QUESTION NO 25:

DISCUSS THE LAW AND SOCIAL CONTROL?

1. PREFACE:

Law is the most important formal means of social control. Early societies depend upon informal means of social control but when societies grew in size and complexity they were compelled to formulate rules and regulations which defines the required types of behavior and specify the penalties to imposed upon those who violate them.

2. MEANING OF LAW:

According to Oxford Law Dictionary:

"The enforceable body of rules that governs any society".

3. DEFINITION OF LAW:

According to Austin:

"Law is the command of sovereign backed by sanction".

4. MEANING OF SOCIAL CONTROL:

"The term social control refers to the techniques and strategies for regulating human behaviour in any society."

5. NEED FOR SOCIAL CONTROL:

Social control is necessary for maintaining order in the society. It is necessary for every society or group to maintain social order and this is possible only when its member behave in accordance with that social order. Without social control social unity would be a mere dream. Social control regulates behavior and leads the unity among the individuals.

6. DEFINITION OF SOCIAL CONTROL

"Strategies to maintain positive social behaviours in the society is called social control."

PURPOSE OF SOCIAL CONTROL

The study of social control is an important aspect of sociology. It is a significant field of study. It is unifying factor in the study of human behavior.

> **According to Kimball Young:**

" The aims of Social Control are to bring about conformity, solidarity and continuity of particular group or society "

The classification of the motives or purpose of the agents of social control are...

I.   Exploitative, motivated by self interest.

II.   Regulative based upon habit and the desire for behavior of the customary types.

III.   Creative or constructive based on social benefit.

The results of social control are not always beneficial to society or to the individual. Even social control for constructive purpose may confuse the public and end in activity. Effort to regulate behavior in accordance to custom may cause cultural lag, mental conflict and emotional instability.

MEANS OF SOCIAL CONTROL:

The means by which individuals are induced or compelled to conform to the usages the life values of the group are so numerous and varied that a classification is not possible . E.A Ross has described a number of means that have been used by social group throughout the human history to keep individuals under control. The important among them are public opinion, law, custom, religion , morality, personality, folkways and mores.

TYPES OF SOCIAL CONTROL:

Society makes use of various means of social control depending upon the time and social situation for the realization of its purpose. Following are the types of social control.

> Control by Sanction.
> Control by Suggestion.
> Unconscious
> Conscious.
> Exploitative.
> Constructive.
> Formal.

> Informal

10. **CONTROL BY SANCTION AND SUGGESTION:**

E.C Hayes distinguished between control by sanctions and control by suggestion and limitation. According to him education is the most effective means of control and the family is the most significant agency.

11. **DIRECT AND INDIRECT MEANS OF SOCIAL CONTROL:**

Karl Manheim distinguished between direct means of social control and indirect means of social control. Direct control is that which is exercised by the primary groups like family, peer groups, who praise or condemn the behavior of an individual. Indirect control is exercised by the secondary group like tradition, custom and institutions.

12. **CONSCIOUS AND UNCONSCIOUS MEANS OF SOCIAL CONTROL:**

Luthers L Bernard distinguished between unconscious and conscious means of control. The most important among the unconscious means of control are custom, tradition and convention. The conscious means of control are those which have been consciously developed and employed by leaders of all types.

13. **EXPLOITATIVE AND CONSTRUCTIVE:**

Juristic also talk about exploitative and constructive means of social control. Exploitative means are such as punishment, reprisals, intimidations, censorship and repression. Among the constructive means are include revolution, customs, law, educations and social reform.

14. **FORMAL SOCIAL CONTROL:**

Sympathy, sociability, resentment, the sense of justice, public opinion, folkway and mores are some of the important means of social control. They are very powerful in primary social groups where interaction is on personal basis.

15. **INFORMAL SOCIAL CONTROL:**

Public opinion, sympathy, sense of Justice are the example of informal social control.

16. **RULES OF CONDUCT:**

Social control entails rules of behavior that should be followed by the members of a society. Some of the rules of conduct fail into the realm of good manners as the culture defines them. As such they describe behavior that is

socially desirable but not necessarily compulsory. Other rules of conduct are not optional and are enforced by laws. In complex, large-scale societies, laws are usually written down formally so that they can be known clearly to everyone.

17. HOW LAW COMES ABOUT VARIES?

In small-scale societies, they usually evolve over time and are part of the culture tradition. These are referred to as **common laws**. In large-scale societies, many laws derive from old common laws that are now formalized by being written down in penal codes. Other laws in these complex societies do not evolve organically but are created by enactment in legislatures or by rulers.

18. SANCTIONS:

Law is by no means the only method for controlling the behavior of deviant individuals. People who violate norms can be subjected to gossip, public ridicule, social ostracism, insult, and even threats of physical harm by other members of their community. These kinds of **informal negative sanctions** are very effective in small-scale societies. In larger societies, this method also works effectively.

> **Super Natural Sanction:**

In some societies, social control involves the threat of supernatural punishment from the gods or ancestral spirits for deviation from the norm. Since it is assumed that crimes against other people in these societies are likely to be punished whether they are publicly known or not, this belief in divine retribution provides a powerful tool for getting people to behave properly.

> **Positive Sanction:**

Some societies emphasize the use of positive sanctions to reward appropriate behavior rather than negative ones to punish those who do not conform to the social norms. Common **positive sanctions** include praise and granting honors or awards.

19. FINAL REMARKS:

Finally we can say that the social control is a concept within the disciplines of the social sciences. Social control is described as a certain set of rules and standards in the society that keep individuals bound to conventional standards as well as to the use of formalized mechanisms. Law is an important formal means of social control.