Social control: between theoretical analyzes of the past and future perspectives. The contribution of the theoretical criminological approach to the phenomenon

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Abstract- Social control has been, and continues to be, one of the most debated issues in the entire social sciences panorama. Still today one wonders what the objects of control can be, how they can be identified, labeled and, above all, kept on the margins. The problem is that, in most cases, there is no process and historical view of the reality in question: sociologists think of "social control" as a set of tools or intentional measures designed to correct, reintegrate, contain or restrain the minorities; this way of thinking tends to conceive society in general as if it contained two zones: a central sphere of more or less autonomous, self-governed, "responsible" subjects and a periphery of deviant under surveillance and control, whose access to the central sphere is monitored from different guardians (gate keepers) and whose identities are marked, at least in part, by their label of "deviants".

Index Terms- Deviance, society, conformity, norm.

I. INTRODUCTION

For several years, numerous scholars have been inclined to intertwine the study of deviant behavior with the study of social control. This is a very widespread approach (Cohen 1966; Cesareo 1979; Scull 1983) which does not exempt from the attempt to propose a specific definition of social control (control social, contrôle social, social control, soziale Kontrolle), because only the comparison between two distinct concepts analytically facilitate a proper evaluation of their complementarity. To speak of social control without risking falling into common sense analysis means, first of all, to set margins within which to elaborate reflection. It can be defined as a set of knowledge, powers, strategies and institutions through which the power elites preserve a particular social order, placed in a precise historical, contemporary moment, which gives specificity to the concept of normality and pathology. This happens thanks to the use of tools and strategies to reduce deviance, a breeding ground on which social control flourishes. How can we define normality, pathology and deviance, how to recognize it and analyze it? Durkheim (1969) in "The rules of the sociological method" recalls that normality, associated with common morality, is the average of behaviors: what is normal is such for a specific social type, at a given time and in a certain place (Durkheim also considers it a moral value) and that the normal type is that already realized and given by the facts of the past. On the contrary, what questions the social order and the dominant values of the average population is considered pathological for that society at that time, in relation to the degree of development achieved. It is thus deduced that both the normal and the pathological are relative concepts, connected with the time and with the evolution of a particular society. Social changes imply a change in the dominant values, even within the elite itself, which modify the conditions of collective existence. What is pathological today for the social order may be necessary for the subsequent evolution of the social order itself. Analyzing control also means proposing it as a social fact and as such explaining it, using other social facts, without resorting to tautologies. Durkheim (1969) suggests that social facts are collective phenomena and exist independently of the individual's use of them, existed before him and exist outside of him, exist outside of individual consciousness, must be endowed with power coercive and imperative by virtue of which they impose themselves to the individual with or without his consent, even if they are perceived with "naturalness". When it conforms, coercion is not felt, but it is affirmed at the very moment in which it is tried to resist it. Social facts occur both in crystallized forms and in the form of social currents. Social control is therefore not a transcendent entity but a social fact; it is also the result of interaction, open to any bargaining, between individuals and how they define collective reality. Gurvitch (1997) in "Social Control" notes that what appears as "order" (normal) to a group of individuals can be considered "disorder" (pathological or deviant) by other elements of the same society. He also makes a distinction between species and forms of control. To the first belong the values connected to religion, morality, law, art, knowledge, education, to which the forms of social control according to the political structure of the specific society must be integrated and crossed, which vary from the form of control organized (both autocratic, democratic), to the spontaneous one implemented by collective experiences (including revolts and revolutions), to the control exercised with the help of cultural practices and uses and, finally, to the spontaneous one implemented by the ideas and collective ideals. The type of social control we will be dealing with is above all the first, the organized one, in a democratic political context.

From the social transformations linked to the transition from peasant society (self-referential with primary relations and forms of self-control entrusted to its own associates) to the industrial one

(characterized by a strong individual conscience and anonymity, by a set of different cultures and a high degree of conflict) where social control to be effective is delegated to state agencies) social control changes from self-centered to heterocentric. It has to do with the element of public order, a pact between associates that, unable to resolve particular conflicts, delegate the resolution to a third body, the State, collector of the interests of the associates; a sort of collective consciousness that is independent of its individual elements, a collective consciousness that prevails over individual consciousness. Emanation of the state body is the law: a set of codified norms born of interaction and bargaining between social subjects, which crystallize and do not allow arbitrary interpretations, becoming a consolidated social practice. Public order is different from security in that the first responds to the interests of the community while the second is inherent to the individual. Pitch and Ventimiglia (2001) argues that it is possible to distinguish objective safety, measurable with adequate tools free from prejudices and political orientations, from subjective security, perceived individually or collectively, which instead admits to being influenced by prejudices, emotions, cultural models. Furthermore, public order has to do with the national sphere, while security with the local area is a citizen. To exercise social control, and its implications in terms of security, models of deviant subjects are resorted to, pathologies within the society, on which to discharge the responsibilities of the collective disorder. Scapegoats of easy interpretation and historically replaceable that can serve to mask the real perversions of the imposed social order. The containment strategies of deviant phenomena consist in reducing the possibilities of behavior of individuals by determining constraints, which translate into techniques for detecting infringements and punishment. The space of action of the social actors is limited to a space that conforms to normality. It is possible to recognize as institutions of social control the total institutions like the prison or the mental hospitals but also the factories and the family. Also certain political choices produce more or less control both in intensity and in extension. These choices, acted through legislation, can produce deviance, or rather what the institutional apparatus and social constructions define as such (labeling theory). Deviance is not an act but the answer, the social definition of this act. From the deviance to its criminalization the step is short. But even here Durkheim (1969) recalls that what we call a crime is what society defines as such, born of collective feelings at a specific historical moment and protected by the criminal law linked to that moment.

