

Punishment and Social Control in Historical Perspective FREE

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Summary

Punishment has historically functioned as a key factor of social control. At different times, its mechanisms, techniques, and purposes have varied significantly, changing the authority and legitimacy of those who have sought to shape and govern a social order. The sociological notion of social control elaborated at the beginning of the 20th century refers to multiple elements that cannot simply be reduced to law, criminal law in particular. However, especially after the revisionist turn of the 1970s, the idea of social control as a coercive response to deviant behaviors through penal and institutionalized mechanisms has made inroads into research on the history of criminal justice. At first, the origins and development of prisons in late modernity as models of punishment in place of medieval corporal chastisements were scrutinized. The penal shift from the body to the soul, beneath its rhetoric of rationalization and humanization, was driven by conscious projects for controlling and disciplining a changing society by means of institutions of confinement. Although this interpretation was occasionally criticized, it contributed to the development of a critical historical analysis of criminal law in which the notion of social control can be profitably applied to the study of different periods and features of the penal apparatus. A first example is the age of medieval *ius commune* (12th–16th centuries), when emergent sovereign entities characterizing the pluralistic political scenario before the formations of modern states extensively resorted to a strategic use of criminal law to impose their hegemonic powers. A second case is penal modernism. In the last decades of the 19th century, when state monopolies of violence were undisputed and imprisonment was largely imposed, criminological positivism brought about a rethinking of the rationale of punishment based on the idea of social defense, which also implied a reconceptualization of criminal law as a means of social control.

Keywords: punishment, social control, social defense, inquisitorial procedure, criminological positivism

Subjects: History and Politics, Politics, Law, Judiciary

Introduction: Historical Variants of Criminal Justice as an Instrument of Social Control

The notion of social control was elaborated and widely discussed by sociologists at the beginning of the 20th century as a conceptual tool to describe and understand the formation of social order and its function (Gurvitch, 1945). Its meaning varied historically (Innes, 2003, pp. 15–31) and affected different disciplines. According to Roscoe Pound (1942, pp. 20, 24–25), “in the modern world law has become the paramount agency of social control” and “today social control is primarily the function of the state and is exercised through law.” Although this account overemphasizes the role of the law, it has the merit of clearly framing two points that were deeply investigated in the 1970s, namely, the crucial combination of growing state power and its exploitation of penal mechanisms as tools of social control. The revisionist turn in the

Punishment And Social Control

DJ Losen



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