirschi and Gottfredson, 2000: 58). Indeed, ‘force equals mass times acceleration’ can be said to be tautological. The important point in the tautology is, however (as it is usually said to be in (social) science), whether or not the tautology represents a kind of causal or logical determinism. In other words: is something that is observed in reality added to the defined terms of the theory, or does the theory constitute, because of the definition of its terms, a purely logical necessary truth because certain phenomena in reality are a priori classified in a way that entails such a logical necessity? Does the theory extract data from reality that function, a posteriori, as the basis and justification of the adjustment of the theoretical terms to each other and that are thus in fact the only thing that makes the theoretical circle go round through what ideally would be series of deductions and inductions; or, is a logical
necessity placed upon reality, which is conveniently defined in correspondence to the theory? In the foregoing paragraph, it was concluded that Hirschi’s theory constitutes a kind of logical determinism. Let us now examine further how that could be the case.

The question is whether we are dealing with what Kant has called *synthetic* or *analytic* propositions. Kant stated that in all propositions containing a subject and a predicate there are two possible ways in which the relationship between these two terms can be shaped. Either the predicate B belongs to subject A as something that is contained (in a concealed way) in that concept A; or B is something which lies, though connected to A, totally outside A. In the first case, Kant calls the proposition *analytic*; in the second case, he calls it *synthetic* (Kant, 1952 [1781]: 45; B 10). Analytic propositions are thus true because of their logical necessity, whereas in synthetic propositions, something is *added* to the initial conception. In scientific discourse, it is of course synthetic propositions that count. Now, assuming that Hirschi’s theory does not constitute a synthetic proposition on purely a priori grounds (since that would transcend the empirical altogether), the question to be answered is whether or not, when put into proposition, the theory is analytic or synthetic in nature. If it is analytic, then we are dealing with a non-empirical logical necessity, or a logical determinism; if, on the other hand, it is synthetic, then Hirschi adds valuable empirical data to the defined terms, and the theory represents a form of causal determinism, which is scientifically valid.

An interesting way to test whether a proposition is analytic or synthetic in character, has been provided by Wittgenstein in one of his conversations with Moritz Schlick (Wittgenstein, 1967). In it (the conversation is named *Anti-Husserl* by Waismann) Schlick asks Wittgenstein how to refute a philosopher (read: Husserl) who claims that the statements of phenomenology are synthetic and a priori. Wittgenstein’s answer provides a way of logically analysing whether or not a proposition is analytic or synthetic. He starts with an example of a synthetic proposition, and stresses its distinguishing aspect. The sentence ‘I have no stomach-ache’ presupposes the possibility of having a stomach-ache (Wittgenstein, 1967: 67). A sentence is thus the negation of its negation. Then, taking the sentence ‘Something is not red and green at the same time’, Wittgenstein applies this idea to a sentence said to be a priori synthetic. He says this sentence surely does not mean that one has never actually seen an object that was both red and green at the same time. Rather, it means: ‘Red and green cannot be at the same place in the same time’. And ‘cannot’ here means a *logical*, not an empirical impossibility. Now, supposing the sentence is synthetic, and given the logical character of ‘cannot’, Wittgenstein explores what is thus implied. Given that a sentence is the negation of its negation, the sentence ‘Something is not red and green at the same time’ implies the possibility of stating: ‘Something is red and green at the same time’. This sentence has meaning as a synthetic sentence, but it clearly means the possibility of the impossible. Why is that so? Because the logical definition of terms in
the first sentence excludes the possibility of its negation. Therefore, the sentence is analytic. Exploiting this kind of ‘strategy’ will shed light on the question at hand, the question whether or not Hirschi’s tautology constitutes a logical or an empirically causal relationship between subject and predicate. Now, it would be unfair to take as the formulation of Hirschi’s theory a proposition derived from his statement that ‘Control theories assume that delinquent acts result when an individual’s bond to society is weak or broken’ (Hirschi, 1969: 16). To be fair to Hirschi one must say that the most prevalent formulation of his theory states that there is an increased chance that delinquent acts will occur in the case of a weakened bond to (conventional (notice how this is omitted by Hirschi himself)) society. So, for the sentence ‘Weakened or broken bonds to (conventional) society increase chance of delinquent actions’ (P1) to be a synthetic proposition, which would thus be empirically meaningful, its negation should belong to the realm of the empirically possible. So the meaning of the sentence ‘Weakened or broken bonds to (conventional) society do not increase the chance of delinquent actions’ (P2) should constitute an empirical possibility. It should thus be potentially true that weakened or broken bonds to (conventional) society do not increase the chance of delinquent acts to occur. Now, it has already been shown that Hirschi’s concepts are defined in such a way that the following has to be taken into account:

