

# 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 legitimization 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

**Sidney Post Simpson, Julius Stone**

## **Readings In Law And Society:**

*Readings in Law and Society* Jane Banfield,1997      **Readings in Law and Society** ,1999      Law and Society Curtis D. Terflinger,James Maurice Murphy,1973      *Law & Society* Stewart Macaulay,Lawrence Meir Friedman,John A. Stookey,1995

Encyclopedia of Law and Society David S. Clark,2007-07-10 This work will be very valuable for academic and public libraries supporting prelaw law social and cultural studies Summing Up Highly recommended Upper level undergraduates through professionals practitioners general readers CHOICE There are two aspects of scholarship about the legal systems of our day that are especially salient one being for the first time there is a fair amount of genuine research on legal systems and two that this research is increasingly global As soon as you cross a jurisdictional line even if it separates countries that are very similar you enter a different legal system It cannot be assumed that any particular rule doctrine or practice is the same in any two jurisdictions regardless of how close these jurisdictions are in terms of history and tradition The Encyclopedia of Law and Society is the largest comprehensive and international treatment of the law and society field With an Advisory Board of 62 members from 20 countries and six continents the three volumes of this state of the art resource represent interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics By globalizing the Encyclopedia s coverage American and international law and society will be better understood within its historical and comparative context Key Features Includes more than 700 biographical entries that are historical comparative topical thematic and methodological Presents the rich diversity of European Latin American Asian African and Australasian developments for the first time in one place to reveal the truly holistic interdisciplinary virtues of law and society Examines how and why legal systems grow and change how and why they respond or fail to respond to their environment how and why they impact the life of society and how and why the life of society impacts in turn these legal systems With borders more porous than ever before this Encyclopedia reflects the paradoxical reality of modern life including legal life This valuable resource aims to present research along with the theories on which it is grounded fairly and comprehensively and is a must have for all academic libraries      Readings in Law and Society ,1987      **Cases and Readings on Law and Society: Law in modern democratic society** Sidney Post Simpson,Julius Stone,1948      **Law and Society** Steven Vago,Adie Nelson,Veronica Nelson,Steven E. Barkan,2017-09-26 Law and Society provides a balanced and comprehensive analysis of the interplay between law and society using both Canadian and international examples This clear and readable text is filled with interesting information ideas and insights All materials and supporting statistics have been carefully updated This edition includes an expanded discussion of the law and First Nations people recent developments impacting LGBTIQ2S persons and persons with disabilities and a new section on civil procedures Each chapter is structured similarly with an outline learning objectives key terms chapter summaries critical thinking questions and an array of additional resources      **Cases and readings on law and society** Sidney Post Simpson,Julius Stone,1948      **Readings in**

**Law and Society for the Course Social Science 289: Law and Society** Desmond Ellis, York University (Toronto, Ont.). Division of Social Science, 1974      *Readings in Law and Society for the Course Social Science 289, Law and Society, 1976-1977*, 1976      Cases and Readings on Law and Society Sidney Post Simpson, 1948      Readings in Law and Society, 1984      **Readings in Law and Society for the Course Law and Society, Social Science 235.6, 1981-1982** Dorathy L. Moore, Ellen Baar, Nancy Weeks, York University (Toronto, Ont.). Division of Social Science, 1981      **Readings in Law and Society for the Course Social Science 289, Law and Society, 1977-1978** York University (Toronto, Ont.). Division of Social Science, 1978      Readings in Law and Society for the Course Social Science 289, Law and Society 1974-1975, 1974      **Readings in Law and Society for the Course Social Science 289, Law and Society 1975-1976** York University (Toronto, Ont.). Division of Social Science, 1975      **Cases and Readings on Law and Society** S.P. Simpson, J. Stone, 1948      Readings in Law and Society, 1986      The Blackwell Companion to Law and Society Austin Sarat, 2008-04-15 The Blackwell Companion to Law and Society is an authoritative study of the relationship between law and social interaction. Thirty two original essays by an international group of expert scholars examine a wide range of critical questions. Authors represent various theoretical, methodological and political commitments creating the first truly global overview of the field. Examines the relationship between law and social interactions in thirty three original essays by international experts in the field. Reflects the world wide significance of North American law and society scholarship. Addresses classical areas and new themes in law and society research including the gap between law on the books and law in action, the complexity of institutional processes, the significance of new media and the intersections of law and identity. Engages the exciting work now being done in England, Europe, Australia and New Zealand, South Africa, Israel as well as Third World scholarship.

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