The current free philosophy has had heretics as precursors, condemned by the secular arm of the church. We establish that a behavior is criminal because there is a penalty issued in a place established for this purpose, the court. In the penalty we find condensed the reference norms (what is crime and what is not) and also the moral references (what is right and what is wrong) characteristics of a particular society. Durkheim (1969) also argued that in societies with mechanical solidarity, the law is repressive because it excludes those who do not comply, while in organic solidarity the right is restorative because it does not fear the violation of the rules but the offense to contractual rights of individuals.

In the classic forms of social control, the disciplinary functions were attributed to the prison institution. The metaphor of the Panopticon by Bentham (1979) very effectively illustrates the powers of control: to make the prison population believe they are continually observed and judged by the ubiquitous gaze of the controllers, protected instead by the looks of the prisoners, where no shortcoming could remain unpunished. From the early 1960s until the 1980s, new theories of deviance and its treatment loomed: investigating the causes that can determine deviant behavior by trying to provide a plausible sociological explanation. It is thought possible to eradicate deviance by intervening on the social causes that produced it. In this way prevention and treatment policies of problem situations are articulated and philosophies of social reintegration of prisoners are introduced. The penalty is transferred from the total institutions to the community and the socialization networks, where the society and its institutional ramifications take charge of it through professional knowledge. We can define this phase as welfare, where crime was presented as a symptom and not as a cause.

Gurvitch (1997) argues that social control can be functional to the reduction of antinomies operated by social groups, individuals or institutions, through a continuous dialectical process that aims at a higher and higher degree of development of society, respectful of the community and otherness. Social control organized and managed by the elite, proposed to the community as it is today, makes the hypothesis of Gurvitch utopian, helping to create feelings of extraneousness and states of conflict between increasingly evident social actors. According to Cohen (1969) there is no doubt that only rarely is an exhaustive discussion carried out about the nature, evolution and objectives of social control processes, also because it is much more immediate, as well as reductive, to consider them as a simple response to crime , endeavoring to construct, in this way, a general theory of deviant behavior, namely "*a set of propositions applicable to all the manifold empirical varieties of deviance, capable of accounting not only for deviation phenomena by identifying their motivations, correlates and the mechanisms that produce them in relation to the various regulatory situations and their control apparatus, but also of the particular forms that they assume in this or that socio-cultural context*". The problem does not consist only in the limits of a general, all-encompassing theory of the reality in question, but rather in the fact that deviance is reduced to a simple deviation, that is to say a "*non-conformity to every normativised mode, be it a law, or a more or less consolidated social convention*". The basic idea is related to the ability of standards to provide a subtrack for every human action and the deviation, at least potentially, represents a danger for social organization. Those who embrace this thesis are convinced that every type of society presents rules, rules, behavioral patterns whose violation provokes disapproval, anger or indignation. Not only: we are under the illusion that to be able to explain human behavior it is enough to know the circumstances that lead to observing and not observing the norms, without realizing that a simple dichotomous classification, far from allowing an understanding of human behavior, does not build a basis for a theory of deviance, but it is the background to a simple theory of conformity. It follows a very meager view of social control, considered as a simple set of structures that can prevent or reduce crime, "*something that prevents deviation, whatever this*" thing "*is prevention, punishment, the reform, justice, reparation, compensation, moral raising of the victim*".

Most theoretical approaches do not, however, clarify the distinction, both conceptual and concrete, between social control

and deviance, due to the fact that they consider social control as a simple tool to punish and arouse fear, or because they are useful elements in a greater understanding is not even mentioned. It seems appropriate, in fact, to reflect on why it is necessary to consider social control in a procedural perspective, on why it is not possible to leave aside an historical analysis, on the thin border that separates the control processes from those of self-control. And again: one cannot speak of social control without mentioning the risks that a (presumed) pathological theory of social disorganization can entail, without referring to the implications that the processes of socialization can have in this regard, without taking into consideration the construction processes of identity, both individual and social, or even deceiving ourselves to reduce the entire analysis to the external coercivity of the institutions.

