Level Up IAS

Unit IV - POLITICAL ORGANIZATION AND SOCIAL CONTROL

Political Anthropology is a late specialization of Anthropological Research. It tends to the establishment of science of politics, regarding man as **Homo politicus** and seeking properties common to all political organizations in all their historical and geographical diversity.

POLITICAL ORGANISATION

The term *political organization* refers to the way in which power is distributed within a society so as to control people's behavior and maintain social order. All societies are organized politically, but the degree of specialization and the formal mechanisms vary considerably from one society to another. Societies differ in their political organization based on three important dimensions:

1. The extent to which political institutions are **distinct from other aspects of the social structure**; for example, in some societies political structures are barely distinguishable from economic, kinship, or religious structures.

2. The extent to which legitimate *authority* is concentrated in specific political roles.

3. **The level of *political integration*—**that is, the size of the territorial group that comes under the control of the political structure.
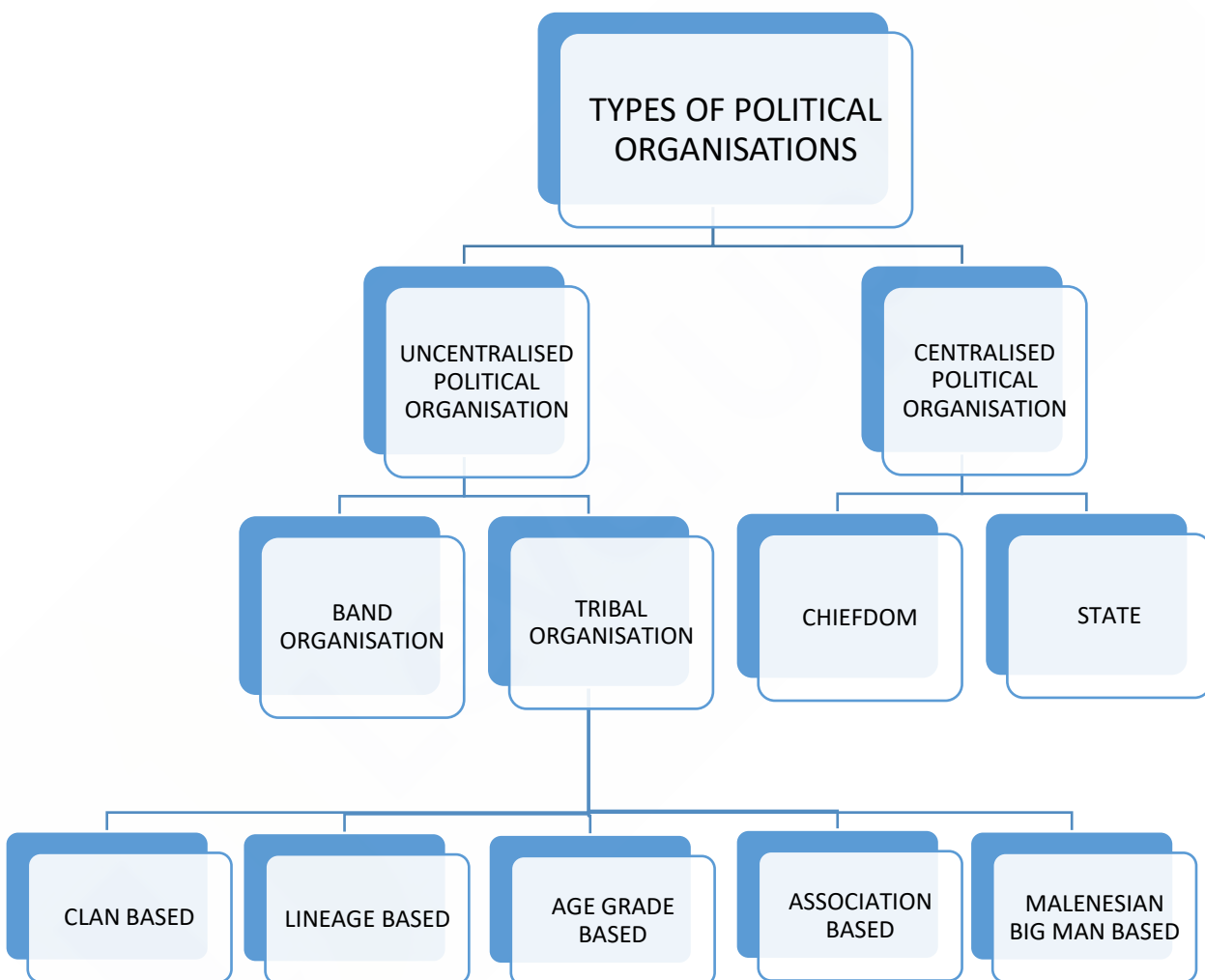
These three dimensions are the basis for classifying societies (Service 1978) into four fundamentally different types of political structure: band societies, tribal societies, chiefdoms, and state societies. Although some societies do not fit neatly into a single category, this fourfold scheme can help us understand how different societies administer themselves and maintain social order.

Political organizations are those **institutions and/or mechanisms (formal and informal) which perform various activities concerning decision making and conflict resolution in order to create and maintain social order and coping with social disorder.** Usually when we hear the word politics or political life, we think of political parties, elections, government, parliament, assembly or panchayat, police, judiciary, several specialized political offices, executive, army, and external political dealings etc. However, in many societies, political sphere is devoid of formal institutions and specialized functionaries. The major argument in the study of political organizations is that politics cannot be isolated from other subsystems of a society**. Here we understand how power and law are put to use in social and cultural environment. The important components** of political systems and organizations are law, political formations (stateless political societies/formations and state societies/formations), conflict resolution, social control mechanisms.

Political organizations have several features:

- **Recruitment principles:** Criteria for determining admission to the unit.
- **Perpetuity:** Assumption that the group will continue to exist indefinitely.
- **Identity markers:** Particular characteristics that distinguish it from others, such as costume, membership card, or title.
- **Internal organization:** An orderly arrangement of members in relation to each other.
- **Procedures:** Prescribed rules and practices for behavior of group members.
- **Autonomy:** Ability to regulate its own affairs.

According to Service Most societies can be classified into four principal types of political organizations: bands, tribes, chiefdoms, and states. Although Service's classification does not fit for all societies, it is a useful way to show how societies vary in trying to create and maintain social order. We often use the present tense in our discussion, because that is the convention in ethnographic writing, but the reader should remember that most societies that used to be organized at the band, tribe, or chiefdom level are now incorporated into larger political entities. With a handful of exceptions, there are no politically autonomous bands or tribes or chiefdoms in the world any more.

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                      TYPES OF POLITICAL
                         ORGANISATIONS
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         UNCENTRALISED                      CENTRALISED
          POLITICAL                          POLITICAL
        ORGANISATION                       ORGANISATION
               │                                 │
        ┌──────┴──────┐                   ┌───────┴───────┐
      BAND          TRIBAL             CHIEFDOM        STATE
  ORGANISATION   ORGANISATION
                       │
      ┌──────┬─────────┼─────────┬──────────┐
  CLAN     LINEAGE   AGE GRADE  ASSOCIATION  MALENESIAN
  BASED    BASED     BASED      BASED        BIG MAN BASED
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UNCENTRALIZED POLITICAL ORGANISATION

1. Band

Band is the form of political organization found among foragers and hunters comprising anywhere **between twenty people and a few hundred people, who are related through kinship.** Because foraging has been the most long-standing form of political organization, these units come together at certain times of the year, depending upon their foraging patterns and ritual schedule. **Band membership is flexible.** If a person has serious disagreement with another person, one option is to leave that band and join another. **Leadership is informal, and no one person is named as a permanent leader.** Depending on events, such as organizing the group to relocate or to send people out to hunt, a particular person may come to the fore as a leader for that time. This is usually someone whose advice and knowledge about the task are especially respected. **There is no social stratification between leaders and followers.** A **band leader is the "first among equals".** Band leaders have limited authority or influence, but no power. They cannot enforce their opinions. Social leveling mechanisms prevent anyone from accumulating much authority or influence. Political activity in bands involves mainly decision making about migration, food distribution, and resolution of interpersonal conflicts. External conflicts between groups are rare because the territories of different bands are widely separated and the population density is low. **The band level organization barely qualifies as a form of political organization because groups are flexible, leadership is ephemeral, and there are no signs or emblems of political affiliation.** Some anthropologists argue that "real" politics did not exist in undisturbed band societies. **The Guayaki (Amazon basin), the Semang (Malaya peninsula), Inuit Eskimo, the Kung (Africa), the Cholanaikans (Kerala), Andaman tribes are some examples of Band organization**.

