

Social Control and the Theory of Communicative Action

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Introduction

Over the past two decades, the theories of Jürgen Habermas have received widespread attention in many different fields of study, and his work has generally been received as one of the major contributions to contemporary social theory. Especially since the publication of his much celebrated magnum opus *The Theory of Communicative Action* (Habermas 1987a, 1984), Habermas' ideas have inspired many topics of social-scientific debate. These discussions have in recent years particularly focused on the relationship of Habermas' work to American pragmatist thought (Shalin 1992), the debate on modernity and postmodernity (Rorty 1985; Raullet 1989), and political and moral philosophy (Rasmussen 1990; Calhoun 1992). Next to these commentaries, many critical reviews and introductory texts to Habermas' thought have appeared that aim to overcome the relative inaccessibility of his work (e.g. McCarthy 1978; White 1988; Brand 1990; Postone 1993). However, while these discussions have undoubtedly helped to clarify Habermas' work *vis-a-vis* other theoretical traditions, they have paid little attention to assess the strengths and limitations of Habermas' theory in light of its applicability to specific fields of sociological inquiry. This paper addresses this shortcoming by assessing the avenues that can be taken from a Habermas-inspired perspective for the analysis of the sociological concept of social control.

The literature on social control shows a wide variety of perspectives and research topics. Introduced in sociology as early as the end of the 19th century, the concept of social control originally denoted the capacity of a group or society to regulate itself and to secure harmony and unity in social life (Martindale 1978, pp.46–49; Roucek 1978, pp.5–12). Social control, in this meaning, relates to the ontological problem in social theory, providing an answer to the question of how social action is co-ordinated, or how social order is possible. Since the 1950s, social control has been more

narrowly conceived in relation to deviant behaviour and crime (Martindale 1978, pp.50–53; Scull 1988, pp.673–685). Formally defined, social control refers to those social mechanisms that are brought into play to react to (prevent, reduce, and detect) crime and secure obedience to social norms. In this paper, I apply the work of Habermas to this more circumscribed definition of social control.

To develop my argument, I first briefly present the central ideas of Habermas' critical theory as he has developed it in his theory of communicative action. Next, I describe the ways in which Habermas' work has previously been used in research and theory on social control. I discuss these applications of Habermas' theory specifically in relation to Habermas' observations on law and his attempt to reconcile an action-oriented approach with a systems theory. I also discuss the controversy between Habermas and Michel Foucault, specifically the way in which it has influenced theories of social control. On the basis of this discussion, I demonstrate the significance of Habermas' work for the study of social control, and argue for the duality of control from the perspective of system and lifeworld.

The Theory of Communicative Action: Elements of Orientation

At the starting point of Habermas' theory of communicative action is the problem of rationality and the process of rationalization in the history of society. Habermas (1984, pp.168–185) distinguishes two types of rationality: cognitive-instrumental rationality, which is directed at the successful realization of privately defined goals, and communicative rationality, which is aimed at reaching understanding in social action. Habermas further analyses the conditions of communicative rationality through an examination of speech-acts. From this, he infers the rational conditions for mutual understanding in communicative action (Habermas 1984, pp.305–328). These conditions are dependent on several validity claims of comprehensible and well-formed speech-acts: (1) an objective speech-act is true when it is accepted to refer to a state of affairs in the world; (2) a normative speech-act is right when it fits within a complex of social values and norms; and (3) expressive and evaluative speech-acts are truthful when they are made by sincere communicative actors.

Every validity claim of a speech-act can be made acceptable either by resorting to an arbitrary claim to power, or by providing substantive arguments to defend the position forwarded in communication. In the latter case, the communicative actors enter the realm of discourse to explicitly test the validity of the claims. Habermas (1984, pp.20–22) distinguishes three types of discourse: (1) theoretical discourse to discuss

the claim of truth; (2) moral-practical discourse on the rightness of communicative acts; and (3) explicative discourse on the well-formedness of speech-acts. Communicative acts are usually not, and do not have to be, debated in discourse since social communication takes place within the background of an undisputed shared lifeworld (Habermas 1987a, pp.119–152). The lifeworld includes the particular tradition of a communicative community (culture), the network of solidary groupings (society), as well as processes of socialization (for personality development). Habermas argues that over the course of history, the lifeworld has rationalized, that is, it has differentiated according to the different validity claims.

