

## Potential for Mutual Benefits: Sociological Theory and Criminology

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Two theses claim and two stories illustrate the potential mutual benefits of sociological theory and research on crime and criminal justice.

*Thesis 1: Sociological theory is especially crucial for areas of sociological inquiry that lie in the vicinity of fields of praxis as criminological and criminal justice research (C&CJR) does.* Theory provides conceptual tools allowing scholars to keep analytic distance from the terms and everyday theories of practitioners. Such distance is a condition for the autonomy of science, especially in fields (social movements, organizations, and policy areas alike) that possess considerable symbolic or material resources. This is particularly so if these resources can be converted into scientific capital.

*Thesis 2: C&CJR that is inspired by sociological theory in turn produces benefits for sociological theory, just like research in the sociology of culture or comparative-historical sociology does.* C&CJS, however, is perceived as marginal by many theorists, and I appreciate Neil Gross's courage to include it as an early case in this series on the link between theory and substantive research areas.

Well known examples for the profound contributions that a theory-inspired approach to crime and crime control can offer reach from Durkheim's insight that crime is "normal," to Black's understanding of "crime as social control" (*American Sociological Review*, 48/1983:34-45). Hamilton and Sutton's (*Theory and Society* 18/1989: 1-46) contribution to our understanding of the Pragmatist movement and its application to control in the weak state, and Sutton's manifold empirical examinations of this idea, provide another example. Contributions of many others,

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## Theory, Abortion, Policing, Terrorism

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*For scientific theory is one thing to which the pragmatic formula applies; it is justified only by its usefulness in understanding the facts of empirical experience.*

—Talcott Parsons

It is more than merely provocative to make the case for the pragmatic objectives of theory by quoting from the work of a sociologist not uncommonly thought of to have contributed little beyond conceptual schemata. Besides unraveling the characteristics, structures and processes of selected institutions in the context of specified socio-historical conditions, the primary objectives of my work in the area of the sociology of law and social control involve a determined attempt to link the insights from general theoretical models with empirical research, whether in terms of appropriate approaches or fruitful arrivals.

My fondness for theory must have preceded my interest in sociology, for when I became an undergraduate student of sociology in Belgium in 1980 I was interested almost exclusively in issues far outside the discipline. Whatever few sociological interests I did then maintain, however, were entirely theoretical. The theories I now develop and apply also date back to my undergraduate student days and the fortuitous and fortunate exposure to the writings of Emile Durkheim, Robert Merton, and Talcott Parsons. I thus learned the proper boundaries of sociology early. The first sociological article I ever read was Merton's (1968:73-138) essay on manifest and latent functions, a paper that proved its point

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rather well, for it was like no other writing instrumental for my development as a theoretically inclined sociologist.

The pragmatic objectives of theory are proclaimed more readily than they are practiced. Admittedly, some of my writings are ‘purely’ theoretical (Deflem 2003, 1999), and there must be room for such work, particularly inasmuch as it clarifies the sociological usefulness of theory to relevant specialty audiences (Deflem 1996, 1989; Featherstone and Deflem 2003). But I value an exclusive preoccupation with theory only by those who can perform it competently, which I am not. Instead, I have in my work mostly sought to show the value of sociological theory for issues of law and social control, especially by applying theory in various studies on empirical phenomena. Starting from the premise that social life is located in time and space, my work concerns aspects of society that relate to the reproduction of social order in matters of law and social control. Among the topics I have studied in most detail are constitutional aspects of abortion policy and the internationalization of the police function.