This least complex of political structures may be further **subdivided into patrilocal, composite, and anomalous bands**. The patrilocal type is based on band exogamy and a marriage rule that the woman lives with her husband's group. This type was so widespread that Elman Service (1962: 97) regarded it as "almost an inevitable kind of organization." Indeed, it has the advantage of band stability, because each group is constantly replenished over time by new members coming in from out-side; but it also is capable of forming wide-ranging alliances through marriage and possesses considerable flexibility. The composite band was viewed by Service as the result of the collapse of originally patrilocal structures that were rapidly depopulated from disease and war after having come in contact with civilization. It is a group that lacks both band exogamy and a marriage residence rule and, therefore, is "more of an expedient agglomeration than a structured society." In the anomalous category are the traditional Basin Shoshone and the Eskimo, both of which had social structures so fragmented that they have been characterized as typifying the family level of sociocultural integration.

Band societies share four traits:

1. Because bands are composed of a relatively small number of people who are related by blood or marriage, a high value is placed on "getting along" with one another. Whatever conflicts arise within the band are often settled informally by direct negotiation. In the unlikely event that a just resolution of a conflict cannot be reached, the dissatisfied party has the option of leaving the band and joining another one in which he has relatives.

2. Band societies have the least amount of political integration; that is, the various bands (each comprising fifty or so people) are independent of one another and are not part of a larger political structure. The integration that does exist is based largely on ties of kinship and marriage. All of the bands found in any particular culture are bound by a common language and general cultural features. However, members of band societies do not all pay political allegiance to any overall authority.

3. In band societies political decisions are often embedded in the wider social structure. Because bands are composed of kin, it is difficult to distinguish between purely political decisions and those that we would recognize as family, economic, or religious decisions. Political life, in other words, is simply one part of social life.

4. Leadership roles in band societies tend to be very informal. In band societies there are no specialized political roles or leaders with designated authority. Instead, leaders in foraging societies are often, but not always, older men respected for their experience, wisdom, good judgment, and knowledge of hunting. Most decisions are made through discussions by the adult men. The headman can persuade and give advice but has no power to impose his will on the group.

The **Ju/'hoansi of the Kalahari exemplify a band society** with a headman. Although the position of headman is hereditary, the actual authority of the headman is quite limited. The headman coordinates the movement of his people and usually walks at the head of the group. He chooses the sites of new encampments and has first pick of location for his own house site. But beyond these limited perks of office, the Ju/'hoansi headman receives no other rewards. He is not responsible for organizing hunting parties, making artifacts, or negotiating marriage arrangements. These activities fall to the individual members of the band. The headman is not expected to be a judge of his people. Moreover, his material possessions are no greater than any other person's. As **Lorna Marshall** so aptly put it when referring to the Ju/'hoansi headman: "He carries his own load and is as thin as the rest" (1965: 267).

2. Tribe/ Tribal organizations

Tribal societies **are small-scale societies composed of autonomous political units and sharing common linguistic and cultural features.**

Tribal societies are found most often among food producers (horticulturalists and pastoralists). Because plant and animal domestication is far more productive than foraging, tribal societies tend to have populations that are larger, denser, and somewhat more sedentary. Tribal societies are similar to band societies in several important respects. Both are egalitarian to the extent that there are very few marked differences in status, rank, power, and wealth. In addition, tribal societies, like bands, have local leaders but do not have centralized leadership. Leadership in tribal societies is informal and not vested in a centralized authority.

A man is recognized as a leader by virtue of certain personality traits such as wisdom, integrity, intelligence, and concern for the welfare of others. Although tribal leaders often play a central role in formulating decisions, they cannot force their will on a group. In the final analysis, decisions are arrived at through group consensus.

The major difference between tribes and bands is that tribal societies have certain *pan-tribal mechanisms* that cut across and integrate all the local segments of the tribe into a larger whole. These mechanisms include tribal associations such as clans, age grades, and secret societies. Pan-tribal associations unite the tribe against external threats. These integrating forces are not permanent political fixtures, however. Most often the local units of a tribe operate autonomously. The integrating mechanisms come into play only when an external threat arises. When the threat is eliminated, the local units return to their autonomous state. Even though these pan-tribal mechanisms may be transitory, they nevertheless provide

To summarize, they are equal to band in its egalitarian, lack of fixed authority, no hierarchy but difference is that tribal societies are food producers. They are marked with large population and sedentary life. Pan tribal association have potential to unite all members together (Pan-tribal Sodalities). Once threat recedes members break to self-sufficient group.

The term *tribe* has carried with it a generally negative connotation in the Western world for the past several centuries. During the colonial period of the nineteenth century, the term *tribal*, often equated with "uncivilized," was used to disparage any group with no centralized hierarchical authority. To a large degree, this negative view of tribal societies was based on the observation that in the early stages of colonialism, tribal groups were involved in brutal warfare with one another. However, studies of the early years of initial contact between tribal societies and European colonial governments suggest that this brutal warfare, mostly absent during precolonial times, was actually *caused* by the colonial presence.

Moreover, the colonial powers, believing that nation-states are more economically viable entities than tribal societies, were determined to create nation-states such as Tanganyika (later to be called Tanzania), containing 120 different ethnic or tribal entities. In fact, during the last two decades of the nineteenth century, all of Africa, and parts of other regions as well, were formed into European-style nation-states.

The rationale was based on the very dubious assumption that small-scale units based on tribe or ethnicity are inherently weaker and less economically viable than are large-scale nation-states. This logic is seriously flawed because we can cite some small (homogeneous) groups such as Switzerland, Bahrain, and Singapore that are highly viable economically, and some largescale nation-states, such as Bangladesh and Ethiopia, that are economically dysfunctional.

Anthropologists do not associate the term *tribal society* with anything negative. Rather the term is used to describe a group of ethnically homogeneous people capable of coordinating political action, yet lacking a centralized bureaucracy. Awareness of negative stereotyping of tribal societies is important because Westerners often speak of "ancient tribal hatreds" (caused by inherent cultural differences) when, in fact, present-day intertribal hostilities often result from the intervention of other cultures. Negative stereotyping can lead us to misunderstand the nature of contemporary ethnic/tribal conflicts in places such as Somalia, the former Yugoslavia, and Iraq (see Whitehead and Ferguson 1993).

2.a. Clan based political organization

Clan based political organization is one form of tribal organization found in many societies. **In many tribal societies each clan serves as the seat of political authority.** In some tribal societies, clan elders form a council that acts within the tribe to settle disputes or acts for the tribe in dealing with outsiders.
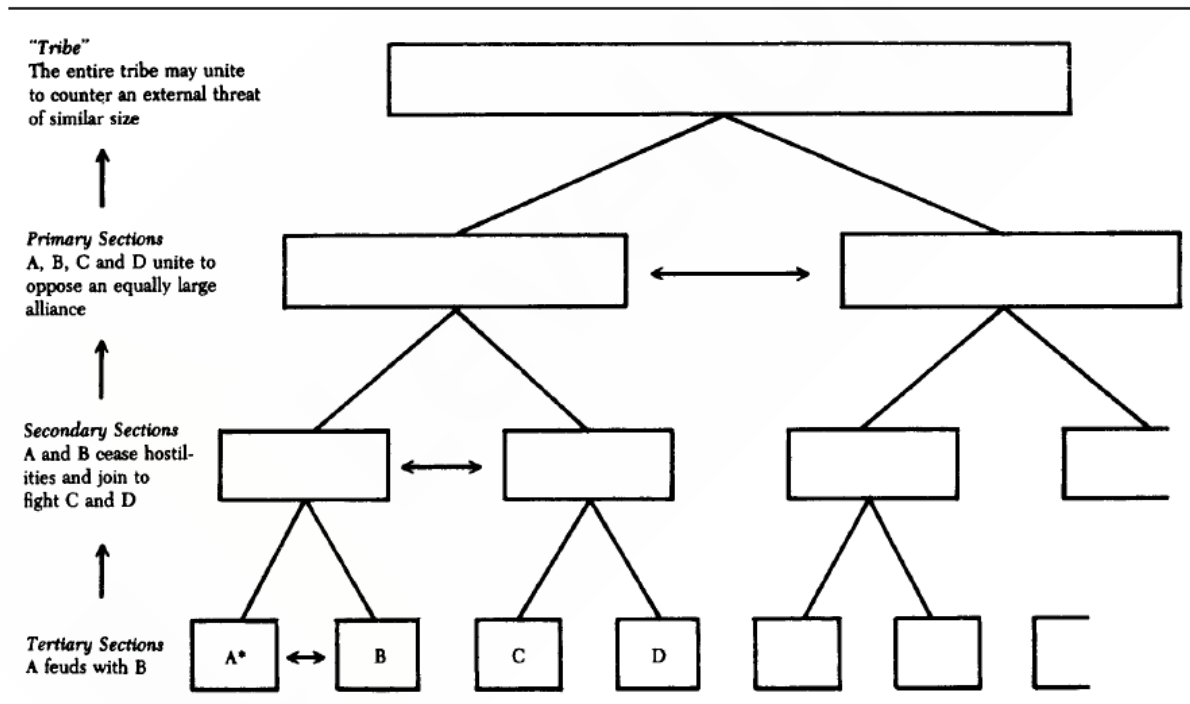
Among the Winnebago red Indians of Wisconsin, there are 12 clans, each with specific political functions. The tribal chief comes from thunder bird clan. An important function of thunder bird clan is the preservation of peace in the tribe. **The warrior clan as its name implies, provides war leadership.** The beat clan supplies the village policemen and the hunt policemen. The buffalo clan provides the camp carrier and aide de camp for the chief. The wolf, water spirit and elk clans have lesser political tasks.