II. THE ANALYSIS OF THE RELATIONSHIP BETWEEN SOCIALIZATION AND SOCIAL CONTROL IN THE LITERATURE

Socialization encompasses a series of processes that are not only grafted onto information, or what concerns information in a given society, but also about people's attitudes, ideas; these processes structure certain types of actions and behaviors as well as basic categories of comprehension and classification in general (Watkins, 1975). This is why it is defined as the complete and coherent settlement of an individual in the objective world of a society or sector (Berger, Luckmann, 1969). Obviously, the ways in which all this happens are extremely variable. In other words, the universality of socialization processes does not imply the universality of tools and techniques (Watkins, 1975) with which social inclusion occurs. Socialization, therefore, is of great importance for a reflection on the processes of social control and on the ways in which they change certain aspects of American society between the end of the nineteenth century and the beginning of the twentieth century. We are faced with one of the best keys to understanding the phenomena of the social order and a topic that, like social control, opens up different analytical perspectives, also because the most important aspects to be emphasized concern emotional involvement and their implications in terms of personal image and identity (Watkins, 1975). Mead (1925) points out that "society" and "self" are part of the same process of "social interaction", "since the development of a "self", and following a firm "I", find their indispensable a premise in the specifically human ability to assume the attitude of the other, another that, in its most universal form, is "another generalized". Coser (1983) identifies in Mead the first author ever to have highlighted that the process of construction of the Self through the assumption of the perspective of the other constitutes the process of social control proper. In open contrast to behaviorist theories, Mead (1966) considers psychology as a discipline that studies the activity of individual behavior to the extent that it fits into the social process. The behavior of the individual, for his part, can be understood only when it is connected to the whole group to which he belongs, also because the individual acts are connected with larger acts, of a social nature, which go beyond him and which implicate the other members of that group (Mead, 1966).

III. THEORETICAL NOTES ON SOCIAL CONTROL AND THE CRIMINOLOGICAL ASSUMPTIONS FROM SUMNER TO QUIRON

Quiron (2001) pointed out that social control represents the set of processes that contribute to the internalization of norms, putting pressure on compliance. Less rhetorically, Robert (2000), underlines the traditional distinction that contemporary sociologists operate, namely that between socialization and the social reaction to deviance, therefore, between learning to conform and the elimination of non-conformity. The American Criminology is today oriented on the theme of the annulment of everything that does not appear to conform to the basic rules of officially constituted human groups. In this regard, Sumner (1997) and Melossi (1990) speak of a real "*sociological theory of the institutionalization of the discipline*". The whole of the twentieth century attempted to investigate the set of mechanisms that make social order possible. The central problem of society is that of making possible the union of human beings in the context of modernity (Park & Bugess, 1924). Ross (1901) qualifies the "social control" as a domination of men by other men, as happened in the relations between husband and wife within the patriarchal families. However, since the 1960s, European Criminology has begun to deepen the new aspect of "social reactions to deviance". With Robert (1984) and with Digneffè, Nachi and Perilleux (2002) we start to use terms such as surveillance, correction, verification, compliance, inspection. In the second half of the twentieth century, controlling society now means repressing violence, lack of respect and all that is contrary to public peace. Consequently, the State was and is obliged to apply Criminal Law with the utmost rigor, which is the main instrument for combating crimes and, above all, the illegitimate use of force.

With Parsons (1951), the idea of an absolutizing "social control", conceived to neutralize whoever is perceived, rightly or wrongly, as an enemy of peaceful collective coexistence, takes the field in US Criminology. Equal "zero tolerance" towards deviances is also bitterly described by Clark and Gibbs (1965), who bluntly denounce the sad story of the lack of distinction between anti-social behavior and, vice versa, anti-legal behavior in the technical sense. According to Parsons (1951), the person responsible for a crime provokes a real illness in the community and social control is configured as a set of mechanisms that counteract deviance, guaranteeing integration, or the exclusion of men. Social control reports who is becoming a deviant in the ranks of conformity, or expels the deviant outside the social group. Parsons (1951), however, is radical and peremptory, to the point of not distinguishing spontaneous socialization from the rigid and aggressive notion of "social control". It would be like denying that the child, as normal, tends to socialize spontaneously and forced corrections are certainly present, as well as indispensable, but do not constitute the standard-pivot of the pedagogical path. Finally, Parsons (1951) does not postulate any form of prevention and propaganda the social reaction in the same way as a remedy that intervenes after the commission of the crime. If this were the case, some basic criminological notions, such as deterrence, special-preventively and general preventive behavior, would no longer make sense. Cohen (1983) considers Parsons' retributionary position (1951) to be too severe. Within a democratic-social order it is not admissible that "*deviants are separated by a whole range*

of practices: they are imprisoned, punished, corrected and educated differently by other people". In the grammar of separation, social control refers to the set of organized responses, such as punishment, deterrence, treatment and prevention towards people and behaviors judged as deviant, problematic, disturbing, threatening, difficult or otherwise undesirable (Cohen, 1983).