Reviewing the existing scholarly literature on abortion policy, it is hard to imagine an area of investigation more inspired by divergent but always ethical orientations and less informed by theoretical insight. Most of the existing abortion scholarship indeed confuses the normativity that social facts resonate with the intellectual foundations of the study thereof, thus neglecting the value of an analytical distinction that has been with sociologists since Durkheim. To avoid such pitfalls, my work relies on the writings of Jürgen Habermas and Talcott Parsons to analyze the evolution of the constitutional regulation of abortion in the United States. Because of their breadth and staunchly modernist aspirations, the works of Habermas and Parsons offer fascinating perspectives on which to build a meaningful sociological analysis of the dualities of modern societies. Habermas’ and Parsons’ theories combine to usefully reflect on the enduring tension produced by the legal recognition of an individualized right on abortion—a tension that is reflected not least of all in the proliferation of abortion groups and the polarization of abortion opinion—in spite of and contrary to law’s self-proclaimed function to regulate social behavior and integrate society (Deflem 1998). In other words, a functionalist orientation should not lead astray from a historical orientation, both perspectives (again) inherited from Durkheim.

At least since Weber, a central focus in the study of law is the tension between legitimacy and legality. This duality is articulated in the institution of law, minimally in the continued normative aspirations of law through legislation, on the one hand, and the establishment of an efficient apparatus of rule enforcement, on the other. Focusing on the behavior of police institutions, the theoretical orientation of my work on the historical foundations of international policing argues against unfounded reductionist perspectives of police power in terms of state or market (Deflem 2002). It is not only ironic to argue that the extent to which the bureaucratic autonomy of police institutions is not recognized among sociologists may count as its single most perceptible indicator. The neglect of the study of police in sociology and of its relevance in society is not only a function of the institutionalization of managerial police studies in criminal justice. It is also intellectually dumbfounding that police cannot easily be discussed nor perceived in a discipline whose founders focused centrally on the development of criminal law and surveillance and the bureaucratization of the state. Weber even equated modern power with bureaucracy: “domination is in everyday life primarily administration (*Verwaltung*)” (Weber 1922:126).

Based on a rejection of the conflict-theoretical appropriation of Weber, I have developed a theory of policing that posits the bureaucratic autonomy of police institutions as a necessary condition for the development of international cooperative structures. Police institutions form international networks with broad participation when they are sufficiently divorced from the political dictates of their respective governments and, additionally, have developed a professional agenda on the means and objectives of crime control. Gradually in the course of history

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these conditions are met more successfully. As Weber already foresaw, modern bureaucracies ultimately become an “almost unbreakable formation,” relative to which the political ruler is but “a dilettante” (Weber 1922:570, 572). This insight is important to recognize among theoretically oriented sociologists regardless of their research specialty. A respected colleague once told me, “Surely, police has something to do with the control of labor.” More than questioning the validity of this statement, my work is theoretically oriented at getting rid of the ‘surely.’

The bureaucratization theory of policing has been applied primarily in the historical context of Europe and the United States from the middle of the nineteenth century until World War II. My current investigations extend the theoretical perspective to analyze ongoing developments in the policing of terrorism, again with special and not farfetched attention to the international dimensions that are involved. The events of September 11 have impacted sociological scholarship (Deflem 2004a, 2004b) and have also removed the need to look for a contemporary topic supplementing my historical work. The theory of bureaucratization now serves to guide research on the policing of terrorism and related aspects of terrorism policy. Based on ongoing research, the theory most distinctly leads to defend the viewpoint that the present-day constellation of counter-terrorism policy is fragmented along various institutional dimensions, involving political, legal, economic, cultural, and, indeed, organizational components.

There is a dubious tendency in the sociology of law and social control (and, I suspect, in other specialty areas of our discipline) to have the theoretical intentions of one’s work be presented as more important than the systematic unraveling of the empirical dimensions of the social structures and processes one’s sociological attention is devoted to. There is also an accompanying tendency that one’s work will be evaluated more in theoretical terms related to the advancement of sociology rather than on the basis of substantive insights related to society. At the same time, along with the theory-first drift one can also observe a trend for certain kinds of work in the sociology of law and social control (and elsewhere) to leave out considerations of theoretical merit altogether in favor of a valuation in entirely practical or ethical terms. In both cases, the divorce of theory and research is arbitrary and unhealthy for sociological theory and research alike (Merton 1968:139-171). It is an especially unfortunate and—as my colleagues here show— illegitimate impression that our specialty would be less involved with theory than others who are said to engage in core epistemological and theoretical issues. But that impression exists. Theory is a culture too.

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