2.b. Lineage based political organization

Lineage based political organization in similar **to the clan based but less extensive and relatively rare. The horticultural Tiv of Nigeria and Pastoral Nuer of Sudan are typical examples of lineage based political organization. Among the Nuer and Tiv , Lineages are subdivided into smaller segments. Such segments are segmentary lineage.** The Nuer, for example is split into a number of lineages. The lineage is thus a maximal lineage. Each maximal lineage is divided into many minimal lineages. The minimal lineage contains 3 to 5 generations and is the basic permanent descent group that functions in day to day activities. Members of a minimal lineage line in the same village and refer each other as closest relatives. The minimal lineage are politically independent and there is no formal or central leadership above this level.

In a strict sense Nuer do not have a law. There are only conventional compensations for damage, adultery, loss of limb, death, etc. Judicial and executive functions are not invested in any person or council among Nuer. One way of setting disputes is to use Leopard skin chief as a mediator. The lineages are antagonistic to each other. **The relations between the antagonistic lineages, as among the classic Nuer studies by Evan Pitchard, are maintained by Blood Feud.** The common principle is tit for tat. If the member of one lineage has killed one of other lineage, the lineage has all the right to kill a man who committed the act- it is not just revenge but to restore the balance – if disputes become out of control – Leopard skin chief acts as mediator.

Nuer "Complementary Opposition"

"Tribe"
The entire tribe may unite to counter an external threat of similar size

Primary Sections
A, B, C and D unite to oppose an equally large alliance

Secondary Sections
A and B cease hostilities and join to fight C and D

Tertiary Sections
A feuds with B

*Each box in the bottom row represents several allied villages.

Lineage Segmentation is particularly important as a principle of political structure where central authority is weak or unknown and where, therefore lineage members have to provide their own security against others of the same tribe, as well as against outsiders.

Though less common than tribal societies based on clans, those based on lineage segmentation are instructive because they demonstrate the shifting or ephemeral nature of the political structure in tribal

societies. In a segmentary system, individuals belong to a series of different descent units (corresponding to different genealogical levels) that function in different social contexts.

The most basic or local unit is the minimal lineage, comprising three to five generations. Members of a minimal lineage usually live together, consider themselves to be the closest of kin, and generally engage in everyday activities together. Minimal lineages, which tend to be politically independent, form a hierarchy of genealogical units. For example, minimal lineages make up minor lineages, minor lineages coalesce into major lineages, and major lineages form maximal lineages.

When a dispute occurs between individuals of different segments, people are expected to side with the disputant to whom they are most closely related. Thus, people who act as a unit in one context merge into larger aggregates in other social situations. This process of lineage segmentation means that segments will unite when confronted by a wider group. In the words of **John Middleton and David Tait:**

A segment that in one situation is independent finds that it and its former competitors are merged together as subordinate segments in the internal administrative organization of a wider overall segment that includes them both. This wider segment is in turn in external competitive relations with other similar segments, and there may be an entire series of such segments. (1958: 6–7)

The Oraon's lineage is locally known as Khunt. A lineage is further sub-divided into a number of families. All members of a family are governed by father. The member of lineage group of Gond observes rites in common. In each lineage there is a specialist who recollects the genealogy of a member which proves to be a uniting and inspiring factor for person concerned.

2.c. Age Grade Based Political Organization

Occurs in **some of tribal societies of Africa, USA and Oceania.** Each age grade is an organized group of people with membership on the basis of age. People of the same age belongs to one age group. Each age grade cuts across kinship and territorial lines because people of the same age in different villages belong to same age grade. Each tribe may be divided into 2 or more age grades and each age grade any be associated with specific political function.

The Kipsingis of East Africa serve as an example of age grade based political organization**.** The Kipsingis males are **divided into 2 age grades – warriors and senior elders.** The warrior defends the country and enrich the tribe by begetting many children and capturing many cattle that belonged to other tribes. When warriors reach the end of age grade, they pass into age grade of senior elders. The senior has to fight in defensive battles, have to serve as chiefs of staff organizing the army, have to preside in the council of elders to resolve disputes and have to preside at initiation ceremonies. Thus, age grade cut across kinship and territorial lines and serve different political functions.

Age grade based political system provide the following benefits: smooth transformation from lowers to higher status, good cooperation in members of same age set and it provides for a standing army.

Among Masai, we find the society divided into childhood, junior warriorhood, senior warriorhood, junior elderhood and senior elderhood. Initiation ceremony from childhood to junior warriorhood takes place every five years. Later promotion is automatic. Ceremony of initiation involves torturous rituals and if someone due to fear escapes, he cannot be promoted in social hierarchy. He would remain child for lifetime.

2.d. Association Based Political Organization

Common interest associations such as secret societies or tribal fraternities and military clubs can also form the base for political organization of tribal societies.

The Cheyyene warrior club serves as an example of association based political organization. The cheyyene lived in bands of varying sizes. Among the Cheyenne, for instance, there were seven of these military societies. A boy might be invited to join one of these clubs when he achieved warrior status, whereupon he became familiar with the society's particular insignia, songs, and rituals. Beyond military functions, the warrior societies also had ceremonial and social functions.

The Cheyenne warriors' daily tasks consisted of overseeing activities in the village, protecting families on the move to the next camping site, and enforcing buffalo hunting rules. In addition, each warrior club had its own repertoire of dances, performed on special ceremonial occasions. Since each Cheyenne band had identical military societies bearing identical names, the societies served to integrate the entire tribe for military and political purposes

2.e. Melanesian Big Man based Political Organization

Throughout Melanesia, the big man leader combines a small amount of interest in his tribe's welfare with a great deal of self-interested cunning calculation for his own personal gain. His authority is personal, he has no organization and he is not elected to any office. His status is based on acts that he has done which raise him above most of the other members of his tribe and attract to him a band of loyal followers.

The Big Man leader can be illustrated by the Kapauku of West New Guinea. The bigman is called "Tonowi" – a rich man. He is self-made leader who gains power though personal achievements rather than from holding office. He begins his carrier as the leader of a small, localized kin group through a series of public actions such as generous loans, the big man attracts followers within the community. He skillfully builds up his capital and increases the number of wives. Since women take care of the pig herds. He distributes his wealth in ways that builds his reputation as a rich man by sponsoring feasts, paying subsidies to military allies and putting bride wealth for young men seeking wives.

CENTRALISED POLITICAL ORGANISATION

1.Chiefdoms

It is centralized political systems with authority vested in formal, usually hereditary, offices or titles. With respect to social integration, the chiefdom level transcends the tribal level in two major ways: (1) it has a higher population density made possible by more efficient productivity; and (2) it is more complex, with some form of centralized authority. Chiefdom is a form of political organization with a **central leader encompassing several smaller political units.** Chiefdoms have larger populations, often numbering in thousands, and are more centralized and socially complex. **Hereditary systems of social ranking and economic stratification are found in many chiefdoms,** with social divisions existing between the chiefly lineage or lineages and non-chiefly groups. Chiefs and their descendants are considered superior to commoners, and intermarriage between two strata is forbidden.

Chiefs are expected to be generous, but they may have a more luxurious lifestyle than the rest of the people. The chiefship as "office" must be filled at all times. The chief may also amass a great amount of personal wealth and pass it on to offspring. Land, cattle, and luxury goods produced by specialists can be

collected by the chief and become part of the power base. Moreover, high-ranking families of the chiefdom may engage in the same practice and use their possessions as evidence of noble status.

When a chief die or retires, he or she must be replaced. This is not the case with a band leader or big-man or big-woman. **A chief regulates production and redistribution, solves internal conflicts, and plans and leads raids and warring expeditions.** Chiefdoms have a recognized hierarchy consisting of major and minor authorities who control major and minor subdivisions. Such an arrangement is, in effect, a chain of command, linking leaders at every level. It serves to bind groups in the heartland to the chief 's headquarters, be it a mud and dung hut or a marble palace. Although leaders of chiefdoms are almost always men, in some cultures a politically astute wife, sister, or single daughter of a deceased male chief could inherit such a powerful position as well.

Criteria for becoming a chief are: ascribed criteria (birth in a chiefly lineage, or being the first son or daughter of the chief), personal leadership skills, charisma, and accumulated wealth. Chiefdoms have existed in most parts of the world. Anthropologists are interested in how and why chiefdom systems evolved as an intermediary unit between tribes and states and what are its political implications. Several political strategies support the expansion of power in chiefdoms: controlling more internal and external wealth and giving feasts and gift exchanges that create debt ties; improving local production systems; applying force internally; forging stronger and wider external ties; and controlling ideological legitimacy. Depending on local conditions, different strategies are employed. For example, internal control of irrigation systems was the most important factor in the emergence of chiefdoms in prehistoric southeastern Spain; whereas control of external trade was more important in the prehistoric Aegean region.