Habermas' exposition on rationality may seem closely akin to the traditional sociological view on rationalization well-known since Weber. However, according to Habermas, the action-oriented approach of the differentiation of the lifeworld is insufficient to account for all the complexities involved with the historical process of rationalization in western societies. The rationalization of the lifeworld can only be properly understood when it is not only conceived as a symbolically reproduced communicative order, but also by taking into account the 'material substratum' of society and its pattern of reproduction (Habermas 1987a, pp.235–282). Rationalized societies not only have to secure the transmission of cultural values, legitimate norms, and socialization processes (what Habermas calls the symbolic reproduction of the lifeworld), but are also dependent on the degree to which they can efficiently manipulate and control their material basis (material reproduction).

To clarify the forces of material reproduction, Habermas supplements the action perspective of the lifeworld with a systems theory. The lifeworld approach cannot account for the fact that social systems, securing material reproduction, have managed to arise in which social action is no longer co-ordinated through language. In particular, Habermas pays attention to the systems of economy and state (Habermas 1987a, pp.338–343). These systems have in the course of history split off from the lifeworld, a process which Habermas (1987a, pp.153–197) denotes as the uncoupling of lifeworld and system. Economy and state function independently of the lifeworld because their action-co-ordination mechanisms are transferred from language over to the (delinguistified) steering-media of money in the economic system, and power in the system of state. Actions co-ordinated through these steering-media fundamentally differ from action co-ordination through communication, because they aim at the successful realization of structuring the exchange of goods and services on the basis of their value (economy) and the efficiency of reaching binding decisions (state). Actions in systems are exclusively guided by cognitive-instrumental rationality.

Habermas does not conceive the uncoupling of systems and lifeworld as problematic in itself. The co-ordination of action in systems can best be secured by steering-media because they manage to relieve communicative actions from their indecisiveness, and they operate with a high level of efficiency and productivity. However, systems also have the capacity to penetrate back into the lifeworld. The action-co-ordination mechanism of language is thereby replaced by co-ordination mechanisms oriented to success in those domains of the lifeworld that in fact can only be secured through communicative action if the lifeworld is not to be deprived of its fundamental characteristic of transmitting knowledge, securing social order, and socializing individuals by way of actions oriented to mutual understanding (Habermas 1987a, pp.318–331). When money and power replace language in the lifeworld, it is colonized by the systems economy and state. Habermas takes up a systems-theoretical approach because it elucidates that the validity claims of communicative action do not have to be considered to justify the rationality of action in systems.

Law, as the institutionalized domain of moral-practical rationality, occupies a central place in this process of rationalization (Habermas 1984, pp.254–271, 1987a, pp.365–372). On the one hand, it contributes to the normative anchoring of money and power in the lifeworld, and thus legalizes the independent functioning of state and economy. On the other hand, law may also enter into the lifeworld and disrupt its communicative capacities so that disputes in the lifeworld (ideally dealt with through communicative action) become converted into monetary and bureaucratic matters. Law then becomes a systemic medium in the colonization of the lifeworld. It should be noted that Habermas has recently re-interpreted his thoughts on law to argue for the 'internal duality' of law as both a systemic steering-medium and an institution with normative aspirations. Whereas Habermas previously attributed this legal duality to different types of law (Habermas 1987a, pp.356–373), he now conceives the coexistence of 'facticity and validity' characteristic for all legal arrangements (Habermas 1988, 1992a; Deflem 1994; Rasmussen 1994).