The criminological and institutional practice of the "separation of the good from the bad" was widespread in American Criminology, as shown by Ross (1901) and Park and Burgess (1924). The arrogance of a hypertrophic and omnipresent law manifests itself openly in Ross (1901), which in the work "Survey of the Foundations of Order", on the subject of social control, lays the foundations for a new conception of the social order, emphasizing the effect that the pressure from the group can have on the personality of the individual (Hertzer, 1951). Cooley (1902) stresses the need to study a person's life history in order to understand their behavior. In particular, his discussion of the "self-mirror" and the social origins of consciousness have served far more scholars to study the socialization process and the interactions between the individual and his group (Roucek, 1956). Sumner (1983), develops the concept of the importance of group customs, customs, institutions and value judgments as socio-cultural forms capable of organizing the behavior of individuals (Hertzer, 1951). In addition to giving substance to the rules of the group, these socio-cultural forms, without which it would not be possible to understand social behavior, are of primary importance in establishing the direction in which social control operates. The values and the social organization of the group largely determine the possible encouragement or inhibition, by the agents of social control, of some specific form of behavior (Roucek, 1956). Despite some interpretative differences, we are not dealing with mutually exclusive analyzes, but rather approaches capable of opening up a range of varied and diversified hypotheses. Indeed, there are those who, like Ross (1896), deal with the number and complexity of the means by which social control agents achieve processes of uniformity in behavior; those who, like Cooley (1902), use their energies to explain the effects of social control on personality development; and those who, like Sumner (1893), are interested in the roles and agencies that organize human behavior in certain models. Ross (1901), on the subject of "social control", identifies two dimensions: social and individual ancestry. In the preface to the 1901 book, in fact, the author states that the text refers to a small sector of sociology, called social psychology, which, in turn, has two branches (Bierstedt, 1981). The first of these, social ancestry, deals with the conditioning of society on the individual; while the second, the individual ancestry, takes into consideration the conditioning of the individual on society (Ross, 1918). Unlike Cooley, Ross appears to give a preliminary distinction to a clear distinction between individual and society, considering them as two separate entities (Bierstedt, 1981). For Cooley, on the other hand, the ego and society are born together: "*We know immediately both of them, and the notion of a separate and independent ego is illusory*" (Cooley, 1963). This does not mean only that the social conscience, "*that is the awareness of society, is inseparable from self-awareness*", but also that the personal aspect ("I") cannot be distinguished from the social one ("we").

As far as social ancestry is concerned, Ross (1896) argues that society possesses a sort of transformative power with which it

"*shapes individual feelings and desires so as to adapt them to the needs of the group*". This process, for its part, "*is partly due to social influence and partly to social control*" (Hertzer, 1951): these are the two components that give rise to the phenomenon of social ancestry (Ross, 1896). The social influence refers to the "*conditioning exercised on the individual by the multitude of men from whom he is surrounded*". Thus, it is "*an accidental, random and devoid of a specific purpose*" domain (Hertzer, 1951). By social control, on the other hand, "*the conditioning on the aims and actions of the individual exercised on behalf of the group" is to be understood. It is not "a random or incidental power: it is intentional and has a conscious nature from its inception*". It is "*partly exercised by defined bodies, formally constituted and supported by the will of society, and partly by agencies of an informal and spontaneous nature which, knowingly or unknowingly, reproduce the interest and social function under constant supervision from above*" (Ross, 1896). At the very moment when individuals acquire the idea of society, which appears as "*something different from a simple cluster of people*", social control is seen "*as one of the ways in which living beings try to preserve themselves in the best of ways*" (Hertzer, 1951). "*The behavior that frowns are what in the long run hurts; the behavior that gives life smiles is what in the long run produces benefits*" (Ross, 1918). For Ross, therefore, the consequence of social control consists in a state of order: "*Clashes and chaos are avoided or completely regulated*" (Hertzer, 1951). It is evident that we are facing one of the first, if not the first, that has been able to have identified the basis, nature and function of social control in the action of human society.