An expanded version of the chiefdom occurs when several chiefdoms are joined in a **confederacy** headed by chief of chiefs, "big chief", or paramount chief. **Many prominent confederacies have existed- for example, in Hawaii in the late 1700s and, in North America, the Iroquois league of five nations that stretched across New York State, the Cherokee of Tennessee, and the Algonquins who dominated the Chesaeapeake region in present-day Virginia and Maryland.** In Algonquin confederacy, each village had a chief, and the regional council was composed of local chiefs and headed by the paramount chief. Confederacies were supported financially by contributions of grain from each local unit. Kept in a central storage area where the paramount chief lived, the grain was used to feed warriors during external warfare that maintained and expanded the confederacy's borders. A council building existed in the central location, where local chiefs came together to meet with the paramount chief to deliberate on questions of internal and external policy.

2.States

State is a form of **political organization with a bureaucracy and diversified governmental institutions with varying degrees of centralized control.** The state is now the form of political organization in which all people live. Band organizations, tribes, and chiefdoms exist, but they are incorporated within state structures. **Powers of the state:** socio cultural anthropologists ask how states operate and relate to their citizens. In this inquiry, they focus on the enhanced power that states have over their domain compared to other forms of political organization.

1. **States define citizenship and its rights and responsibilities.** In complex societies, since early times, not all residents were granted equal rights of citizens.
2. **States maintain standing armies and police (as opposed to part-time forces).**

3. **States keep track of the number, age, gender, location, and wealth of their citizens through census system that are regularly updated.** A census allows the state to maintain formal taxation systems, military recruitment, and policy planning, including population settlement, immigration quotas, and social benefits such as old-age pensions.

4. **States have the power to extract resources from citizens through taxation.** All political organizations are supported by contributions of the members, but variations occur in the rate of contributions expected, the form in which they are paid, and the return that members get in terms of services. In bands, people voluntarily give time or labor for "public projects" such as a group hunt or a planned move. Public finance in states is based on formal taxation that takes many forms. **In-kind taxation** is a system of mandatory, non-cash contributions to the state. For example, the Inca state used a labor tax, to finance public works such as roads and monuments and to provide agricultural labor on state lands. Another form of in-kind taxation in early states required that farmers pay a percentage of their crop yield. Cash taxes, such as the income tax that takes a percentage of wages, emerged only in the past few hundred years.

5. **States manipulate information.** Control of information to protect the state and its leaders can be done directly (through censorship, restricting access to certain information by the public, and promotion of favorable images via propaganda) and indirectly (through pressure on journalists and television networks to present information in certain ways).

Symbols of State Power: Religious beliefs and symbols are often closely tied to the power of state leadership: the ruler may be considered a deity or part deity, or a high priest of the state religion, or closely linked with the high priest, who serves as advisor. Architecture and urban planning remind the populace of the power of the state. In pre- Hispanic Mexico, the central plaza of city- states, such as Tenochtitlan was symbolically equivalent to the center of the cosmos and was thus the locale of greatest significance. The most important temples and the residence of the head of state were located around the plaza. Other houses and structures, in decreasing order of status, were located on avenues in decreasing proximity to the center. The grandness and individual character of the leader's residence indicate power, as do monuments-especially tombs to past leaders and heroes or heroines.

Voluntaristic theory of state formation (Gordon Childe) The theory that stable systems of state government arose because people voluntarily surrendered some of their autonomy to the state in exchange for certain benefits.

Hydraulic theory of state formation (Karl Wittfoegel) The notion that early state systems of government arose because small-scale farmers were willing to surrender a portion of their autonomy to a large government entity in exchange for the benefits of large-scale irrigation systems.

Coercive theory of state formation (Robert Carneiro) The argument that the state came into existence as a direct result of warfare.

Foraging	Horticulture	Pastoralism	Agriculture	Industrialism/Informatics
Political Organization				Political Organization
Band	Tribe	Chiefdom	Confederacy	State
Leadership				Leadership
Band leader	Headman/Headwoman Big-man Big-woman	Chief	Paramount chief	King/queen/president prime minister/emperor
Social Conflict				Social Conflict
Face-to-face Small-scale Rarely lethal	Armed conflict Revenge killing		War	International war Technological weapons Massively lethal Ethnic conflict Standing armies
Social Control				Social Control
Norms Social pressure Ostracism				Laws Formal judiciary Permanent police Imprisonment
Trends	Increased population density and residential centralization ➡️ More surpluses of resources and wealth ➡️ More social inequality/ranking ➡️ Less reliance on kinship relations as the basis of political structures ➡️ Increased internal and external social conflict ➡️ Increased power and responsibility of leaders ➡️ Increased burdens on the population to support political organization ➡️			

Modes of Political Organization, Conflict, and Social Control.

CONCEPT OF POWER, AUTHORITY AND LEGITIMACY

A society as defined in oxford dictionary is the community of people living in a particular country or region and having shared customs, laws, and organizations. This framework of society is shaped in a pyramidal system where in a particular person or faction takes care the regulatory affairs of the society. On a broader scale a country run by president or prime minster is aggregate of different societies. So for the organization of society there is should be people with authority, power and leadership. Sociologically authority and power are loosely differentiated and have been found to be overlapping mostly. By definition, power can be understood as the capability of a person to do certain thing whereas authority is power or right of a person to make decisions for an organization.

POWER AND AUTHORITY

Power is the universal aspect of social interaction. It plays a very important role in shaping the relationship among the members of a social group. Differences in relative power of the participants to influence one another are characteristics to all forms of social interactions.

Definition

Sheriff & Sheriff – "Power denotes the relative weights of behavior by members in a group structure".

Max Weber- "Power is the probability that one actor within a social relationship in a position to carry out his own will despite resistance, regardless of the bases on which this probability rests. All conceivable qualities of a person and all conceivable combinations may put him in a position to impose his will in a given situation".

Lundberg "Power means the extent to which persons or groups can limit or regulate the alternative courses of action open to other persons or groups, with or without their consent".

The concept of power is very broad, as the definitions reveal, and implies the ability of a person to get his wishes carried out. It simply means the capacity or ability of a person to influence another. However, "influence" by strict sense of the term does not always imply exercise of power. The most important component of power is the ability to determine the behavior of others in accordance with one's wishes despite resistance or opposition.

Power is a characteristic phenomenon both in a democratic as well as authoritarian system. There is a submission of people to overall power structure in both these societies. Once established, every power structure tends to be strong and continues to thrive because of habit or inertia as well as indoctrination and propaganda.

Types of Power

Positional and Non-positional

Positional power also called a structural power, is a situation when a man exercises his power by virtue of his position in the social structure. The distribution of power in any society is very closely related to distribution of statuses. In fact, the whole social structure may be viewed as a legitimate power system. But a man may also exercise it independently of his position. The former is called authority while the latter is non-positional power.

Lundberg's classification

3 types of power

1. **Coercive Power** – it is that power which uses or threatens the use of physical means to obtain compliance.
2. **Utilitarian Power** – This power uses material rewards to obtain compliance.
3. **Identitative Power**- It uses symbols that are neither threats nor material rewards but which try to identify people's interests as that of the organization's interests.

Classification on basis of influence

1. **Force**- Under force a person influences the behavior of others through physical force. Eg. Dictatorship
2. **Domination**- When power is exercised through order or advice, it is domination. Eg. Parents
3. **Manipulation** – is the exercise of power by influencing other without explicit statement of intent. Eg. Propaganda

Legitimate and Illegitimate Power

This is the classification of power from a legal perspective. Legitimate power is again of 3 types. Legal power is given by law; Traditional power, the power that is drawn from customs and traditions; Charismatic power, the power that has its source in some peculiar quality of person. If legitimate power is the power recognized by society and accepted by it, illegitimate power is not the one which is well accepted by the society.

Authority

Authority is the institutional power or legitimate power.

Definition

H. Arendt- Authority is power based on consent

Fedrick– Authority is the capacity to justify a process of reasoning what is desired from the point of view of man.

R. A. Dahl- Legitimate power is authority.

Thus, authority is the right to take certain actions, including the decision to issue commands. It represents the set of rules and procedures, traditions and norms that are regarded as binding when they are applied within a given social unit. A leader of a military coup for instance may have power but little authority, whereas an elected leader has authority and may have considerable power.

Difference between Power and Authority

- Authority is always legitimate whereas power may be both legitimate and illegitimate.
- Authority is based on consent whereas power is based on force. According to Eric Rose, "Power like authority is a means of favorably affecting the behavior of another, but by might not right."
- By nature, authority is more democratic then power as it is always legitimate and based on popular support.
- Authority is ability of man to get his proposals accepted but power is the capacity of man to change the behavior of others.