Lifeworld, System, and the Control of Crime

To substantiate a perspective on social control based on Habermas' critical theory, I discuss the applications that have this far been suggested in the literature. From the outset, it can be stated that Habermas' work has largely been neglected in the sociology of social control. In addition, I will show that in the few instances that Habermas' work has been applied to issues of social control, a wide variety is shown in the ways his work is thought to contribute to diverging theoretical positions. I briefly examine these

applications, and relate this discussion to different perspectives to the study of social control.

Habermas' ideas have influenced discussions of social control within the abolitionist perspective in criminology and criminal law. Abolitionist theories have largely grown out of confrontations with the practices, and failures, of the European penal system (e.g. Mathiesen 1974; Christie 1982; Hulsman and Bernat de Celis 1982), although the approach has meanwhile managed to inspire some debate outside Europe's border (e.g. Henry and Milovanovic 1991; Thomas and Boehlefeld 1991; Feeley and Simon 1992). I here present the influences of Habermas' work in the abolitionist perspective in a more or less coherent way, doing little justice to the variety of different approaches that claim to be abolitionist and, to some extent, dependent on neo-Marxist and critical-theoretical premises (see Blad *et al.* 1987a, 1987b; and Deflem 1992b for a more elaborate treatment). This brief review may suffice to draw some useful conclusions with respect to new directions in the conceptualization of social control from the perspective of Habermas.

The abolitionist approach contends that crime is an arbitrary social category to mark behaviour considered unacceptable under particular historical, political, and economic conditions in contemporary (capitalist) societies (de Folter 1986; Hulsman 1986; Van Swaaningen 1986). Abolitionist criminologists acknowledge that certain behavioural manifestations can have problematic consequences for the people involved (both victims and offenders). However, the definition and treatment of these behavioural types as crime is more harmful than beneficial, and the specific arrangements of the criminal justice system do not and cannot offer a genuine resolution to the problem. First of all, crime, as an effectual label, does not do justice to the entire event under which problematic behaviour occurs. Abolitionist theories suggest to situate deviant activities in the surrounding social conditions in which they occur. Social control, specifically the official criminal justice system, abolitionists argue, is not a solution to the problem, because it takes the problem away from the people involved, and remoulds it according to the principles of a dehumanized system of justice.

The work of Habermas has been used in various ways to theoretically ground the abolitionist perspective. First, with regard to the arbitrariness of the notion of crime, it is suggested that social events can only be considered problematic when the needs of the people involved are not met, and when this evaluation is reached by those people themselves as the result of an undistorted speech situation (Baratta 1985, 1990; Baratta and Silbernagel 1988). Using concepts from Habermas' theory, this proposition implies that social problems should be defined in the lifeworld of the people involved. True solutions to crime problems cannot result from the

criminal justice system because it is imposed upon people from a perspective that does not do justice to the specific conditions they encounter in their lifeworld. In other words, the criminal justice system colonizes social problems in the lifeworld.

There is disagreement within the abolitionist perspective on the status of this colonization effect of the criminal justice system. The argument reflects the distinction between phenomenological and structuralist abolitionist theories. The phenomenologically oriented approach argues that the colonizing effects of the criminal justice system can gradually be pushed aside when people are free to construct small-scale alternatives to handle their problems in a de-professionalized, de-institutionalized and decentralized way (Hulsman 1984, 1986; de Haan 1986, 1988, 1990). This would result in the eventual abolition of the criminal justice system, once the value of alternative ways of dealing with problems in the lifeworld have shown their usefulness.

The structuralist approach in abolitionism, on the other hand, states that it is naive to assume that the abolition of the criminal justice system would ever take place if its wider social context is not taken into account (Kreissel 1985, 1986; Smaus 1987; Scheerer 1989). The structuralist perspective maintains that it is insufficient to concentrate solely on the negative consequences of criminal justice for the individuals involved. The historical, economic, and political conditions in which a specific type of criminal justice appears, should be taken into account to reveal that the criminal justice system fulfills functions beyond afflicting harm to individual actors. Fundamentally, the criminal justice system is a manifestation of the structural relationships of power and domination that have historically developed in (capitalist) society. The structuralist perspective acknowledges that the criminal justice system cannot fulfill the function of reducing crime, but at the same time it does fulfill a function, namely the reproduction of a particular political and economic order. Therefore, it is argued, not only is crime a construction distant from people's experiences in the lifeworld, and not only do the ways of dealing with this problem in the criminal justice system lead to colonizing effects, the criminal justice system also maintains the status quo of the entire social order in which it is embedded.