The need for a social order capable of channeling individual actions within socially accepted limits accompanies Ross's entire reflection, together with the conviction that this order "*is a phenomenon that can only be explained by reference to society*" (Bierstedt, 1981). This conviction emerges right from the start: "*The personality that finds its manifestation in conditions of free communion can reach its own goodness, and the order is partly linked to this human nature, partly to the influence of the environment social. My task, therefore, consists first of all in separating the contribution of the individual to the social order compared to that of society, and secondly to bring to light all that is contained within this contribution*" (Ross, 1918). If, in fact, the author maintains, a situation in which a group of pedestrians or vehicles are in constant collision with each other could suggest an absence of order, in the same way there is no order in a group of pedestrians or vehicles that they all go in the same direction in the same place (Bierstedt, 1981). In the second case, however, order is not necessary since there is no interference, collision, conflict. In other words, the order appears only within those situations that could be, so to speak, disordered in the absence of rules. According to Ross (1918), the reaction of individuals to order depends on their mental disposition: some are peaceful and respond promptly to it; others are aggressive and don't. Just as there are individual differences, in the same way there are racial differences: in a quiet race, once the order is established, the individual follows the prescriptions out of pure inertia. In an aggressive race, order is continually endangered by individual recklessness, and can only be maintained through the work of certain social forces (Ross, 1918). Beyond a racial disquisition, what is important to underline is that for Ross the social order is a

human product, and it is necessary to learn how violence was subjugated and confrontation controlled (Bierstedt, 1981). All this, in turn, does not find its origins in a simple hereditary genetic heritage. The animals refer to instinct, but the order of human societies does not coincide with that of the hive or herd. Park and Burgess (1924), outline the "social control" as "*a set of mechanisms that make possible the transformation of the community into a model society and that the mechanisms of social control are the product of a policy decision and an assimilation cultural*". The two authors intend to eliminate any dissent and deviance by submitting and manipulating even popular religion, traditions and public opinion. The State should be idolized in the same way as a secular divinity that guarantees public peace at the price of depersonalizing the community, which should be denied any possibility of democratic protest. Therefore, there is no popular sovereignty, but rather an elite of technocrats who decide everything and command everything.

Ross, Park and Burgess have been hotly contested: Quiron (2001) and, before that, Cohen (1985) and Horwitz (1990) dispute the lack of "sense of measure in the matter of management of deviances". An impeccable order is utopian. The "modest amount of crime" theorized by the Norwegian abolitionist Christie (2004) always remains in the concrete and everyday collective fabric. The company bears in itself a positive or, in any case, irrepressible conflict between lawful and unlawful. The protest and a moderate disorder are and will be physiological elements of the State and of Democracy. As noted by Quiron (2001), the natural lawyers and all those who speak of an alleged "original social pact" rely on an unsustainable and naive caricature, that of a normative consensus. Social control, conceived as a mechanism that makes relations between individuals possible, has been conceptualized within a "bucolic vision of the social". In fact, during the early twentieth century, Ross, Park and Burgess were dramatically downsized. Ross justified the transformation of "social control" into a "class control" in which, in concrete reality, the "goddess"; reason, instead of serving the common good, manages the interests of a political group, which exploits power public to achieve personal profits, as in the paradigmatic cases of Nazi Germany and the Soviet Union. Similarly, Park and Burgess (1924) theorize the indisputable domination of a few over many in order to avoid violent collective conflicts, but even this "*ne cives ad arma veniant*" has no objective and realistic foundations. Park and Burgess (1924) focus social peace on the quadrinomial "competition, conflict, accommodation, assimilation". In turn, competition would be part of an ecological order composed of struggles and impersonal interdependencies; every conflict is, or would be, a relationship of conscious and personalized force for the transformation or maintenance of the normal conditions of common moral and political life. Basically, according to Park and Burgess (1924), conflicts will still be reassembled within a social pact, which will be followed by a universally shared and, above all, indisputable nomogenesis. These theses have been considered not applicable due to the impossibility of postulating a collective bargaining agreement to which the community is subjected (Horkheimer&Adorno, 1944; Sellin, 1938). More realistically, Mead (1925) states that social control guarantees the security of institutions in change and, therefore, not in immobility and immutability, since "social control", which is dominion, power and authority, is a symbolic whole and regulation whose content depends on the social situations and the experience that people make over time. Social control creates a community, but this community depends on a particular situation. For Mead (1918), the social control of anti-normative deviations is constituted by a perennial dynamic meeting between I and You, of Freaudian origin. Socialization occurs when the individual is confronted with the outside, denying, approving, criticizing and, in any case, living with others and with others, deciding, day after day, whether a conduct is or is not a tolerable deviance by the company. Thus, social control is the expression of myself when I meet others (Mead, 1918); therefore, social control depends on the degree of acceptance with which the person places himself towards the other members of a particular group in which social activities take place. (Mead, 1969). Living in society means communicating with others and sharing each other's experiences, in the knowledge that "others" can approve, but also disapprove of, the behavior of another partner. There have been many criticisms of Mead's theoretical framework, as there is still an immutable and undeniable moral foundation, as in the case of totally and totally unacceptable deviations. Serious meta-temporal and meta-geographical crimes demonstrate this, such as voluntary homicide, theft, incest, paraphilias, vandalism, euthanasia, false testimony and unjustified violence against the weakest members of the human consortium and family.

