

# Law and Society

## Function of Laws (Week 1 reading)

### **Functions and Functionalism**

- **Emile Durkheim (1858-1917)**, the pioneer of functionalism.
- According to his theories, which portray law as the symbol of social solidarity, one may distinguish the diverse shapes that law assumes historically based on the functions performed by the diverse sanctions through which societies react to deviance
- In **simpler societies**, held together by "mechanical" solidarity, one encounters deviance by repressive sanctions, functionally addressed to restore social links on a predominantly symbolic level. By contrast, in **more complex and differentiated societies**, whose solidarity is "organic," restitutive sanctions increasingly restore social links, as they are functionally addressed to act on a predominantly material level.
- **Talcott Parsons (1902–1979)**, the "primary function" of law is integrative and thus addressed "to mitigate the potential elements of conflict and to oil the machinery of social intercourse" He added, can only be performed successfully if four problems—also termed as functions—are solved: the legitimation of the legal system, the interpretation of legal rules, the efficiency of sanctions, and the organization of an independent jurisdiction.
- **Niklas Luhmann (1927–1998)**, He took a more neutral notion of function as "a regulative scheme of sense that organizes a range of reciprocally equivalent performances". Social systems exist in that they reduce social complexity and give some stability to social expectations. The legal system fulfills this function because it enables one to select between diverse choices on the basis of a binary code, "lawful" or "unlawful"

### **Ideologies Bias and Dysfunction**

- **Eufunctions**: the positive contributions offered by an element of a social system
- **Robert Merton (1910–2003)**, some social institutions do not contribute to the welfare or equilibrium of a whole system of social relationships, because they perform "dys-functions" rather than eu-functions.

Ex. Italian government giving pardons for tax evasion at knock-down prices. It benefits certain political factions or groups, but beyond that it weakens the idea of equilibrium and idea the law is at its "best state"

### **Social Control**

- **Roscoe Pound (1870–1964)** and **Julius Stone (1907–1985)** used social control as the top-down activity performed by governing elites to persuade or force people to conform their behavior to a law-and-order pattern and to refrain from threatening those in power.
- Not exclusively by Marxist writers such as **Ralph Miliband**, law is essentially a tool of minority domination wielded over majorities—the bourgeoisie over the proletariat, or the governors over the governed. Emphasizing the importance of repressive legal institutions, especially in penal law, they advance this theory vigorously in the radical currents of critical criminology.

### **Justice and Allocation**

# Readings In Law And Society

**Curtis D. Terflinger, James Maurice  
Murphy**



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Readings In Law And Society: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the fascinating narratives that have charmed audiences this year. Readings In Law And Society : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Readings In Law And Society : Taylor Jenkins Reid's "The Seven Husbands of Evelyn Hugo" This spellbinding historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reid's captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Readings In Law And Society : Delia Owens' "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and gripping novel that will keep you guessing until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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