Social Control and the Dilemma of Crime

In this section, I assess the strengths and limitations of the proposed applications of Habermas' critical theory for the study social control. My critique focuses specifically on two themes in Habermas' work: the communications-theoretical perspective on law, and the centrality of the

notion of the systemic colonization of the lifeworld. This discussion will suggest that the abolitionist social control perspectives based on Habermas' theory have not taken into account the full complexity of Habermas' writings, neglecting some crucial elements in his work, and interpreting it one-sidedly to be merged into an existing theoretical frame, rather than to suggest a conceptual reformulation on the basis of Habermas' theory.

Social control without crime?

The abolitionist perspectives discussed seek to demonstrate that the criminal justice system criminalizes certain types of behaviour which may or may not be perceived as problematic by the people involved. The criminal justice system is seen to colonize the demarcation of criminality v. conformity. Moreover, the abolitionist position indicates how the criminal justice system is also colonizing with regard to the way crime is conceived and should be dealt with. On these grounds, the abolitionist perspective relates its premises to Habermas' identification of the lifeworld and its phenomenological status, on the one hand, and the functioning of social control processes based on a systems-theoretical approach, on the other. However, I believe several issues in the abolitionist appropriation of Habermas' critical theory are inadequately dealt with.

Within the phenomenologically oriented approach in abolitionism, prevalence is given to the action-oriented perspective of the lifeworld. The focus of attention is exclusively directed at the experiences of concrete individual actors confronted with problems in their lifeworld, and the colonizing consequences of the criminal justice system in the lifeworld are interpreted from this internalist perspective. The structuralist abolitionist perspective, on the other hand, emphasizes how the criminal justice system should not only be scrutinized with regard to its colonizing influence on the lifeworld of people, but also with respect to its systems-functionality. Arguing with Habermas, this theoretical outlook stresses that systems operate independently into the lifeworld, in a way which can only be fully explained if the wider social context is taken into account.

Both versions of abolitionism, however, disregard some crucial elements in Habermas' work. First of all, it should be kept in mind that it is one of Habermas' main intentions to construct a social theory which combines an action-oriented and a systems approach. While in the phenomenological version of abolitionism, the internal perspective of the lifeworld is predominant, within structuralist abolitionism, the systems orientation gains prominence at the expense of phenomenological accounts of the (communicative) character of the lifeworld. In this way, both positions do little justice to Habermas' objective to construct theoretical integration

(leaving aside the question whether or not it is successfully achieved in his work).

Moreover, in describing a particular relationship of uncoupling between lifeworld and system, Habermas (1987a, pp.115–118, 153ff) also outlines a theory of social evolution. The lifeworld has rationalized according to the different universal validity claims of language. The systems of state and economy, although still anchored in the lifeworld (through their legalization), manage to function independently with the media of power and money without having to rely any longer on the principles of communicative rationality. It seems that this theoretical construct has, in abolitionist theories, been translated rather rudimentary to suggest that the criminal justice system colonizes the lifeworld of victims and offenders. Further specifications of how this process comes about, or how it can be historically elucidated with reference to Habermas' theory of social differentiation, are not dealt with in any of the discussed abolitionist applications.