1 The ‘bond’ to conventional society is constituted by conventional actions and beliefs.
2 There exists a certain absolutum of possible actions a person can undertake. This is stipulated in Hirschi’s description of the third element of the bond: ‘involvement’ (Hirschi, 1969: 21–3), from which it can be deduced that there exists, for practically necessary reasons, a relation of inverted symmetry between acting conventionally and acting non-conventionally.
3 Delinquency is a form of non-conventional behaviour. In fact, it is the only kind of non-conventional behaviour Hirschi mentions. Being fair to the control theory, however, I will, as I have already done above, assume that the theory does allow for non-conventional actions other than delinquent actions. However, this can still only result in the statement that there is a better chance of non-conventional actions to be delinquent actions than there is for conventional actions to be so, since the former have such a chance, and the latter have none at all.

It follows from this that P2, the negation of P1, can be rephrased as follows: ‘More non-conventional action does not increase the chance of a certain kind of non-conventional action’. Now, given the fact that there exists, for Hirschi, an inverted symmetrical relationship between the occurrence of conventional and non-conventional acts, this sentence posits an impossible state of affairs, since more non-conventional actions must result in a greater chance of the occurrence of delinquent actions, which are non-conventional actions. So the logical formulation of Hirschi’s theory
excludes the possibility of it not being true. Therefore, the theory consists of an analytic statement, which is a tautology of no validity as an empirically relevant theory in scientific discourse.

The modernist myth and its consequences

The assumptions Hirschi makes concerning ‘conventional society’ and ‘delinquency’ are static and ill-defined. They comply with a more ‘popular’ use of such terminology that can be found in political discourse and in the media. There, a concept such as ‘society’ is of course rarely pondered upon, since it is in daily practice impossible to stipulate the exact denotation of a concept that is being utilized. In effect, however, the concept separates an ‘inside’ from an ‘outside’ of society. Sociologically, this is nonsensical, since where exactly are people who are ‘outside’ society? Rather, the process of separating this inside from an outside is itself an internal societal process. It is a societal process which functions as a way of legitimating certain ways of thought and action while dismissing as illegitimate, and thus excluding, other ways of acting and thinking. This perspective is based largely on the work of Durkheim and Bourdieu. As Bourdieu has said: le réel est relationnel (Bourdieu, 1994: 17). Thus, the social meaning of society’s ‘inside’ can be found only when seen in relation to that which it is not, which is encountered in modernist discourse as an ‘outside of society’. Moreover, this perspective warns against taking social constructions to be natural states of affairs. That mistake, to which Mannheim (1940) referred as a post mortem conception of history, is avoided when existing social practices are not seen as intrinsically necessary, but as the result of processes of legitimization within a relational social field (see Bourdieu, 1990). First, however, the question of what we call ‘modern’ has to be answered.