Sources of Authority:

According to Max Weber there are 3 sources of political authority:

Traditional Authority: When a continuous use of political power or its exercise on the basis of customs and traditions leads to emergence of right to rule.

Charismatic Authority: When the right to rule springs from the dynamism of a political leader.

Legal Authority: When the right to rule emerge from constitutional rules.

Limits to Authority:

Authority is always subjects to limits. If the limit is voilated by whose who possess authority, the subordinate can ignore or oppose it.

Kinds of Authority:

- **Authority based on force**: illegitimate. Not exercised according to law.
- **Constitutional Authority**
- **Charismatic Authority:** Dynamic qualities of a leader. Exceptional heroism and exemplary character.
- **Religious Authority:** like Shaman

- **Divine Right:** If authority is derived from God. Many kings considered themselves as deputies of God.
- **Ancestral heritage Authority:** If father transfers authority to the son, it is known as ancestral heritage.
- **Authority of Elite:** possessed by small group based on personality, knowledge or riches.
- **Traditional authority:** based on ancient customs, traditions and conventions.

Characteristics of Authority:
- **Legitimacy:** It determines effectiveness of authority. Hence it is the hallmark of the concept of authority. According to Dahl, "a commands B and B feels A has perfect right to do so and to which he has complete obligation to obey." Power of this kind is often said to be legitimate.
- **Dominance**: An individual or a group which possess authority exercises dominance over other individuals.
- **An informal and institutional power:** According to Fredrick, "Authority is not a power but something that accompanies power."
- **Rationality:** This is the main characteristics of authority. In the words of Fredrick, "the man who has authority possesses something that I would describe as the capacity for reasoned elaboration, for giving convincing reasons for what he does or proposed to have others to do so."
- **Accountability:** are responsible to some higher authority.

Legitimacy:

Legitimacy has been derived from the Latin word "Legitimas" which in English was interpreted as lawful. Consent is effective only if legitimate.

Dahl makes it clear that legitimacy is the quality of rightness, propriety or moral goodness. The de facto government becomes de jure on acquiring legitimacy. In Democracy importance of legitimacy is no less as it is based on consent. It can't be forced on people against this will.

S.M Lipet, "Legitimacy involves the capacity of the system to engender and maintain the belief that existing political institution are most appropriate for the society."

J.N Beandel, "Legitimacy can be defined as the extent to which the population accepts naturally without questioning the organization to which it belongs."

Sources of legitimacy:

According to **Max Weber- 3 sources of legitimacy:**

Tradition: Legitimacy may rest on an established belief in the sanction of immemorial traditions on the need to obey leaders who exercise the authority according to traditions.

Exceptional personal Qualities: Legitimacy may secondly be based on "devotion to the specific and exceptional sanctity, or exemplary character of an individual person."

Legality: Legitimacy may rest on the belief that power is wielded in a way that is legal. What is done legally is regarded as legitimate.

From the above analysis it is evident that legitimacy is not a mere abstract or moral feeling. It is something related with the entire political system, it is a belief which leads the people to accept that it is morally right and proper for the official sand leader of government to make binding rules. Legitimacy enables a ruler to govern within a *minimum* of political resources. It is the soul of democracy.

Types of legitimacy:
Davis Easton describes 3 types of legitimacy as under:

 Ideological legitimacy: When the source of legitimacy is ideology prevailing in the society, it is termed as ideological legitimacy. A political system is fact an articulated set of ideals, ends and purposes. The ideology portrays the aim and states the objective of political system.

 Structural Legitimacy: The principle which lead the members in a particular system to accept as legitimate, contribute to the validation of structures and norms of the regime.

 Personal Legitimacy: If the behavior and personality of those at the helm of affairs is of dominating importance and if members considers these authority as trust worthy, this is known as personal legitimacy.

SOCIAL CONTROL

Any society must have harmony and order. Where there is harmony or order, the society actually does not exist because society is a harmonious organization of human relationship. **Society therefore in order to exist and progress has to exercise a certain control over its member since any marked deviation from the established ways is considered a threat to its welfare. Such control is called "Social Control".** It is the influence which the society exerts upon its members for the purpose of providing the welfare of the group as a whole. Directing human behavior into socially desired end so that individual and collective role expectation and fulfillments may promote social continuity and stability.

NATURE OF SOCIAL CONTROL

Social control is an influence- The influence may be exerted through public opinion, coercion, social suggestion, religion, appeal to reason, or any other method.

The influence is exercised by society- it means that group is better able to exercise influence over the individual than a single individual. This group may be family, the church, the state, the club, the school, trade union, etc. The effectiveness of influence however depends upon variable factors. Sometimes the family may exercise more effective influence than the state.

The influence is exercised for promoting the welfare of the group as a whole. The person is influenced to act in the interest of others rather than in accordance with his own individual interests. Social control is exercised for some specific end in view. The aim is always the welfare of the whole.

SOCIAL CONTROL AND SOCIALIZATION

Social control and socialization are closely related to each other. **Social control is a part of socialization.** During the process of socialization, the process of social control is also in operation. Through socialization, social control becomes ipso- facto effective. **Man, from birth to death is undergoing the process of socialization and his behavior is controlled in numerous ways.** The customs regulate the birth and death ceremonies. The diet, the dress, the manner of speech, the marriage, the education and a host of other matters are controlled by customs. In order to maintain the social order, there are definite procedures in the society. As a matter of fact, societies depend heavily upon effective socialization to internalize social

norms and values as the individual's guides and motives to action. Through socialization, societies aim to control the behavior of its member unconsciously.

NEED FOR SOCIAL CONTROL

Social solidarity is essential for the existence of society. No two persons are alike in nature, ideas, attitudes and interests. Every individual is a separate personality. There are cultural differences among the individuals. Some worship an idol, others do not. Some eat meat, others are vegetarian. Some are orthodox, others are modern. As the matter of fact **society is a heterogeneous organization. If every individual is allowed unrestricted freedom to act and behave, it may create social disorder. For an orderly social life social control is necessary.** The aim of social control is to bring out conformity, solidarity and continuity of a particular group or society. **Social control is necessary for following reason.**

- **To maintain old orde**r- hinder deviant behavior. It affects development.
- **To establish social unity** – by uniformity of behavior.
- **To regulate or control individual behavior.**
- To **provide social sanction.**
- To **check cultural maladjustment**.

MEANS OF SOCIAL CONTROL

E.A. Ross has described a number of means of social control that have been employed by social groups throughout the human history to keep individuals under control. The important among them are **public opinion, law, custom, religion, morality, folkways and modes.**

Karl Mannheim distinguished between direct and indirect means of social control. Kimhall Young classified the means of social control into positive and negative means. According to him, reward is a positive means while punishment is a negative means.

L.L. Bernard distinguished between conscious and unconscious means of social control. The most important unconscious means are custom, tradition and convention. The conscious means of social control are those, which have been consciously developed and employed by leaders of all types. These are law, education, public opinion and coercion. **Bernard also distinguished between destructive and constructive means of social control.** Exploitive means are such as punishment, reprisals, intimidation and repression. Among the constructive means are included revolution, custom, law, education, social reform and non-violent coercion.

But **most of the sociologists have classified the means of social control into types such as informal means and formal means.** These are traced out below:

2 MAJOR MEANS

- Informal
- Formal

1. INFORMAL MEANS

The informal means of social control grow themselves in society. No special agency is requiring to create them. Hindu women usually do not smoke. One can marry only in one's caste. The children should respect their parents. All this is due to informal social control. It is exercised through custom, tradition, folkways, mores, religion, etc. Informal means of social control are very powerful particularly in primary groups. No man wants to suffer loss of prestige. He does not want to become target of ridicule.

MAJOR MEANS OF INFORMAL CONTROL

a. Belief: is a conviction that a particular thing is true. Belief's influence man 's behavior in society. For example, Belief in sin and karma controls man behavior. They are vital for human relations. They define the purposes and interests for the individual and control his choice of means so that the purposes of the group may be advanced or at least not hindered. Belief need not be true.

Belief in Witchcraft also acts as a social control. In societies with or without centralized political systems, witchcraft sometimes functions as an agent of social control and involves both internal and external controls. An individual will think twice before offending a neighbour if convinced that the neighbour could retaliate by resorting to black magic. Similarly, individuals may not wish to be accused of practicing witchcraft, and so they behave with greater circumspection.

Among the Azande of the Sudan, people who think they have been bewitched may consult an oracle, who, after performing the appropriate mystical rites, then may establish or confirm the identity of the offending witch.[10] Confronted with this evidence, the witch will usually agree to cooperate in order to avoid any additional trouble. Should the victim die, the relatives of the deceased may choose to make magic against the witch, ultimately accepting the death of some villager as evidence of both guilt and the efficacy of their magic.

