Major Schools Of Thought On The Relationship Between Law And Society

Posted on July 27, 2022

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A group of people living together in a more or less ordered community makes up a society. Every society has its social unity and social needs. Different schools of thought focus on various laws that make up or govern a society. Before the origin of other schools of thought, an older discipline associated with theorists like Emile Durkheim, Max Weber, and Karl Marx primarily provided a scientific account of the nature of law in society from different viewpoints. It later laid the foundation of the sociology of law, an application of previous sociological approaches to questions of origin, nature, and operation of the law and legal system.

From here, the different schools of thought, like structural functionalism, symbolic interactionism, conflict theory, critical theory, feminism, positivism, social constructionism, etc., originated when sociologists and jurists like Max Weber and Emile Durkheim tried to figure out the relationship between law and society. Emile Durkheim, Herbert Spencer, Max Weber, Friedrich Engels, and Auguste Comte are some of the important names who laid the foundation of these schools of thought.

Structural Functionalism

This school of thought provides a basis for building a concept that takes society as a multifaceted system that consists of different sub-parts that all work together to promote unity and permanency in society (Gerbner, 1994). This school deals with society at the macro-level, i.e., a broader emphasis on social structures and their social functions that form society as a whole and believes that society has progressed as a whole like an organism.

Symbolic Interactionism

This school of thought provides a frame of reference to comprehend the way people interact with each other to form a figurative world and how these worlds, in turn, shape a person’s behaviour. It helps to comprehend how society is shaped and conserved via recurrent connections between folks (Smith & Natalier, 2005). This approach deals with society at the micro-level.

Conflict Theory

This school of thought includes theories that highlight a materialist understanding of history, have a dialectical way of study, and a perilous approach toward current social provisions and radical programs of the revolt. It draws attention toward power differentials in a society like the class conflict and is normally different from historically leading ideologies. This approach also deals with society at the macro level (Libretexts, 2020).

These schools of thought explain different aspects of society with their own perspectives to better understand their roles and importance in the formation and stability of a society.

Family:

Family is considered a basic unit of society and is defined as a socially documented group, either by marriage, blood, or adoption, that has an emotional relationship. It is the first focal point of socialization, where people learn to interact with others. Different schools of thought define the role of the family in society differently. According to structural functionalism, the family plays numerous vital roles in society (Tewksbury et al., 2010). It teaches kids to socialize; it provides both practical and emotional support to its members; it helps normalize sexual interest and sexual reproduction, and also offers its representatives a social distinctiveness. Also, sudden or far-occurring fluctuations in the family's form or practices endanger its permanence and, in return, undermine a high society. At the same time, symbolic interactionism defines how people interact within a family. According to it, the contact of family representatives and close couples entails a mutual understanding of their conditions. Partners, i.e. husbands and wives, have distinct styles of interaction, and also, social class influences the hopes and expectations that spouses have of each other and their marriages. At the same time, the conflict theory explains how families are a reason for social conflict. It clarifies that the family promotes social disparity and inequality by strengthening financial discrimination and boosting patriarchy (Rice et al., 2007). The family can also be a cause of dispute, including both emotional brutality and physical aggression, for its partners.

Criminal Justice System:

The criminal justice structure is developed in society to maintain law and order in a society, and its role is defined by the national centres that provide justice by imprisoning and penalizing the culpable and helping them to stop transgressing while safeguarding the naïve. Different schools of thought provide the reason and role of a criminal justice system for a society. According to structural functionalism, society is exemplified by valuing an agreement, which is defined in law as a way of resolving conflict between groups having contradictory concerns by maintaining standards that are essential to the preservation of social harmony and public concern. The concepts of the structural-functionalist school have been exceptionally helpful in the study of the aetiology of unlawful conduct

and executive evaluations of the criminal justice system. Symbolic interactionism considers the actions and behaviour of people as adopted from the examples and inspirations in an individual's surroundings. This school of thought centres on the nature of the environmental incentive and the individual's reaction as the ground for deciding behaviour. According to the conflict theory, society is recognized as a group of interest factions with various benefit systems, where the influential benefit system is applied in law to safeguard and serve the interests of the governing class. This school of thought has been very helpful in assessing the past amendments in criminal law and criminal justice strategy, as well as in evaluating interest groups' impacts on law formation and different models of social influence.

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