The concept of ‘modernity’ is the expression of an assumed temporal or even epochal interrelationship between thought and action. Partly following Latour (1994), I contend that the modern self-conception is a kind of self-deceit, albeit perhaps in an unconscious mode. The radical break with what is called ‘traditional’ is missing. Latour explains how modernists hold that the modern world is a complex whole, in which, contrary to traditional society, it has become impossible to link all differentiated parts to one another. The same goes for the distinction between ‘nature’ and ‘society’ that the premoderns frequently crossed. By means of his notions of ‘hybrid’ and ‘network’, however, Latour shows how such links can indeed be made. Moreover, they are being made: every hybrid is an object that is at once natural and social, and in every hybrid the social and the natural are intertwined. The fact that ‘modernity’ consists first of all in the rift it has opened conceptually between ‘Nature’ and ‘Society’ means at the same time that the moderns are blind to the hybrid nature of hybrids, and that, as a result, the production of those hybrids has never been as high as it is
under these conditions of ‘modernity’. Thus, the ‘modern’ exists only to the extent that modernity ‘sees’ itself as ‘modern’. In other words, the concept of the ‘modern’ is self-referential, since it presupposes itself in this way. Paradoxically, the idea of ‘modernity’, which links everything to everything else, rests upon the notion that it has, in the modern world, become impossible to link everything to everything else. This apparent impossibility, which is in its modern formulation immediately made impossible, is said to be the basis of the rupture between traditional and modern society. Latour, however, posits the idea that the anthropological approach that is thus used to study ‘traditional’ societies, is still valid in the case of modern society, hence his plea for a ‘symmetric anthropology’. Now, while retaining the assumption of certain structural relations between thought and action, it can be argued that the modern self-image, when taken substantially, is based on a caricature of itself, since it exists only by virtue of itself, and not because of the radical substantial change with respect to the ‘traditional’ it presupposes. The nature of its self-deceit, or of its conceptual self-referentiality, therefore lies in an abstraction that is due to a misrecognition of itself.

The abstraction from the social

This abstraction consists, in the case of the modern self-image, of a static image of ‘society’ and its ‘members’. ‘Conventional society’ exists only insofar as it is being posited. It therefore is a kind of performative: as soon as one separates the conventional from the non-conventional or society’s inside from its outside, these contrasting sides become reality, since their very definition has the effect of excluding some while including others. The definition of these sides thus makes for the actual content of the categories of conventional society, etc. I will call ‘modern discourse’ that kind of language game in which the concept of society is utilized in such a performative sense. According to Giddens, the concept of ‘society’ is the prime focus of sociology (Giddens, 1990: 10–15). In practice, this concept has often been misconceptualized. What is taken to be ‘society’ is usually a mere social construction of the idea of ‘society’. Instead of studying social constructions, the social sciences sometimes seem to mistake certain constructions for natural states of affairs. Social constructions are thus not recognized as such, and the social sciences are, in that case, in no position to defamiliarize what is familiar, since they are themselves covered in familiarity. The modern is based on an epistemology of the existent, whereas it should recognize the fact that the social is neither inevitable nor necessary. The way things are now does not mean they could not have been different, and the constitution of the social is thus more contingent than it appears to be in a theory like Hirschi’s. Modern discourse mistakes what it sees for what actually is, and what is for what is naturally: that is to say, it treats what it experiences as a natural necessity that is rooted in an intrinsic, and thus
inevitable, ground. Thus, as Durkheim said, ‘here again a certain concep-
tion of reality is substituted for reality itself’ (Durkheim, 1938: 21). This
mistaking of social constructions of reality for an essential reality itself,
resembles what Whitehead has called the fallacy of misplaced concrete-
ness. The abstraction that is made from the social entails a juxtaposition of the
‘conventional’ and the ‘non-conventional’. It is thus assumed that there
exists such a thing as ‘society’ as opposed to something like ‘crime’ and to
‘modern’ social science. ‘Society’ has attained the status of a universal.7 As
was shown, Hirschi keeps on speaking of ‘conventional society’ without
ever (positively) stipulating what the conventional consists of. Moreover, he
keeps on replacing ‘conventional society’ by ‘society’ (e.g. Hirschi, 1969:
10, 16). And when he says ‘ambition reduces the chances of crime’ (1969:
227) he already assumes ‘ambition’ to refer to something inside ‘conven-
tional society’, since ambition in a neutral sense would surely include the
ambition to get very high (in more than one sense) in the hierarchy of
the drugs-scene. It has been shown that the social bond theory defines
delinquency as something which is not a part of society, as something
outside of it. In the words of Mead: ‘The criminal as such is the individual
who lives in a very small group, and then makes depredations upon the
larger community of which he is not a member’ (Mead, 1962: 265).