A further criminological attempt to counter the natural law theory was that of Mills (1963) which synthesizes every form of contrast to deviances in a series of psycho-linguistic or, in any case, communicative activities. According to Mills (1963), men have things that are mostly indirect. The quality of human life is determined by meanings received from others. The material existence determines the conscience and the men transmit values through the human language influencing in decisive way the consciences. Thus, in Mills' melancholy perspective, crime, deviance and law would be a linguistic or, at least, gestural product. Everything would be interpretable and interpreted. Indeed, social norms and values are produced with language, because behind each vocabulary there is a set of collective actions. Language organizes and determines behaviors. It is the omnipresent thread in structured human behavior (Mills, 1963). Unfortunately, as in the case of Mead, non-negotiable values remain and will remain. Some anti-normative deviations find their qualification in the ratio of some ontological prohibitions born with the human being itself: killing or torturing an elder for convenience or for fun is certainly not a linguistic fact, even where crime and ethical degradation abounds and familiar.

IV. THE RELATIONSHIP BETWEEN DEVIANT PHENOMENA AND THE LEGAL APPROACH. THE LAW AS A REPRESSIVE FORM OF DELINQUENT CONDUCT

It is too simplistic, according to many scholars, to simply postulate a social reaction in the face of any deviance, including those of a bagatellar caliber or simply borderline. The risk is to chase after the misleading idea of an impeccable legal order, in which the holders of state sovereignty are free to exercise the sanctioning liberticidal acts proper to a police state in which not even the slightest error is admitted. Robert (1984) provocatively asks himself: What does the great transformation brought about by the social reaction perspective try to solve? Certainly, there has

been a contribution that brings alive the fight against the ontogenesis of difference and that brings criminology from theory to practice. Basically, the risk is to practice "zero tolerance" without limiting "social control", which must never turn into a subtle despotic instrument aimed at silencing dissidents and moderates (Black, 1984). Thinking and affirming that Criminal Law is an automatic reaction that immediately suffocates every deviation means wanting to take away the importance of criminological prevention. In this regard, Cohen (1985) recalls that "*the family, religion and neighborhood exercise important social control, well before having to be colonized by systems of control of deviance*". Indeed, there are non-formal remedial instruments, which represent a valid alternative to the immediate and unquestionable imposition of the criminal law and penitentiary treatment. Robert (1984) points out that "it is enough to read a little sociology of deviance to find the practice of prevention. The perspective of social reaction today no longer conforms to the old stimulus-response scheme. Horwitz (1990) points out that social control is a mechanism that reverses the object of deviance, in the sense that not only is the binomial "*crime - penal sanction*", but also the factors of prevention, the general preventive and the not simple construction of a climate of deterrence. Reacting and punishing is essential, but one must also socialize and self-control to reduce deviance even before it can manifest itself. Quirion (2001) argues that it is not the punishment that is central, but rather the regularization that is acting on a complex system, coordinating its actions and making it work correctly and regularly. Conversely, Parsons (1951) made a mistake in imagining a "static" rather than "dynamic" society. Still according to Parsons (1951) the crime is not at all preventable, indeed it is and will be unavoidable from the collective fabric. In contrast, Otero (2003) focuses on "social regulation", that is to say preventive interventions, through the management of negative behaviors, coercion, mystification, manipulation, repression. Social control is also regulation, that is the ability of society to regulate itself according to the principles or values chosen. Similarly, Pratt (1997) prefers a state that regulates more than a state that controls. Also Spitzer (1983) rejects the idea of a "coercive regulation", rather than (above all) "preventive".

Unfortunately, the twentieth century, especially in the literature of the USA, is characterized by the habit of automatically associating the legal-penal sanction with any deviation. Scheerer&Hess (1997) believe that "*the concept of deviance must shift attention to alternative forms of control to law and criminal justice. Behavior control does not generally depend on legal institutions and formal interventions, but rather on how to form desires, models and dreams. Today out of habit we only think of police interrogations, rifles and correctional institutions*". Societies are built on the basis of ideals, which, from the beginning, must be purified from any potential element of potential criminogenesis. The important thing is to build a solid moral foundation. Subsequent deviances are a consequence, not a cause. Reacting is automatic, but the essential is prevention by building well.

V. Conclusion and discussion

In the 1980s there was an increase in criminal events and a crisis in the welfare state system. The common feeling is that delinquent is able to decide and does it consciously. Investments

shift from social rehabilitation treatment programs to those of deterrence and intimidation. We need to protect public order and the safety of citizens, this is the dominant leitmotiv. The objective is to achieve maximum safety with the minimum use of resources, inaugurating the economic cost-benefit policy by comparing financial investments with the levels of safety obtained. The non-monetary but repressive costs are also increased with the increase in prison sentences and, in some States where it was already provided for by the laws, a greater use of the death penalty, the absolute most "productive" condition. The purpose of these policies is the qualitative and quantitative reduction of behaviors that can compromise the safety of the community without questioning the causes that can generate illegal behavior. Social control escapes from prison and other total institutions to extend into the urban territory. Thus we come to think of the territory, understood as a physical and spatial environment, as a place of repression and prevention of street petty crime, also intervening on the modification of the pre-existing urban aspect.