For the Azande, witchcraft provides not only a sanction against antisocial behaviour but also a means of dealing with natural hostilities and death. No one wishes to be thought of as a witch, and surely no one wishes to be victimized by one. By institutionalizing their emotional responses, the Azande successfully maintain social order.

b. Social Suggestion: Social suggestions are also powerful means of social control. **Suggestion is the indirect communication of ideas, feeling and other mental states.** Such communication may be through various methods. The first method is putting the life examples of great men. We build monuments in memory of great men. We place their life ideals before people.

Suggestion is through literature- Books, journals, newspaper, etc. may inspire people. Suggestion is through education, also through advertisement.

c. Ideologies: ideology is a theory of social life which interpret social realities from the point of view of ideals to prove their correctness and to justify their ideals. **Leninism, Gandhism and Fascism are ideologies which have analyzed social realities and laid down an ideal before people.**

d. Folkways: Folkways are the recognized mode of behavior which arise automatically with a group. They are the behavior patterns of everyday life which arise spontaneously and unconsciously in a group. They are in general the habits of individuals and are common to a group. **They are socially approved. They have some degree of tradition sanction.**

e. Mores: Mores are those folkways which are considered by the group to be of great significance, rather indispensable to its welfare. The mores relate to the fundamental needs of society more directly than do the folkways. **They express the group's sense of what is right and conducive to social welfare.** They imply a value judgment about the folkways. Mores mold human behavior. They restrain an individual from doing acts considered as wrong by his group.

Societal norms, or rules that are enforced by members of a community, can exist as both formal and informal rules of behavior. Informal norms can be divided into two distinct groups: folkways and mores. Folkways are informal rules and norms that, while not offensive to violate, are expected to be followed. Mores (pronounced more-rays) are also informal rules that are not written, but, when violated, result in severe punishments and social sanction upon the individuals, such as social and religious exclusions.

William Graham Sumner, an early U.S. sociologist, recognized that some norms are more important to our lives than others. Sumner coined the term mores to refer to norms that are widely observed and have great moral significance. Mores are often seen as taboos; for example, most societies hold the more that adults not engage in sexual relations with children. Mores emphasize morality through right and wrong, and come with heavy consequences if violated.

Sumner also coined the term folkway to refer to norms for more routine or casual interaction. This includes ideas about appropriate greetings and proper dress in different situations. In comparison to the morality of mores, folkways dictate what could be considered either polite or rude behavior. Their violation does not invite any punishment or sanctions, but may come with reprimands or warnings.

An example to distinguish the two: a man who does not wear a tie to a formal dinner party may raise eyebrows for violating folkways; were he to arrive wearing only a tie, he would violate cultural mores and invite a more serious response.

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f. Customs: Customs are the **long-established habits and usages of the people.** They are those folkways and mores which have persisted for a very long time and have passed down from one generation to another. They arise spontaneously and gradually. There is no constituted authority to declare them, to apply them or to safeguard them. They are accepted by society. They are followed because they have been followed in the past.

g. Art and Literature: Art in its narrow sense includes painting, sculpture, architecture, music and dance. Literature includes poetry, drama and fiction. Both art and literature influence the imagination and exert control on human behavior. The martial music of the military band arouses feelings of determination and strength.

A classical dance creates in us an appreciation of our culture. The statute of Mahatma Gandhi teaches us the virtue of simple living and high thinking. A painting may arouse in us a feeling of sympathy, affection and hatred. There is always a close relationship between the art of a period and the national life. The civilization of any specified time can be judged by an examination of its art. The Ajanta and Ellora caves give a vivid account of the ancient Hindu culture. An artist has been called an agent of civilization.

Literature also influences human behavior in society. We have 'good' literature and 'bad' literature. A good literature possesses an indefinable quality which makes it live through the ages. Ramayana,

Bhagavad-Gita and Mahabharata are classical works of great social value. On the other hand, detective literature may have its effect on crime.

Romantic literature may make the readers passionate while religious literature may make them virtuous or superstitious. Rousseau in France hastened the French Revolution. Dickens changed the entire school system in Britain by writing David Copperfield and his other books. In this way both art and literature exert control through their influence on the imagination.

h. Humor and satire: Humor is also a means of social control. It assumes various forms, depending upon the situation and purpose. It often serves to relieve a tense situation. Sometimes it is used with a bad intention to deflate others without a reason. It is also used to gain a favorable response. Humor controls by supporting the sanctioned values of the society. Through cartoons, comics and repartees it can support the values of the society in a form that is light in spirit but effective in control.

Satire employs wit and scorn as indirect criticism of actions felt to be vicious and socially harmful. It exposes by ridicule the falsity and danger of behavior. Thereby it causes the people to give up their vicious and harmful action.

i. Public Opinion: The influence of public opinion as a means of social control is greater in simple societies. In a village the people are known to one another personally. It is difficult for a villager to act contrary to the public opinion of the village. Public opinion greatly influences our actions. For fear of public ridicule and criticism we do not indulge in immoral or anti-social activities.

Every individual wants to win public praise and avoid public ridicule or criticism. The desire for recognition is a natural desire. We want to count for something in the eyes of our fellowmen. Human praise is the sweetest music. The greatest efforts of the human race are made to win public recognition or at least to avoid public ridicule. Thus, public opinion is one of the strongest forces influencing the behavior of people.

2. FORMAL MEANS

a. LAW: It is the most important means of social control. Early societies depended upon informal means of social control but when societies grew in size and complexity, they are compelled to formulate rules and regulations which define the required types of behavior and specify the penal ties to be imposed upon those who violate them. **Law is a body of rules enacted by legally authorized bodies and enforced by authorized agencies. It defines clearly rights, duties as well as the punishments for their violation.** The modern societies are large in size. Their structure is complex and consisting of a number of groups, organizations, institutions and vested interests. Informal means of social control are no longer sufficient to maintain social order and harmony. Perform modern societies had to resort to formal means of social control.

Anthropologists recognize several basic functions of law, in particular the following three: **First**, it defines relationships among society's members and marks out proper behaviour under specified circumstances. Knowledge of the law permits each person to know his or her rights and duties with respect to every other member of society. **Second**, law allocates the authority to employ coercion
in the enforcement of sanctions. In societies with centralized political systems, such authority is generally vested in the government and its judiciary system. In societies that lack centralized political control, the authority to employ force may be allocated directly to the injured party. **Third**, law functions to redefine social relations and to ensure social flexibility. As new situations arise, law must determine whether old

rules and assumptions retain their validity and to what extent they must be altered. Law, if it is to operate efficiently, must allow room for change.

In modern society relationships are of a secondary nature. Security of life and property, as well as the systematic ordering of relationships make formalization of rules necessary. Law prescribes uniform norms and penalties throughout a social system. The body of law in every state is being increased. What was in mores and customs earlier has now been formalized into a body of law.

b. Education: Along with law, **the importance of education as a means of social control is being growingly realized. Education is a process of socialization. It prepares child for social living.** It reforms the attitudes wrongly formed by the children already. Thus, a family may make the child superstitious, education will correct his beliefs and remove his prejudices. It teaches him value of discipline, social cooperation, tolerance and sacrifice. It instills in him the qualities of honesty, fair play and a sense of right or wrong. The importance of education for creating right social attitudes among the youth cannot be minimized.

c. Coercion: is the use of force to achieve a desired end. It may be violent or non- violent. It is the ultimate means of social control when all other means failed. Physical coercion may take the form of bodily injury, imprisonment and death penalty. Physical coercion is without doubt the lowest form of social control. If a society has to depend on external force, it shows its weakness rather than strength in social control.

LAW AND JUSTICE IN PRIMITIVE SOCIETIES

Malinowski defined law as the obligation of one person and the rightful claim of another sanctioned not by mere psychological motive but by a definite social machinery of binding force based upon mutual dependence. Law is a mechanism whose violation might bring punishment form designated authority. Law is an agency, the function of which is to maintain social order by the use of physical, economical or social force.

Majumdar and Madan are of opinion that, "Law consists of a set of principles which permit the use of force to maintain political and social organization within a territory."

NATURE OF PRIMITIVE LAW

- It is **based on Kinship bond** and therefore clan elders play important roles.
- It is **backed by public opinion and morality**
- It **does not distinguish between public and private wrongs.** A private wrong may bring calamity for entire community. Thus, **collective responsibility** plays an important role.
- **Breach of public opinion and moral laws amount to sin; the sinner has also to face supernatural punishment.**
- There is **limited civil law and more criminal law because of less pressure on land. The customs are clear.**
- **Intention has no importance** in primitive law because of concept of sin.

For stateless societies we use social sanctions. According to Radcliffe Brown a sanction is a reaction on the part of a society or of a considerable number of its members to a mode of behavior which is thereby approved or disapproved. Approval of act is a function of positive sanctions and its approval, of negative sanctions.

In societies without formal legal institutions, such as courts of law, sanctions are often imposed directly by the wronged individual or group. Reaction is in a socially approved manner and in a form considered proportional to the injury. This may include ridiculing, duelling, injuring, seizing of property, or killing the offender or a member of his group. **Among the Eskimo**, for example, the appropriate punishment for a man who steals another man's wife is to be ridiculed in a nasty song made up by the injured man. Social context, as well as the kind of offence, determines the type of sanction invoked: legal, religious, and moral sanctions can all operate. A breach of norms committed within a kin group may call for religious sanctions, although the same deed involving different kin groups would invoke jural sanctions.