The result of defining crime as not really being part of what is called
‘society’ is that what is covered up is that society as a whole contains, and
feeds, both the criminal and the non-criminal. Sociologically, society as
a whole consists of both sides of the différence that conceptually cuts
through it. The fact that some tend to exclude others is, after all, a societal
process, since only that exclusion is constitutive of the inclusion of the
‘included’. The very separation between the two is in fact a product of the
dynamics of society at large. Here, it can be said that the ‘other’ Durkheim,
as mentioned above, has been instrumental. For he stressed the fact that,
within society as a whole, the presence of ‘crime’ is a normal state of affairs
(Durkheim, 1938: 65–75). But Durkheim seems to be indecisive as to
where to locate the origin of crime, since he distinguishes the ‘normal’ from
the ‘pathological’. On the one hand, he still holds that crime is ‘due to the
incorrigible wickedness of men’ (1938: 67). Here, Durkheim seems to have
a purely intrinsic view of crime. On the other hand, and this is the
Durkheim that seems to be most enlightening and from which runs a
straight line to Foucault’s work, he states, with regard to an imagined ideal
society:

Crimes, properly so called, will there be unknown; but faults which appear
venial to the layman will create there the same scandal that the ordinary
offense does in ordinary consciousnesses. If, then, this society has the power
to judge and punish, it will define these acts as criminal and will treat them
as such.

(1938: 68–9)
Moreover, contrary to the idea of ‘the incorrigible wickedness of men’, he states: ‘According to Athenian law, Socrates was a criminal, and his condemnation was no more than just. However, his crime, namely, the independence of his thought, rendered a service not only to humanity but to his country’ (1938: 71). So at this point Durkheim clearly leaves the intrinsic perspective, which rests upon a social construction of an opposition between crime and society, that he elsewhere fully embraces. But here, Durkheim stresses the dynamic nature of society as a whole, by means of which oppositions that may very well be arbitrary are institutionalized. As he says in *The Division of Labor in Society*:

> It is thus this opposition which, far from deriving from the crime, constitutes the crime. In other words, we should not say that an act offends the common consciousness because it is criminal, but that it is criminal because it offends that consciousness. We do not condemn it because it is criminal, but it is a crime because we condemn it.

(Durkheim, 1984: 40)

How far removed this is from his other side, which does seem to assume intrinsic notions concerning crime, is shown by the following: ‘As regards the intrinsic nature of these feelings, we cannot specify what that is’ (Durkheim, 1984: 40). Two readings of Durkheim are possible, and I would say that the Durkheim discussed just now, which is in fact a structuralist *avant la lettre*, puts criminology on a better track than his counterpart, which seems to have greatly influenced the discipline as well.

By artificially separating the ‘normal’ from the ‘criminal’, much modern-(ist) criminology pretends that there exists a coherent unity called ‘society’, apart from something outside called ‘crime’, which is thus assumed to be equally coherent. But the criminal and the conventional are intertwined. Moreover, ‘society’ and ‘crime’ cannot be assumed to be apart as coherent entities. First, because crime originates both ‘epistemologically’ and ‘substantially’ in society, and second, because the conventional (‘society’) consists of everything ranging from SM to going to church (and all the hybrids that exist among these), while ‘crime’ consists of everything from shoplifting to murder. Whereas postmodernism, as Harvey notes, ‘swims, even wallows, in the fragmentary and the chaotic currents of change as if that’s all there is’ (Harvey, 1989: 44), modernism might be said to cling to rigid entities that are *conceived* of as actually existing, coherent wholes, divided by rules that are clear and distinct.