We are witnessing the emergence of fortress neighborhoods with their own security agents, cameras and gates whose purpose is to combat criminalized subjects. The state agencies, the police, thus lose the monopoly of territorial control and security flanked by innumerable private agencies. In the new cartography of the territory the meeting places between groups and people change location. Agorà - shopping center, leisure - shop, here are the new dichotomies: until the eighties the meetings took place in the public square, a typical product of the Italian urban culture, and the control was entrusted to police officers (police, carabinieri, city police, etc.); then the gathering places have moved into private environments, consumption and production centers (shopping centers, bars, discos) with control entrusted to private police (citizens of the order, etc.) whose task is to control and report to the authorities in charge of any irregularities. Private agents are armed and this leads to a possible increase in the level of confrontation. From a behavioral stimulus-response analysis it is possible to deduce that in the presence of armed agents there is a contrast to a delinquent intervention equipped with more powerful weapons. Public security is protected and the social order is preserved, considering the criminal phenomenon as normal, intervening in risk management through the logic of the economic market of supply and demand. The security business is constantly expanding and the Panopticon has outdone itself: with databases, data networks, cameras, control has really spread everywhere spreading itself throughout the day. Security policies create particular categories of subjects characterized by a high risk index: immigrants, toxic, destitute, radical political subjects, just to name a few. The deviant subject stands as the ideal typical case of a collective reality. The logic of the prevention of petty crime takes place, which is exercised through the control of the territory, driven in many cases and in numerous countries to the militarization and limitation of the citizens' space of action. Lianos and Douglas (2000) stated that "deviance is over". The sociology of deviance is dead. In other words, when the percentage of a certain group of crimes falls, as in the case of crimes against the person, this does not mean that social control has improved, but that collective conduct has changed. Conversely, and specularly, if the incidence of an anti-normative and/or anti-social infringement increases, it is not said that the repressive practice has improved. US micro-crime is a clear confirmation of this. Said

otherwise, populistic maximizing the typical or atypical sanctioning tools (night patrols, punitive beatings, private vendettas) does not affect the amount of crimes, especially in serious cases of robbery, private violence, voluntary homicide, extortion or rape. Paradoxically, the more the deviants are excluded, ghettoized and imprisoned, the more the incidence of anti-legal transgressions rises. Luhmann (2000) speaks of "epistemological problems" without a factual foundation. If a drug addict recently resides in a building, he will probably be blamed for thefts committed by third parties that will exploit the chronic use of drugs and the bad reputation of the new tenant. According to Carrier (2005) the Criminology of the 2000s, focuses on ethical constructivism, on selective constructivism, on discursive designation, on subjective victimization/oppression. In this regard, Luhmann (2000), censorship that "*ethical constructivism is false, since deviance is analyzed within two epistemological moments that are mutually contradictory: first a constructivist epistemology is used (social control contrasts deviance), then yes uses positivism (social control is limited to a normative reaction). Deviance and social control merge. The world is no longer what it is, but what is perceived*".

REFERENCES

[1] J. Bentham, El Panóptico, Ediciones de la Piqueta, Madrid, 1979.

[2] P. Berger, T. Luckmann, La realtà come costruzione sociale, Il Mulino, Bologna, 1969. (ed. or. 1966, The Social Construction of Reality, Doubleday and Co., Garden City and New York).

[3] R. Bierstedt, American Sociological Theory, Academic Press, New York, 1981.

[4] D. Black, Social Control as Dependent Variable, in Black, Toward a General Theory of Social Control, Academic Press Inc., Orlando, 1984.

[5] N. Carrier, La politique de la stupéfaction. Pérennité de la proibition des drougues au Canada, Université du Québec, Montréal, 2005.

[6] V. Cesareo, Socializzazione e controllo sociale, F. Angeli, Milano, 1979.

[7] N. Christie, Una modica quantità di crimine, Edizioni Colibrì, Milano 2012 (Ed. or.: A Suitable Amount of Crime, Routledge, London 2004).

[8] A. Clark, J.P. Gibbs, Social Control: A Reformulation, Social Problems, 12, 1965, A. Cohen, Visions of Social Control. Crime, Punishment and Classification, Polity Press, Cambridge, 1985.

[9] A. Cohen, Deviance and control, Prentice-Hall, Englewood Cliffs, New Jersey, 1966 (trad. it.: Controllo sociale e comportamento deviante, Il Mulino, Bologna, 1969).