On the nature of social control

Next to Habermas' critical theory, abolitionist theories at times also apply the work of Michel Foucault in their analyses (e.g. de Folter 1986; van Ransbeek 1989). While it may cause little surprise that Foucault's critical accounts of the evolution of the penal system and modern structures of power have found way into the sociology of law and social control, it is striking that his work is in abolitionist theories sometimes merged with that of Habermas. Of course, both Habermas and Foucault have constructed critical social theories, but the differences between Habermas' post-metaphysical theory of modernity and Foucault's post-structuralist genealogy of power seem more striking. Numerous accounts have meanwhile focused on the controversy between Foucault and Habermas (Freundlieb 1988; Rabinow 1989; Isenberg 1991; Bernstein 1992), and Habermas and Foucault have elaborately commented upon each other's writings (Foucault 1984a, pp.248–250, 1984b; Habermas 1987b, pp.238–265, 1989b, pp.196–205, 1992b, pp.115–148). It is worthwhile to briefly discuss this debate since Foucault's work has inspired much debate in studies of social control to which I will return below.

The intellectual projects of Foucault and Habermas clearly start from different intellectual concerns. Foucault (1977) is historically oriented at unravelling the power structures that have developed in western societies since the 19th century, finding their mature expression in the panoptical prison system, while Habermas constructs a sociological theory of contemporary society, which applies mainly to developments since the 2nd World War with the rise of the social-welfare state. This divergence in focus

leads Foucault to analyse power relationships at the micro level, while Habermas develops a macro approach to the problem of social order. This clearly shows when Foucault argues that power is manifested in all social relations as productive, interrelational discipline operating within a pervasive social whole, thereby explicitly rejecting any view on power as being localized or explainable in terms of the 'central spirit' of State or Capital (Foucault 1980, p.98). Habermas, on the other hand, explains crisis phenomena in terms of the colonization of the lifeworld by the systems of politics and economy, and he concentrates on juridification processes in positive law. Not surprisingly, Foucault's analysis argues that people are caught up in structures of power, and that it is the intimate connection between knowledge and power that has precisely created the subject. Habermas still retains a hermeneutically inspired perspective to suggest the autonomy of intersubjective relationships established through communicative action. He thus pays attention to the meaningfulness of communicative action next to the functionality of systems. The normative viewpoints that finally emerge from these divergent types of analysis, are also markedly different. Foucault's critical account of the over-all presence of power in society seems to result in a nihilistic irrationalism and abandonment of an all-encompassing critique on the basis of reason. He radically chooses local action against power-technologies "but one which, through the choice of its site, will act radically on the whole" (Foucault 1980, p.144). Habermas, despite the critical conclusions of his analysis, nevertheless maintains that modern societies (still) contain certain opportunities in the communicative structures of a plurality of lifeworlds, i.e. that there are still potentials or 'utopian energies' in rationalized societies that can offer resistance to the colonizing influences of economy and state (Habermas 1989b p.48).

These differences between the viewpoints of Foucault and Habermas are important to consider in relation to the problem of conceptualizing social control. A Foucauldian approach, motivating local struggles against power and domination, strives for an abolition of the criminal justice system and the mechanisms of social control it motivates, an aspiration which fits well with abolitionist theories. An orientation inspired by Habermas, on the other hand, suggests the potential advantages of control and legal mechanisms, if only they are sufficiently attuned to the needs of the lifeworld. It has indeed been suggested on the basis of Habermas' theory that criminal law procedures and its enforcement can actually contribute to more equity and justice when they seek a protection of human rights (Mullen 1986). Habermas-inspired theorists have even proposed to expand the existing legal regulations to limit the colonizing capacities of systems and protect the lifeworld (Raes 1986).

In conclusion, the abolitionist appropriation of both Habermas' and Foucault's theories seems hard to maintain. Drawing on the work of two authors representing positions as divergent as Habermas and Foucault, abolitionism does not even address the problems associated with the resulting intellectual hodgepodge (Deflem 1992*b*, 1993). At best, the differences are merely identified (e.g. Van Ransbeek 1989, p.211). From my analysis of Habermas' theory, it appears quite untenable to unite the abolitionist aspiration of striving towards the eventual abolition of the criminal justice system (which seems closer akin to Foucault's analysis) with Habermas' intent to identify and appeal to the potentials of communicative structures in the lifeworld and his claim for the productivity and efficiency of, albeit sufficiently moderated, systems. The unsystematic way in which Habermas' theory is brought into the abolitionist approach, and the fact that it is intermeshed with presuppositions from diverse theoretical traditions, seems to conform more to a desire to refer to renowned theorists than to ground a theoretical position.