C.W. Mills (1951) wrote: "The mere anticipation of probable sanctions (ranging from embarrassment to imprisonment) is often sufficient to restrain the behaviour in question"
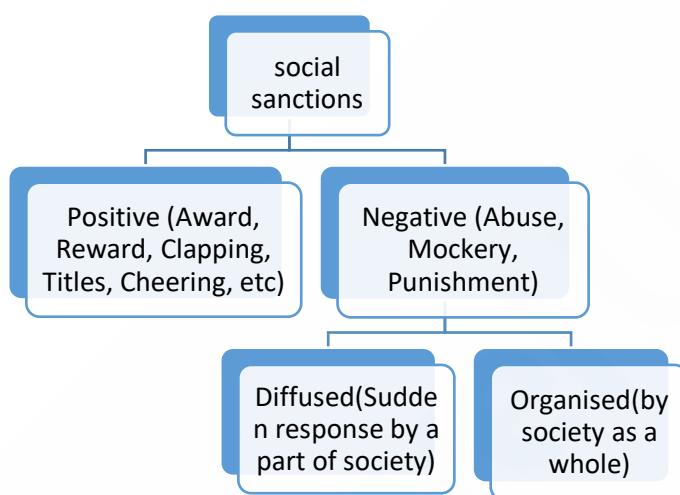
A Sanction is an externalized social control designed to encourage conformity to social norms. In folk wisdom, it is known as the "carrot and the stick principle". When our actions meet normative expectations or conform to wider expectations, we are generally rewarded (or subject to a positive sanction); failure to meet such expectations leads to punishment (punishing the various forms of deviance) known as negative sanction.

Sanctions, in addition to functioning as a mechanism of social control, **also serve to integrate a society**, affirming social beliefs and restating their validity when breached. Operating within social groups of all sizes and involving a mix of cultural and social controls, sanctions may vary significantly within a given society, but they fall into one of two categories: positive or negative. Positive sanctions consist of incentives to conformity such as awards, titles, and recognition by one's neighbours. Negative sanctions consist of threats such as imprisonment, fines, corporal punishment, or ostracism from the community for violation of social norms.

For sanctions to be effective, they must be applied consistently, and they must be generally known among members of the society. Even if some individuals are not convinced of the advantages of social conformity, they are still more likely to obey society's rules than to accept the consequences of not doing so.

Sanctions may also be either formal or informal, depending on whether or not a legal statute is involved. In the United States, the man who goes shirtless in shorts to a church service may be subject to a variety of informal sanctions, ranging from disapproving glances from the clergy to the chuckling of other parishioners. If, however, he were to show up without any clothing at all, he would be subject to the formal negative sanction of arrest for indecent exposure. Only in the second instance would he have been guilty of breaking the law.

Formal sanctions, such as laws, are always organized, because they attempt to precisely and explicitly regulate people's behaviour, whether they are peacefully trading with others or confronting others on a battlefield. Other examples of organized sanctions include, on the positive side, military decorations and monetary rewards. On the negative side are loss of face, exclusion from social life and its privileges, seizure of property, imprisonment, and even bodily mutilation or death.

Informal sanctions emphasize cultural control and are diffuse in nature, involving spontaneous expressions of approval or disapproval by members of the group or community. They are, nonetheless, very effective in enforcing a large number of seemingly unimportant customs. Because most people want to be accepted, they are willing to acquiesce to the rules that govern dress, eating, and conversation, even in the absence of actual laws.

Reciprocity as a sanction

The most common and most widespread sanction is the threat of withdrawal of reciprocity. In simple societies where, generalized reciprocity is a rule, threat of withdrawal of reciprocity is quite a powerful sanction.

RESOLUTION OF CONFLICT

Apart from formulation of policies, their administration, and their enforcement, political life also involves the resolution of conflict, which may be accomplished peacefully by avoidance, community action, mediation or the negotiation of compromises, apology, appeal to supernatural forces, or adjudication by a third party. The procedures used usually vary with degree of social complexity; decisions by third parties are more likely to exist in hierarchical societies. But peaceful solutions are not always possible, and disputes may erupt into violent conflicts. When violence occurs within a political unit in which disputes are usually settled peacefully, we call such violence *crime*, particularly when committed by an individual. When violence occurs between groups of people from separate political units- groups between which there is no procedure for settling disputes- we usually call such violence *warfare.* When violence occurs between subunits of a population that had been politically unified, we call it *civil war.*

Peaceful Resolution of Conflict

Most modern industrialized states have formal institutions and offices, such as police, district attorneys, courts, and penal systems, to deal with various types of disputes and conflicts. All these institutions generally operate according to **codified laws-** that are, a set of explicit, usually written, rules stipulating what is permissible and what is not. Transgression of the law by individuals gives the state right to take action against them. The state has monopoly on the legitimate use of force in the society, for it alone has the right to coerce subjects into agreement with regulations, customs, political edicts and procedures. Many societies lack such specialized offices and institutions for dealing with conflict. Yet, because all societies have peaceful, regularized ways of handling at least certain disputes, some anthropologists speak of **the *universality of law.***

Hoebel, for example, stated the principle as follows: Each people have its system of social control. And all but a few of the poorest of them have as a part of the control system a complex of behavior patterns and institutional mechanisms that we may properly treat as law. For, "anthropologically considered, law is merely one aspect of culture- the aspect which employs the force organized society to regulate individual and group conduct and to prevent redress or punish deviations from prescribed social norms." Law, then, whether informal as in simpler societies, provides a means of dealing peacefully with whatever conflicts develop. That does not mean that conflicts are always resolved peacefully. But that also does not mean that people cannot learn to resolve their conflicts peacefully. The fact that there are societies with little or no violent conflict means that it may be possible to learn from them; it may be possible to discover how to avoid violent outcomes of conflicts.

Avoidance

Violence can often be avoided if the parties to a dispute voluntarily avoid each other or are separated until emotions cool down. Anthropologists have frequently remarked that foragers are particularly likely to make use of this technique. People may move to other bands or move their dwellings to opposite ends of camp. Shifting horticulturalists may also split up when conflicts get too intense. Avoidance is obviously easier in societies, such as band societies, that are nomadic or semi nomadic and in which people have temporary dwellings. And avoidance is more feasible when people live independently and self-sufficiently (for example, in cities and suburbs). But even if conditions in such societies may make avoidance easier, we still need to know why some societies use avoidance more than confrontation as a way of resolving conflict.

Community Action

Societies resort to various methods, to resolve disputes in an amicable way. One such way involves community action in simpler societies that lack powerful authoritarian leaders. **Among the Inuit, disputes are frequently resolved through community action.** The Inuit believe that spirits, particularly if displeased, can determine much of a person's fate. Consequently, people carry out their daily tasks within a complex system of taboos. This system is so extensive that the Inuit, at least in the past, may have had no need for formal set of laws. Nevertheless, conflicts do arise and needs to be resolved. Accordingly, principles act as guides to the community in settling trouble cases. **An individual's failure to heed a taboo or to follow the suggestions of a shaman leads to expulsion from the group, because the community cannot accept a risk to its livelihood**

Negotiation and Mediation

In many conflicts, the parties to a dispute may come to a settlement themselves by **negotiation.** There aren't necessarily any rules for how they will do so, but any solution is "good" if it restores peace. Sometimes an outsider or third party is used to help bring about a settlement between the disputants. We call it **mediation** when the outside party tries to help bring about a settlement, but that third party does not have the formal authority to force a settlement. Both negotiation and mediation are likely **when the society is relatively egalitarian and it is important for people to get along. Among Nuer of East Africa disputes within the community can be settled with the help of an informal mediator called "the leopard skin chief".**

Ritual Reconciliation-Apology

The desire to restore a harmonious relationship may also explain ceremonial apologies. An apology is based on deference- the guilty party shows obeisance and asks for forgiveness. Such ceremonies tend to occur in chiefdoms. Among the Fijians of the South Pacific, there is a strong ethic of harmony and mutual assistance, particularly within a village. When a person offends some one of higher status, the offended person and other villagers begin to avoid, and gossip about, the offender. If the offender is sensitive to village opinion, he or she will perform a **ceremony of apology called *soro.*** One of the meanings of *soro* is "surrender". In the ceremony the offender keeps her or his head bowed and remains silent while intermediary speaks, presents a token gift, and asks the offended person for forgiveness.