[10] S. Cohen, A.T. Scull, Social Control and State: Historical and Comparate Essays, Robertson, Oxford, 1983.

[11] S. Cohen, Visions of Social Control, Polity Press, New York, 1985.

[12] C.H. Cooley, Human Nature and the Social Order, Schocken, New York, 1964 (ed. or. 1902, Charles Scribner's Sons, New York).

[13] C.H. Cooley, L'organizzazione sociale, Comunità, Milano, 1963 (ed. or. 1909, Social Organization, Charles Scribner's Sons, New York).

[14] L. A. Coser, I maestri del pensiero sociologico, Il Mulino, Bologna, 1983. (ed. or. 1971, Masters of Sociological Thought, Harcourt Brace Janovich, New York).

[15] A. Digneffe, M. Nachi, T. Perilleux, En guise de conclusion. Des controles sans fin(s) ou le passage de la vérification à l'autocontrole permanent, Recherches sociologiques, 1, 2002.

[16] E. Durkheim, Le regole del metodo sociologico, Edizioni di Comunità, 1969.

[17] G. Gurvitch, Il controllo sociale, Armando editore, 1997.

[18] J.O. Hertzer, Edward Alsworth Ross: Sociological Pioneer and Interpreter, in American Sociological Review, 16, No.5 (Oct.), 1951., pp. 597-613.

[19] M. Horkheimer, T.W. Adorno, La production industrielle de biens culturels, in Adorno & Horkheimer, La dialectique de la raison, Gallimard, Paris, 1944.

[20] A.V. Horwitz, The Logic of Social Control, Plenum Press, New York, 1990.

[21] M. Lianos M. Douglas, Dangerization and the End of Deviance, in Garland & Sparks, Criminology and Social Theory, Oxford University Press, Oxford, 2000.

[22] N. Luhmann, The Reality of the Mass Media, Stanford University Press, Stanford, 2000.

[23] G.H. Mead, The Genesis of the Self and Social Control (1925), in A.J. Reck (a cura di) (1964).

[24] G.H. Mead, The Psychology of Punitive Justice, American Journal of Sociology, 23, 1918, idem Mind, Self, and Society: From the Standpoint of a Social Behaviorist, The University of Chicago Press, Chicago, 1969.

[25] G.H. Mead, The Genesis of the Self and Social Control, 1925. In A.J. Reck (a cura di) (1964) S. Spitzer, The rationalization of Crime Control in Capitalist Society, in Cohen & Scull, Social Control and the State. Historical and Comparative Essays, Basil Blackwell, Oxford, 1983.

[26] D. Melossi, The State of Social Control. A Sociological Study of Concepts of State and Social Control in the Making of Democracy, Polity Press, Cambridge, 1990.

[27] C.W. Mills, The Cultural Apparatus, Power, Politics and People, Oxford University Press, Oxford, 1963.

[28] M. Otero, Les règles de l'individualité contemporaine. Santé mentale et société, PUL, Québec, 2003.

[29] R. Park, E. Burgess, Introduction to the Science of Sociology, University of Chicago Press, Chicago, 1924.

[30] T. Parsons, The Social System, Free Press, New York, 1951.

[31] T. Pitch, C. Ventimiglia, Che genere di sicurezza. Donne e uomini in città. Franco Angeli, Milano, 2001.

[32] J. Pratt, Governing the Dangerous. Dangerousness, Law and Social Change, The Federation Press, Annandale, 1997.

[33] B. Quirion, La prise en charge par l' Etat de l' usage psychotrope au Canada: une analyse des transformation du controle social, Thèse de doctorat, Université du Québec à Montréal, Montréal, 2001.

[34] P. Robert, La question pénale, Droz, Genève, 1984.

[35] E.A. Ross, Social Control. A Survey of the Foundation of Order, Johnson Reprint Corporation, New York, 1901.

[36] E.A. Ross, "Social Control", in «American Journal of Sociology», 1, No. 5 (Mar.), 1896, pp. 513-535.

[37] J.S. Roucek, Social Control, D. Van Nostrand, New York, 1956 (ed. or. 1947).

[38] S. Scheerer, H. Hess, Social Control: a Defence and Reformulation, in Bergalli, Sumner, Social Control and Political Order: European Perspectives at the End of the Century, Sage Publications, London, 1997.

[39] J.T. Sellin, Culture, Conflict and Crime, Social Science Research Council, New York, 1938.

[40] W.G. Sumner, Social Control and Political Order: European Perspectives at the End of the Century, Sage Publications, London, 1997.

[41] W.G. Sumner, Costumi di gruppo, Comunità, Milano, 1983 (ed or. 1906, Folkways, Ginn & Co., Boston).

[42] C.K. Watkins, Social Control, Longman, London and New York, 1975.

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