The fact that a category such as ‘crime’ consists of very different and, historically speaking, varying activities clearly shows how the concept of crime is firmly rooted in the social. It is not a natural category that can be set apart from anything ‘naturally conventional’. Of course it can be replied that every social scientist knows that the ‘conventional’ consists of social conventions and is thus not (at least not to a large part) intrinsically defined. But do social scientists really ‘know’ that? For if they did, why would they try to find the causes of delinquency in individual-level factors
while accepting the separation that has been established between ‘society’ and ‘crime’? Were they really aware of the fact that doing so would mean to work within the parameters of certain social constructions, they would surely rather choose to investigate society as a whole in order to find out how this difference between the normal and the criminal is legitimated and reaffirmed. Instead, while working within such parameters, the differential divide between ‘society’ and ‘crime’ is in effect ‘scientifically’ legitimated and reaffirmed.

Society can be said to be hierarchically structured in the sense that some people occupy privileged positions which means they have privileged access to preferred goods. Given this hierarchical structure of society at large, there exists a socially constructed ‘top’ as well as a ‘bottom’. In reality, ‘high’ and ‘low’ in this hierarchy are rather defined by the difference they constitute with respect to one another. Such a relational view goes beneath the social construction of a hierarchical society in recognizing that the ‘high’ exists only as such by virtue of the ‘low’, and by means of an ideology—as a grammar that creates meaning out of the differences that signs constitute—that legitimizes the arbitrary difference between the two. The fact that there is such a thing as the ‘normal’, and the fact that this ‘normal’ can be attained in varying degrees within the hierarchy, inevitably means that many will not succeed in attaining the socially desirable in the ‘normal’ way. The dynamic of society as a whole, which has to be seen as the aggregate of all the sides of the divisions it is said to contain, is thus responsible for the existence of the differential counterpart of the ‘normal’: crime.

In studying crime in isolation from society, or as something opposed to society, that opposition is reaffirmed. The study of the internal dynamics of a society at large and of the institutionalization of binary oppositions between ‘society’ and anything supposedly existing ‘outside’ it, therefore, is the conditio sine qua non of criminology. It would be absurd to accept social constructions of what is ‘conventional’ and what is not, and to then search for causes of non-conventional behaviour apart from the origin of such social constructions, which is society as a whole. Accepting the ‘conventional’ to be just that, means an acknowledgement of the social world and of the dynamic interrelations within society at large. It also means that the search for purely intrinsic causes of crime, causes that suddenly have nothing to do with the fact that the very notion of ‘crime’ is a social construction, is immediately dismissed. Therefore, the objection that Hirschi and Gottfredson’s self-control theory is a tautology consists of the same mistake that Gottfredson and Hirschi (1990) make: it is assumed that individual characteristics that can be set aside from the fact that society as a whole generates its conventional ‘top’ and ‘bottom’, are a ‘reason’ for criminal acts—acts that are called criminal on conventional grounds—to occur. Factors related to crime are searched for on an individual level, whereas the question is how some people continuously get to be situated on the ‘lower’ edge of society, which often leaves them no
alternative but to engage in activities that are, by those ‘higher’ in the hierarchy, labelled as ‘criminal’. An example of a study that does take the social world fully into account in this sense, is Wacquant’s recent article on the ‘new peculiar institution’. Only through recognition of the fact that the relations between crime and society at large are internal societal relations can he compare the prison to a ghetto (see Wacquant, 2000).

‘Society’ and its ‘members’; integer

The conceptual abstraction from the social, which is a social construction itself rather than a scientific theory that takes such constructions as its subject matter, becomes apparent through the idea of ‘society’ and its ‘members’. Though it can be argued that society consists of more than people, can it also be that there exists a society apart from people? Is society a club? Can I be a member? Rather, the ‘members’ of society are society in the sense that it is the togetherness they constitute that gives society its relative autonomy as a sphere of influence. To speak of ‘members’ of society is to already inflict an incision, to pin ‘society’ on a static conception, since there is no society without its members. These members exist not in a possible opposition to society at large; they are the only thing that makes society be. So this static conception of society is institutionalized at the most basic level, namely, that of language.