Social Control Between System and Lifeworld

In the above, I have forwarded some concerns that a theory of social control from the perspective of Habermas' critical theory should take into account. It is evident that Habermas' theory of communicative action is in the first instance a theory on the basic foundations of society, that is, on the problem of social order. Relating Habermas' work to the more narrowly conceived notion of social control, I have outlined the variety of ways in which Habermas' work has been applied. However, several aspects of these transcriptions, I indicated, are inconsistent with the presuppositions of Habermas' critical theory. On the basis of this critique, I will develop a more constructive approach to conceive social control from the perspective of the theory of communicative action.

Revising the revision of social control

A substantial body of recent theory and research has suggested a new perspective of social control, indicating the need for a revision of some of the earlier held conceptions of social control. The differences I identified between Habermas' and Foucault's theories will prove useful to evaluate this perspective which is theoretically substantiated with reference to the work of Foucault.

The revisionist perspective of social control, as it is referred to (Cohen 1989), asserts that historical developments in social control, that are usually thought to be rational alternatives to repressive measures, are in fact

nothing more than an expansion of already-existing mechanisms of control (Cohen 1985). Many of the alternatives to traditional forms of social control (e.g. diversion, treatment, and re-socialization programmes) are seen to be supplementing, not substituting repressive control mechanisms, so that there are nowadays, in effect, more means to control crime (widening the net of control). Furthermore, new modes of social control also ensure that nothing criminal can escape the panoptical controlling eye. Contemporary social control is indiscriminately and proactively applied to everybody, surveying a nation of suspects (thinning the mesh of control). This conception of social control implies that all types of control taken together represent a 'master-pattern' of control (Cohen 1985, p.13). Several explanations have been forwarded to account for the general rise and changing nature of the 'new surveillance' (Marx 1988, p.206). Revisionist theorists refer to economic, political, and historical conditions, and the ideological 'discourses' of the new penology (Feeley and Simon 1992).

Recently, the revisionist theories of control have been criticized for their failure to account for the cultural, symbolic nature of control, which should be considered to explain the existing mixture of new and old forms of control from a multi-dimensional perspective. In addition, it is argued that these theories have failed to address the rationale guiding new means of control as well as the central forces conditioning its rise (Chunn and Gavigan 1988; Nelken 1989; Garland 1990; Deflem 1992*a*). A perspective of social control developed along the lines of Habermas' theory of communicative action may address some of these concerns.

In Habermas' theory, state and economy maintain prominence in an explanation of social pathologies. The two-level perspective of lifeworld and system suggests that problem in the day-to-day affairs of people result from economic and/or political mechanisms of action-co-ordination penetrating into practices that should be secured through communication oriented at mutual understanding. Specifically, Habermas has analysed the process of juridification from this perspective (Habermas 1987*a*, pp.356-373). Juridification refers to the fact that modern law expands by imposing legislation on previously informally-regulated social matters, and that legal arrangements regulate social relations in a more detailed, pre-determined way. As a result, law can potentially intervene into the most private of everyday activities. In its present form in modern welfare states (in Europe), juridification primarily concerns the protection of social rights against the unbridled operation of the free-marked economy. At the same time, juridification in democratic societies aspires to secure the freedom of individuals over and against the powers of government and state bureaucracies. Habermas maintains that while the process of juridification ideologically harmonizes with the need to curtail the economic system and

the state from penetrating ever deeper into communicative action structures, it often involves a restructuration of legal interventions along the lines of systemic imperatives. In other words, state and free-market determine the conditions of their own restraint. Habermas mentions the example of social-welfare legislation to argue that these laws only pursue to regulate individualized needs, which are made in terms of and dealt with by bureaucratic organizations, only in order to offer monetary compensation (the consumerist redefinition of rights). Demands of the lifeworld, however just in themselves, are thus transformed into bureaucratic and monetary arrangements, and the law formalizes, as do systems, the social relations of everyday life. In the modern welfare state, then, the lifeworld may be colonized by the systems of economy and state, and by the law as medium. More recently, Habermas (1992a, 1993, 1994) has explicated this view to argue that law can originate in the lifeworld yet at the same time be structured in terms of systems.

