

### THE NECESSITY AND MEANS OF SOCIAL CONTROL

1. **The Moral Code.**—Life in modern society is made possible only by the existence of an intricate mass of understandings, tacit agreements, rules of conduct, rights, duties and obligations. Some of these are definitely expressed in one way or another. Others are more a matter of feeling than of positive statement, yet all have a tremendous influence upon each of us, and dominate our lives to an extent we cannot readily measure and in ways we cannot describe.

Some of these principles of conduct are matters of absolute right and wrong, others rather of propriety, fashion or good taste, while still others have to do with the economic division of labor by which individuals agree more or less definitely to do each his own part in the general productive activities of society. Those rules of conduct which relate to actual right or wrong are included under the general name of the moral code, which is in a sense a part of each nationality, and the product of the historical development or social evolution, which has made that society what it is.

We inherit our moral code very much as we inherit the color of our eyes or the shape of our nose. We can change our moral code, to be sure, as we grow older, but for the most part the principles of right and wrong, that govern the life of the average man, are the principles of the group of which he is a part. The goodness or badness of every individual must therefore be judged by his faithfulness to the moral code which obtains in his social

group. In a society where polygamy is the accepted family system, no fault is found with an individual for practising polygamy. In a society where it is an accepted rule of business for the seller to deceive his customer and, if he can, get two or three times the real value of the commodity, an individual dealer is not censured for following this practice. The moral code of any society is accordingly one of the great guides of life for its members. Other tests of conduct or character, tho not matters of absolute right or wrong, are of almost equal importance in governing our lives.

2. **Conformity.**—In all these matters, we not only expect to follow the rules ourselves, but we expect others to do likewise. This obedience to rules and expectations we call conformity, which in a very real sense is the cornerstone of our social structure, and without which none of the great processes of modern life can go on.

To go back for a moment to the illustration with which this book started: in the entire undertaking described you took it for granted that every one of the score or hundreds of persons engaged in the transmission of your letter and gift, and in the payment for your obligation would do his part. It never occurred to you that the postman might fail to get your letter or that he might destroy it. You were not disturbed by the thought that the express agent might appropriate the vase for his own use. You had no fear that the mail order clerk in the department store would forge the name on the check and get the money for himself or that your bank would fail to honor your check when presented for payment. Nor were you the only person who exercised that confidence. Every one concerned in the transaction had exactly the same confidence in all the others. That confidence made

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the whole transaction possible. Without it, you would have had to go in person to the store, buy the vase for cash and deliver it in person to your friend. Even in so doing, you would have found it necessary to rely upon a great many people on the way.

**3. Expectation.**—This question of the expectation of conformity is illustrated in a thousand different ways in our daily life, and helps us to realize how large a part of the influences which bear on our welfare goes on without any conscious thought on our part. It illustrates the great social truth that many of the most important things in life are so commonplace as to escape observation. We buy a ticket and step upon a railroad train, taking for granted that every member of that great railroad system is conscientiously devoting his energies to the safe passage of the train. We alight in a strange city, hand our bag to a man who says he represents a certain hotel, and jump into a taxi, the driver of which we never saw before. It never occurs to us that the hotel runner may be a thief in disguise or that the taxi driver may be the agent of a gang of bandits. We enter a restaurant and order a meal. We may not expect marvelous cookery, but do take for granted that the food will be clean and wholesome and that the cook will not be an evil genius delighting in the slow poisoning of his patrons.

Only when some failure occurs in this chain of conformity is our attention aroused. When the locomotive engineer sleeps at his post, or the hotel runner fails to deliver our bag, or the taxi driver stops in a lonely spot and relieves us of watch and wallet, our attention is jolted wide-awake and we realize that we have been trusting people. These things happen so seldom, how-

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to obey its behests. Every religious code is reinforced by a set of rewards and penalties, and the conduct of each adherent is determined by his estimate of their importance and his belief in the certainty with which they will be applied according to his behavior.

There is always a very close relation between the moral code and the religious code. They may be considered as growing up side by side. The religious code is likely to be the more definitely expressed, and is frequently the only explicit formulation of the moral code of the group, by reason of which it tends to become solidified and conventionalized and is much less responsive to changing conditions than is the moral code. It happens, therefore, that the prevailing religious code at times lags behind the most advanced concepts of the moral code and there arises the necessity for those violent and spasmodic readjustments, which we call "reformations." These are always distressing to the adherents of the formulated religion, because of the tendency to regard their religious doctrines and dogmas as absolute. Usually such reformations are in fact only signs of a healthy readjustment.

Public opinion and religious feeling operating together have been the great conservative forces of society by which men have been constrained to follow the precepts which experience has proved to be sound, and to avoid those types of anti-social conduct which tend to break up group cooperation and to result in loss to all, including eventually the anti-social individual himself.

8. **The State.**—In every group are some individuals who, because of defects in character or other reasons, are not responsive to the forces of public opinion and religion. They are governed by selfish motives and are

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either unable or unwilling to repress their individual desires for the sake of conformity to the standards of their group. Since such persons are capable of indefinite harm to others and to the group as a whole, it becomes necessary to devise means by which they may be forced into that conformity which they refuse to display voluntarily. To this end society organizes itself in certain set forms to accomplish this result. This is what we call the "state," whose original purpose is the restraint or coercion of its members. Thru the state, society expresses its will in certain definite rules of conduct called "laws." Violation of these rules constitutes "crime." Many definitions of crime have been proposed, but none is so clear or logical as the simple one: "Crime is the violation of law." In the beginning most laws are in the form of prohibitions involving the idea of "thou shalt not." It is only in relatively well-developed society that we find laws of a constructive or positive character, designed not simply to prevent injury or loss, but to promote happiness or welfare.