In modern popular discourse the idea that there is a society that excludes some people is frequently repeated. As Bauman says, ‘it is that choice which makes one assembly of people look different from another’ (Bauman, 2000: 205). The important thing in social science is, however, to take such ‘choices’ as social constructions that do not really define what society is, but that, in consequence, divide society as a whole. Contrary to Giddens’ idea that sociological knowledge does not lead to a greater control over the social world (Giddens, 1990: 43), it can be argued that the scientific legitimation of the binary oppositions between ‘society’ and various types of ‘otherness’ functions as a mechanism of social control on the level of what Foucault (1974) has called the episteme. Therefore, social scientific knowledge need not operate as a device of social control at a conscious level, but through what can be called a sociological or criminological socialization, a habitus of the social scientist, as a result of which abstractions from the social are constantly taken to be knowledge. These abstractions are reproduced, which means that the structural relations between the ‘conventional’ and the ‘non-conventional’ are reproduced.

Recently, the Dutch minister of ‘integration-policy’ said in an interview on the radio that he feared non-computer users would fall out of society. Also, criminals are time and again said to be ‘standing outside of society’. Immigrants seem to have a hard time as well in staying ‘within’ society. Such news should make one wonder: where exactly are those that are not a part of society? Does there exist some mythical, and naturally closed off world outside of society where the criminals reside, as Mead’s view would sug-
gest? Where are those non-computer users going to go? What is meant is that they will be on that ‘side’ of society that is, conventionally, seen as undesirable. But by means of this discourse, it becomes apparent that the popular and the modern scientific views are not based on the insight that society as a whole generates both such preferences and the divisions that are the result of the individual seeking thereof, but on a social construction of society. The modern contains, therefore, a presupposed notion of ‘society’, which arbitrarily excludes certain people and activities from that society a priori. In penal discourse, this becomes explicit through a strong emphasis on the reintegration of the punished. Programmes concerned with integration are at the core of penal policy in the Netherlands. The homepage of the department of justice says: ‘Back to society; a task of the prison system is to help prisoners in their return to society’. Back to society? Where were they before? Is the penal system not an integral part of society itself? This separation between ‘society’ and criminals, and the need for a reintegration of the latter into the former, is a prominent aspect of political discourse in the Netherlands. But the use of the concept of ‘integration’ is based on a misunderstanding of its meaning. Apart from the fact that social scientific research concerning ‘integration’ rarely, if ever, clearly defines what the term stands for, it has to be said that the term has been misused. It has come to mean things it cannot possibly represent. Integration is seen as something that takes place at an individual level. According to this view, people can either be integrated or not. The latter is often the case with criminals and immigrants. But if we trace the origin of the term ‘integration’, it becomes clear that it is in fact nonsensical to speak of the ‘integration’ of individuals. Integration stems from the Latin integer, which means ‘unscathed, untouched, or immaculate whole’. My use of the term ‘integration’ is an exploitation of its original meaning, and the fact that the social sciences have gradually frittered this meaning away is exemplary of the fact that they have squandered the idea it represents. What the good intentions of reintegration in effect represent is a strengthening of the idea that there exists a natural divide between ‘society’ and ‘crime’. Integration can only refer to wholes, such as society. When crime poses a problem concerning integration, it is society as a whole that is not perfectly integrated. To speak of society as a bunch of integrated people, as opposed to criminals as the badly integrated that are not a part of society, puts a certain ‘blame’ away from society and on to the individual. This makes the goodwill in reintegration programmes a mere symbolic goodwill, since prior to it lies an assumption that is in effect an act of exorcism.