Habermas' notion of law, I believe, offers an appropriate counterpart to control analyses from the Foucauldian perspective. On the one hand, it cannot be denied that revisionist theories of control have performed a crucial task in uncovering the changing nature of control to indicate how pervasive and intrusive forms of control have, in recent years, gradually found way into society. Social theories must acknowledge the force of demystification with respect to taken-for-granted presumptions on the rational progress of control and new forms of surveillance and punishment. Social control is nowadays also arranged in the form of treatment and re-education, with increasing capacities to penetrate ever deeper into social relations, as is testified by the expanded reliance on surveillance satellites, undercover operations, computerized information systems, or screening and punishment technologies. However, this revision of control inspired by Foucault should not divert attention from the equally remarkable development that repressive and coercive forms of social control have not disappeared in contemporary society. What revisionist control theories fail to account for is the fact that traditional mechanisms of control and punishment persist, and that the new means of control, however unique in form, are nonetheless administered by bureaucratic agencies of control, and remain determined by particular economic conditions (not only when they are privatized in the security and private policing industry; see Lilly and Deflem 1995). At the same time, an approach that is sensitive to the interventions of state and economy could enable to unveil the alliances between private and public forms of control. While revisionist theories of control can minutely describe the forms of control, they cannot capture the locus of control, in terms of a two-level perspective of society, nor can they unveil its rationale, according to different modes of (social and systems) integration.

The duality of social control

To redress the one-sidedness of revisionist theories of control, Habermas' identification of law as institution and as medium merits consideration to suggest the duality of social control between lifeworld and system. I therefore propose to characterize social control, from the perspective of the theory of communicative action, as the social mechanisms that reactively or proactively respond to crime, and are designed and executed by state and free-market agencies of control, guided by bureaucratic and economic imperatives of systems to intervene in the lifeworld or, conversely, in response to legitimate demands originating from the lifeworld. The separation between system and lifeworld, then, is manifested in the duality of social control activities.

This description of social control suggests that manifestations of control, old and new, should be analysed from the standpoint of the systemic colonization of the lifeworld. The abolitionist perspective, mentioned before, asserts along similar lines, at least as far as its critical analysis of the criminal justice system is concerned, that social control efforts may enter into people's lifeworld in a manner that does not do justice to the way problematic events are experienced and defined. However, taking into account Habermas' two-level approach of lifeworld and system, abolitionist theories have to be complemented by an explication of the locus of control in the systems state and economy. Abolitionism shares with revisionist theories of control, the view that all forms of control are but variations on a theme, merged and legitimized within one over-all master-pattern of control. But there is no unanimity among theorists from these perspectives on what steers the operation and determines the nature of this master-pattern (Deflem 1992a, p.185). As in the work of Foucault, abolitionist and revisionist approaches observe the productivity and new qualities of the master-pattern, only to unveil a self-functional absolute strategy of control. Habermas' two-level perspective of system v. lifeworld, however, offers a suitable way to draw a demarcation line between different manifestations of social control. Distinctions between control measures can be made by determining whether they originate from system or lifeworld respectively, and on the basis of the accompanying co-ordination-mechanisms.