Oaths and Ordeals

Still another way of peacefully resolving disputes is through oaths and ordeals, both of which involve appeals to supernatural power. An **oath is the act of calling upon a deity to bear witness to the truth of what one says. An ordeal is a means used to determine guilt or innocence by submitting the accused to dangerous or painful tests believed to be supernatural control.**

Violent Resolutions of Conflict

People are likely to resort to violence when regular, effective alternative means of resolving a conflict are not available. Some societies consider violence between individuals to be appropriate under certain circumstances; which we generally do not consider, and call it **crime**. When violence occurs between political entities such as communities, districts, or nations, we call it **warfare**. The type of warfare, of course, varies in scope and complexity from society to society. Sometimes a distinction is made among feuding, raiding, and large-scale confrontations.

Individual Violence

Although at first it may seem paradoxical, violent behavior itself is often used to control behavior. In some societies it is considered necessary for parents to beat children who misbehave. They consider this punishment and not criminal behavior or child abuse. Violence between adults can be similarly viewed. If a person trespasses on one's property or hurts someone, some societies consider it appropriate or justified to kill or maim the trespasser. Is this social control, or is it just lacks of control? Most societies have norms about when such "punishment" is or is not appropriate, so the behavior of anyone who contemplates doing something wrong, as well as the behavior of the person wronged, is likely to be influenced by the "laws" of their society.

Feuding

Feuding is an example of how individual self-help may not lead to a peaceful resolution of conflict. **Feuding is a state of recurring hostilities between families or groups of kin, usually motivated by a desire to avenge an offense- whether insult, injury, deprivation, or death- against a member of the group.** The most common characteristic of the feud is that responsibility to avenge is carried by all members of the kin group. The killing of any member of the offender's group is considered an appropriate revenge, because the kin group as a whole is regarded as responsible. Nicholas Gubser told of a feud within Inuit community, caused by a husband's killing of his wife's lover that lasted for decades. Feuds are by no means limited to small-scale societies; they occur as frequently in societies with high levels of political organization.

Raiding

Raiding is a short-term use of force, planned and organized, to realize a limited objective. This objective is usually the acquisition of goods, animals, or other forms of wealth belonging to another, often neighboring community. Raiding is prevalent in pastoral societies, in which, cattle, horses, camels, or other animals are prized and an individual's own herd can be augmented by theft. Raids are often organized by temporary leaders or coordinators whose authority may not last beyond planning and execution of the venture. Raiding may also be organized for the purpose of capturing persons either to marry or to keep as concubines or as slaves. Slavery has been practiced in about 33 percent of the world's known societies, and war has been one way of obtaining slaves either to keep or to trade for other goods.

Large-scale Confrontations

Both feuding and raiding usually involve relatively small numbers of the persons and almost always an element of surprise. Because they are generally attacked without warning, the victims are often unable to muster an immediate defense. Large-scale confrontations, in contrast, involve a large number of persons and planning by both sides of strategies of attack and defense. Large-scale warfare is usually practiced among societies with intensive agriculture or industrialization. Only these societies possess a technology sufficiently advanced to support specialized armies, military leaders, strategies, and so on.

LAW VS CUSTOM

Malinowski defined law as the obligation of one person and the rightful claim of another sanctioned not by mere psychological motive but by a definite social machinery of binding force based upon mutual dependence. Law is a mechanism whose violation might bring punishment form designated authority. Law is an agency, the function of which is to maintain social order by the use of physical, economical or social force.

Customs are the **long-established habits and usages of the people.** They are those folkways and mores which have persisted for a very long time and have passed down from one generation to another.

1. Law is a make; custom is a growth: Law is explicitly and deliberately made by the definite power of the state, whereas custom is a group procedure that has gradually emerged, without expressed enactment, without any constituted authority to declare it; to apply it and to safeguard it. Customs emerge spontaneously without any guide or direction. Law is consciously and out into force.

2**. Law needs a special agency for enforcement; custom does not:** law is applied by a special agency for the application; it is enforced by spontaneous social actions. No physical penalty visits a violator of custom; whereas punishment is meted out to one who violates the law.

3. **Law is specific; custom is not**: Law is specific, definite and clear: One can know what the laws of the land are. Customs are not definite and clear. They are codified in a single book so that it becomes difficult to know all the customs of the land.

4. **Law is more flexible and adaptable than customs:** Law can readily adjust itself to changing conditions, whereas customs cannot be readily change. Customs are relatively fixed and permanent. In the time of crisis, a law can be immediately enacted to meet the emergency.

5. **Customs fade and disappear without formal abolition and without recognition by any authority, but laws disappear only when they are abolished by any authority.**

6**. Law is more idealistic than custom:** Law tends to be more idealistic than customs. It is the offspring of mind and directed to aim which are far above the actual practice of society, custom is the product of experience and mainly concerned with the daily routine of life. Law reform those customs which are out of tune with changing harmony of the society.

7. **Law is generally deals with matters which are vital to life of society; whereas the subject matter of custom is more ordinary and familiar.**

Though law is different from custom; it does not mean, however that they are completely poles apart. **Both customs and law complement and supplement each other.** Activities which are once performed unconsciously are now consciously and deliberately formulated. **According to Maine**, there is always a necessity for law to adjust itself to social needs and social opinion. When a law expresses moral consensus of society it will be effectively enforced.

Customs are more important than law and upon them in great measure, law depends. The law touches us but here and there, customs are what vex or sooth, corrupt or purify, exalt or debase, barbarize or refine us by constant, steady, uniform, insensible operation, like that of air we breathe in.

Customs **consolidate law** and facilitate its practice: If law is not aided by custom, it cannot succeed. To quote James Wilson, "of all yet suggested the mode for the promulgation of human law by custom seems the most significant and most effectual." Certainly a law cannot succeed permanently if it is opposed by deep seated customary attitudes.

Just as custom supplement law, so law also supplements custom: Law function as an educator. It creates a moral consensus where none exists. Today law is being used to change obsolete customs like untouchability, dowry system, child marriage, etc. In the primitive society customs served to regulate the conduct of life, but in modern societies, customs become blurred.

Today law takes an even larger part in social control because:

1. Customs lack an agency of authoritative jurisdiction due to which the interest of the community do not remain fully secure. Law with special agency of enforcement is required if interests are to be pursued in peace.

2. Custom is non adaptable to changing condition

3. Since there are different customs for different groups there have to be a single and uniform rule of behavior where it is desirable, it is necessary to supplement customs by law.

PRIMITIVE VS MODERN LAW

In his 1893 work **The Division of Labour in Society**, Durkheim examined how social order was maintained in different types of societies. He focused on the division of labour, and examined how it differed in traditional societies and modern societies.

He argued that **traditional societies were 'mechanical'** and were held together by the fact that everyone was more or less the same, and hence had things in common. In traditional societies, argues Durkheim, the collective consciousness entirely subsumes individual consciousness-social norms are strong and social behaviour is well-regulated.

In modern societies the highly complex division of labour resulted in 'organic' solidarity. Different specializations in employment and social roles created dependencies that tied people to one another, since people no longer could count on filling all of their needs by themselves. In 'mechanical' societies, for example, subsistence farmers live in communities which are self-sufficient and knit together by a common heritage and common job. In modern 'organic' societies, workers earn money, and must rely on other people who specialize in certain products (groceries, clothing, etc.) to meet their needs. The result of increasing division of labour is that individual consciousness emerges distinct from collective consciousness-often finding itself in conflict with collective consciousness.

Durkheim also made an association of the kind of solidarity in a given society and the preponderance of a law system. He found that in societies with mechanical solidarity the law is generally repressive: the agent of a crime or deviant behaviour would suffer a punishment, that in fact would restore collective conscience neglected by the crime-the punishment acts more to preserve the unity of consciences.

On the other hand, in societies with organic solidarity the law is generally restitutive: it aims not to punish, but instead to restitute/restore normal activity of a complex society. The rapid change in society due to increasing division of labour thus produces a state of confusion with regard to norms and increasing impersonality in social life, leading eventually to relative normlessness, i.e. the breakdown of social norms regulating behaviour; Durkheim labels this state anomie.

	Primitive Law	Modern law
1.	The growth of law is slow, gradual and spontaneous with the usages, customs, sanctions and force. We don't find legislation in primitive societies	Modern law is a result of deliberate planning and legislation
2.	Primitive law is based more on kinship bonds than territorial ties	Modern law is based on territorial ties
3.	Primitive law is predominantly a criminal law	Modern law includes criminal law, civil law and their several branches
4.	Primitive law is based on ethical norms and public opinion	Modern law does not necessarily depend on ethical norms and public opinion
5.	Primitive law does not distinguish between crimes in public and private wrong	Modern law distinguishes between crimes in public and private wrong
6.	Sin and supernatural punishments associated with primitive law	Modern law does not give importance to sin and supernatural punishment
7.	Intention is not recognized in primitive law	Modern law recognizes intention behind an act
8.	As primitive law is based on kinship bonds, collective responsibility is associated with it	No scope for collective responsibility
9.	In primitive law there is no grades of punishment	There are grades of punishment
10.	Imprisonment is rare in primitive law	Frequent imprisonment
11.	Not associated with legislative, executive and judicial processes	Associated with legislative, executive and judicial processes
12.	No police force and law courts	Presence of police, courts and lawyers