Probably the earliest form of the state was identical with the family. The head of the family was also the lawmaker and the lawgiver. The expanded family system, which we call the patriarchal organization, is one of the earliest forms of the state. As other types of relationship become developed, the state takes on different forms. In many cases in societies where the religious element is very powerful, religion and the state become practically synonymous and the religious leaders are the lawgivers and governors. In cases where protection from outside attack is very important, that is, where the military interests of life prevail, military leadership and state control often fall into the same hands.

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**9. Autocracy and Democracy.**—In more advanced stages of civilization we find various forms of state organization, among them the hereditary autocracy, under which the power of government is vested in a single royal family and at any given time in a single representative of that family. This form of government has been very widespread and useful in maintaining group unity, but the prevailing idea today is that its utility is largely of the past and that under modern conditions it is no longer conducive to the greatest social welfare or progress. An oligarchy or aristocracy is a state in which power is vested in a limited number of individuals who enjoy privileges and authority denied to the great mass of people. This power is also usually transmitted by heredity. A democracy is a form of government in which authority is evenly distributed thruout all elements of the population, altho always with some limitation as to sex, age, intelligence, or property qualifications. The prevailing tendency of social progress is undoubtedly in the direction of more and more complete democracy. In the simplest forms of democracy all those who are qualified to participate in government meet together on occasion and exercise the powers of government directly. In large societies this becomes impracticable and there arises the representative or republican form of government, whereby authority is delegated to certain individuals chosen by the people to represent their interests and carry out their will in governmental activities. Some of the great political problems of today are concerned with the preservation of the principles of democracy in a state so extensive that the representative form of government is necessary.

**10. Functions of the State.**—The primary function of

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the state consists in making laws. To this branch of government we have given the name of "legislature." Every state has its legislature or lawmaking department, but it is not enough that laws should merely be made, they must also be enforced. The very necessity of lawmaking lies in the fact that the individuals on account of whom laws are passed will not obey them except under compulsion. The second great function of the state is accordingly the executing and putting into effect the laws passed by the legislative department.

It is one thing, however, to pass laws and another to know what they mean, as any layman realizes who has had occasion to study the statutes of his own state. With the greatest of care it is almost impossible so to word a law that it will cover every conceivable case. Furthermore, the conditions which prevailed when a law was passed change in time, and it becomes uncertain just how the law should be applied under the new circumstances. For these and similar reasons there arises a third main division of the state called the "judicial department," whose duty it is to interpret the laws and to point out their application to individual cases in the interest of abstract justice. To this department is also customarily intrusted the task of naming the specific penalty which shall be imposed upon the individual violator of law, and sometimes of putting that penalty into effect. The importance of the judicial department is not always fully understood, because we do not realize how indefinite the law itself may be when applied to a specific case. The meaning of a law is so largely a matter of interpretation that there is much ground for the theory that the judges more than the legislators really make the laws.

The state is thus the great definite formulation of the

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will and power of the people. Its mechanism is visible and positive, and we are more impressed with its reality than with any other aspect of the social organization. If one were asked to name the greatest agency of social control, he would probably say the state. From the point of view of its actual dominance over our lives, however, the state is much less important than public opinion and probably less so than religion.

We sometimes think of the state as a great repressive agency. In point of fact, most of us it does not repress at all. In its prohibitive aspects the state touches the lives of only a small minority of the population, for the reason that most of us do not wish to do the things which the state prohibits, or if we should desire to do them, we would be adequately controlled by public opinion or religion, even if there were no laws on the subject.

11. **Complexity of Modern Laws.**—Law and the state exist primarily for the protection of the rights and interests of society. The more complex a society is, the more chances there are for the interests of one person to interfere with those of another and for their rights to need definition. The need and extent of legislation, therefore, becomes more pronounced with the growth of civilization. In a modern society, laws cannot be confined to prohibiting acts which are inherently wrong or immoral, but must also include various rules and regulations designed to prevent one, however innocently, from interfering with the best interests of others.

An excellent example of the latter is furnished by the traffic regulations in large cities. In the abstract it is no more immoral to turn the corner at one street than at another or to turn to the left instead of the right, but people cannot be allowed freedom in these particulars

on crowded streets; and society has to establish rules in the matter. Once enacted, any violation of them becomes criminal. The purely artificial character of such legislation is illustrated by the fact that in some countries it is a violation of law to turn to the right and in others to the left. The artificiality of this legislation does not in the least detract from its binding force. It demands obedience just as if the act itself were immoral. In fact the violation of such a regulation may do more harm than the commission of some essentially immoral acts. With the increasing growth in complexity of our social organization we must expect a steady extension of governmental control over our individual activities and not consider it an infringement of our personal rights.

12. **The Paradox of Science.**—The preceding pages give an idea of some of the most important forces that govern the lives of men in society. Only in relatively recent years have men come to realize that these forces may be studied and understood, that their operation may be stated in the form of social laws (corresponding to natural laws, not to the man-made laws on our statute books), and that on the basis of this knowledge man may control their operation to suit his own ends. This is the realm of social science, and it is important to realize that in dealing with social forces, just as with physical forces, we can master them only by obeying them. This is the great paradox of science. We cannot alter natural forces, but we can utilize them. If we defy them they enslave us, but if we obey them we become their masters. The progress of human society depends upon man's mastery of the social laws and his intelligent use of them to accomplish wise purposes.

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