Conclusion

Hirschi’s social bond theory has been shown to be tautological: the idea that the criminal has a weakened bond to conventional society tells us nothing new, since the criminal is part of the non-conventional, rather than
the conventional, and a criminal, someone who commits non-conventional acts, is thus by definition someone who commits less conventional acts (since these constitute the ‘bond’ to conventional society). At the basis of Hirschi’s flaw lies a static conception of ‘conventional society’. Durkheim’s objection to Spencer’s sociology seems appropriate here: ‘all the essential points of his doctrines are capable of direct deduction from his definition of society’ (Durkheim, 1938: 21). As such, Hirschi’s theory is but one example of a larger discourse in which such static conceptions of society circulate. In what I have called ‘modern discourse’, certain social constructions of reality are taken to be the ‘natural’ state of affairs. As a result of this there exists a consecrated conception of society that excludes some and includes others. Thus, the criminal is conceptually placed outside of society. This opposition between the criminal and society can be observed to be heightened in the last few years. Garland describes the new kinds of punishment that have arisen (Garland, 2000), and it can be seen that these constitute only a stronger emphasis on the oppositions between ‘public’ (society) and criminal. As such it is to be expected that the exclusion those concepts bring forth, which is based on grounds that are purely extrinsic, will only increase. The only recipe against the consecration of such social constructions can be to offer contrasting perspectives, as I set out to do here. My aim is indeed to offer a perspective; a perspective which need not necessarily be all-encompassing, but which questions certain long-standing and taken-for-granted ideas in criminology and sociology. As such, its aim is to stress the importance of scientific reflexivity and to renew discussion in the aforementioned disciplines regarding what we actually do when we utilize our concepts to describe, in a supposedly ‘neutral’ way, what we perceive.

Notes

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1. And ‘conventional society’, in turn, is taken to be ‘society’ by Hirschi (1969: 10, 16).
2. See also, for instance, Hirschi (1969: 11, emphasis added): the control theorists’ perspective ‘allows him to free some men from moral sensitivities’.
3. Of course Wittgenstein here refutes the idea of a priori synthetic statements (though he probably understands the a priori in a way alien to Husserl), but what is interesting is his way of ‘checking’ the synthetic character of a proposition.
4. Extrapolating, it could be argued that the sentence is in fact an analytic sentence with regard to two contrasted synthetic sentences.
5. This means that a definition of ‘modern criminology’, as Garland and Sparks (2000) offer and which seems to be neutral with regard to (post-)modernity, can still be modernist, whether self-proclaimed or not.
6. Surely many self-proclaimed ‘realists’ will object to the idea of social constructions, but these realists (see Young and Matthews, 1992) simply have the wrong idea about what such constructions would be. To speak of social constructions does not mean to deny ontological status to what is referred to. Rather, any constructivism is, by definition, a realism. The question is merely what to think of what is thought of reality.

7. Raymond Williams states on the modern universals: ‘... it is a characteristic of any major cultural phase that it takes its local and traceable positions as universal. This, which Modernism saw so clearly in the past which it was rejecting, remains true for itself.’ (Williams, 1985: 24).

8. Here, though the argument is motivated by the fact that crime is a non-intrinsic term, it becomes clear that Durkheim again hesitates; he seems to want to retain at least some substantiality in the concept of ‘crime’, by saying that crime as such would not exist, but that there would still be similar things. They would not be crime properly so called, though.

9. Surely I am obliged to use inverted commas here, since not doing so would mean to suggest an intrinsic societal hierarchy. That would, in other words, mean I would myself naturalize what is a social construction of reality.

10. See, for instance, the policy statements in Nota Beleidsvraagstukken Gevangeniswezen (1976); Taak en Toekomst van het Nederlandse Gevangeniswezen (1982); Werkzame Detentie (1994).


12. See, for instance the following reports and election programmes by the three currently governing coalition parties: Bewogen in Beweging (D66); Tweede Kamerfractie PvdA, Veiligheid Verkend, 10 October 2000 and Investeren in de Toekomst (VVD).

References


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