This perspective, on the one hand, leads to detect the locus of control in the differentiated systems of state and economy, and to account for its rationale in terms of bureaucratic or monetary mechanisms of action-co-ordination. Referred to are public and private agents of control, and their operation on the basis of respectively bureaucratic and monetary systems imperatives. On the other hand, this perspective does not deny that there can and should be ways of dealing with crime that correspond to normative demands people claim in their lifeworld. Social control should therefore

not be entirely conceived in terms of strategic interventions of systems, but can be institutionalized on the basis of meaningful, understanding-oriented actions which are attuned to legitimate claims in a plurality of lifeworlds. Following Habermas' theory, it should be acknowledged that there can be "unmistakable gains in liberality and legal security, and the expansion of civil-rights guarantees" in the area of criminal law and control (Habermas 1987*b*, p.290). In addition, such lifeworld demands do not have to be delineated to the realm of private, intimate everyday actions, but can be structured in a public sphere of discourse in which to decide on such matters of equity, justness and a rightly conceived legal intervention operationalized in social control (Habermas 1989*a*, 1992*c*). As such, public discourse can redirect attempts at systemic interventions in the lifeworld to gain back the potentials it lost in the face of the over-riding rationalizations of state and economy.

The viewpoint I here defend also suggests that both systems-theoretical and interpretive perspectives on crime and social control should be taken into account. On the basis of Habermas' critical theory, the systems perspective can unveil the systemic nature of control and its operation in monetary and bureaucratic co-ordination-mechanisms, as well as expose the way definitions of crime (in criminal law) are systemically distorted by state and economic interventions. This leads to avoid an essentialist notion of crime (Groves and Sampson 1986) in favour of a constructivist perspective (Deflem 1995). The theoretical focus of the lifeworld, on the other hand, allows to disclose if and when control is targeted at crime problems so perceived in society, on the basis of decisions reached under conditions of an undistorted public discourse. As Habermas argues, such a mode of discourse is not to be conceived in terms of an ideal utopia, but as the idealization of democratic potentials already at hand in communicative structures of everyday lifeforms (Habermas 1992*d*, pp.143–146). The perspectives of system and lifeworld, then, are integrated, not simply merged, to suggest the fundamental duality of control.

Conclusion

In this paper I have proposed a theoretical formulation of social control from the perspective of Jürgen Habermas' theory of communicative action. I argued that the applications of Habermas' theory for the study of crime and social control, that have thus far been proposed, do not adequately reflect on the complexities of Habermas' writings, particularly with respect to his two-level construction of lifeworld and system. The concept of social control I developed took these two dimensions into account, to reveal the duality of control in the relation between lifeworld and system. Social

control shares with law, the social domain which after all primarily legitimizes its operation, the capacity to intervene in people's lifeworld in a way which is conditioned by state and economic predicaments, or which is congruent with the communicative structures in the lifeworld. Both manifestations of control operate independently from the form (proactive or reactive, repressive or restitutive) in which they occur. The confusion over how to apply Habermas' social theory for matters of inquiry in sociology of law, and the wide variety of Habermas transcriptions it lead to, may stem precisely from an preoccupation with the form of control at the expense of its underlying rationale determined by the action-orientations of control agencies.

Of course, it should not, nor can it be denied that Habermas' theory has been criticized from various positions, and that this also affects the propositions I raised in this paper. Especially noteworthy are the criticisms against his rigidly-framed separation of lifeworld and system. The different co-ordination-mechanisms (language v. money and power), some argue, can actually operate in and through all spheres of social life (see the discussions in Peters 1994; Thompson and Held 1982; Bernstein 1985). However, this critique does not deny the theoretical relevance of Habermas' concepts. On the contrary, it points out how they can be fruitfully applied in social research, in order to reveal empirical complexities. The social control perspective which I based on Habermas' theory may prove its analytical potential to reveal tensions in social control, and should not be understood as a reified construct inattentive to research. With this in mind, the proposed formulation offers a provocative alternative to the recently-voiced arguments for the 'deconstruction' of social control in favour of a claim for the total demystification of power and surveillance structures, as well as of their understanding in theory and research (Cohen 1988, p.11). Habermas' critical theory may show merit precisely because it enables an outlook from which to judge meaning and progress in social control efforts, while at the same time being able to analyse and criticize the problematic, colonizing aspects when control is determined by systems superimposed upon the lifeworld.

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