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COLLEGE OF SOCIAL SCIENCES
DEPARTMENT OF SOCIOLOGY AND SOCIAL ANTHROPOLOGY

SANT 214: Social Institutions

Brief Course Description

This course deals with three interrelated social institutions: Polity, law and economy. A sociological analysis of political institutions includes: origin and development of sociological aspects of political thought; socio-political processes, and the polity and other social institutions. The course also examines the sociology of law focusing on similarities and differences between law and conventional morality, fields of substantive law etc. Developments of economic sociology, sociological analysis of economic processes (production, distribution, consumption and exchange), and work and related issues will also be discussed.

Course Outline

1. POLITICAL SOCIOLOGY	2
1.1 Defining Political Sociology	2
1.1.1 Sociology, Political Science and Political Sociology.....	2
1.1.2 What Caused The Growth Of Modern Political?.....	3
1.1.3 The Origin and Development of Political Sociology.....	4
1.2 The State Power, and Authority	6
1.2.1 The State.....	6
1.2.1.1 The Origins Of The State.....	7
1.2.1.2 The Development Of The Modern State.....	9
1.2.1.3 The Marxist Concept Of The State.....	11
1.2.2 Power, Legitimacy and Authority.....	12
1.2.2.1 Power.....	12
1.2.2.2 Authority and Legitimacy.....	13
1.2.3 Historical and Contemporary Political Systems.....	16
1.2.3.1 Monarchy.....	16
1.2.3.2 Authoritarianism.....	16
1.2.3.3 Totalitarianism.....	16
1.2.3.4 Democracy.....	17
1.3 General Theories of Political Processes	19
1.3.1 Elite Theories.....	19
1.3.1.1 The organisational approach - Mosca and Michels.....	20

1.3.1.2 The psychological approach - Pareto.....	21
1.3.1.3 The economic approach - Burnham.....	22
1.3.1.4 The institutional approach - Mills.....	22
1.3.2 Pluralism	23
1.4 Power beyond the rules – Revolution & Terrorism	24
1.4.1 Revolution.....	24
1.4.2 Terrorism.....	26
2. SOCIOLOGY OF LAW	28
2.1 Law Sociologically Defined.....	28
2.2 Origin and Development of Sociology of Law	29
2.3 Types of Law	32
2.4 Law and Conventional Morality: What is the relationship?	33
2.5 Fields (Specialization) in Modern Law.....	34
2.6 Law Making and Law Finding (Enforcement)	35
2.7 Functions of Law	35
3. ECONOMIC SOCIOLOGY	36
3.1 The Economy And Economic Sociology.....	36
3.2 Historic Changes In Economic Systems	37
3.3 Contemporary ECONOMIC SYSTEMS	40
3.4 The social organization of work.....	44
3.4.1 Job satisfaction and Alienation	44
3.4.2 Occupations.....	44
3.4.3 Professions	44
3.4.4 Mangers and the Managed	46
3.4.5 The Lower Tier of The Service Sector and Marginal Jobs.....	47
3.4.6 Contingent Work.....	47
3.4.7 Unemployment.....	48
3.4.8 Worker Resistance and Activism.....	48
3.4.8.1 Labour Unions.....	49
3.5 Sociological Perspectives On The Economy And Work.....	50
3.5.1 The Functionalist Perspective	50
3.5.2 The Conflict Perspective.....	51

1. POLITICAL SOCIOLOGY

1.1 Defining Political Sociology

1.1.1 Sociology, Political Science and Political Sociology

Sociology is the study of human behaviour within a societal context. A society is therefore the basic unit of analysis, in that sociology differs from psychology, whose basic unit of analysis is the human being. A society may be defined as a distinctive and coherent grouping of human beings living within some degree of proximity, whose behaviour is characterized by various common practices, norms, and beliefs that distinguish it from other human groupings with clearly different practices, norms, and beliefs.

The term 'sociology' was coined by Auguste Comte (1798-1857), one of the founding fathers of the discipline. Both Comte and Herbert Spencer (1820-1903), stressed that society was the basic unit of sociological analysis. In addition, Karl Marx (1818-83), Emile Durkheim (1858-1917), and Max Weber (1864-1920) also made massive contributions to Sociology, both theoretically and empirically. Marx was a polymath - historian, political philosopher, and economist, and, of course, actively involved in politics. His exploration of; and theories concerning the relationship between politics, economics and society, to which he involuntarily gave his name, are an eloquent testimony to his contribution to sociology. Durkheim's development of the division of labour or the specialization of roles in society was of great importance and his studies of religion and of suicide were models of sociological investigation, especially in the use of statistics.

Since politics takes place within a societal context, sociology by definition, could be said to encompass political science. But as an academic discipline it developed almost entirely separately from sociology. The study of politics, particularly in Europe, grew out of legal studies, especially constitutional law. In Britain, and to a lesser extent the United States, it developed mainly from the study of history. Both, of course, were perfectly logical developments, but they led to a situation in which the study of politics had little in common with sociology.

Definitions of politics are legion and no one definition has been universally accepted. In order to solve this definitional problem it has frequently been circumvented by trying to delineate the essence or central concept of political study. Politics, it is argued, **is the resolution of human conflict; it is the process by which society**

authoritatively allocates resources and values; it is the process by which society makes decisions or evolves policies; it is the exercise of power and influence in society.

Of course, strong interest in the nature of the state, its organs of control, and the place of the citizenry within its boundaries existed as far back as ancient Greece. Most scholars would agree that Aristotle was the earliest forerunner of the political scientist. Among other things, his treatment of types of regimes in his *Politics* presaged countless efforts to classify forms of government and has remained a major influence on the discipline. Plato, whose *The Republic* presented his theoretical development of a utopia, or perfect city, was another important early political philosopher.

Over the centuries, other classics of the field were written by the Roman statesman Cicero, by St Augustine and St Thomas Aquinas, by the Italian statesman Niccolò Machiavelli, by the British philosophers Thomas Hobbes and John Locke, by the French writers Jean-Jacques Rousseau and the Baron de Montesquieu, and by the German philosophers Immanuel Kant, G. W. F. Hegel, Friedrich Wilhelm Nietzsche, and Karl Marx. *The Federalist* (1787-1788), a series of essays, most of them by the American statesmen Alexander Hamilton and James Madison, is a classic of political thought in the early years of the United States. Almost all of these authors dealt with the possibility that a society could provide the conditions for a good life for all its people. These works are still read, largely because they go beyond material comfort to treat such higher values as justice, equality, liberty, and the promotion of human excellence.

1.1.2 What Caused The Growth Of Modern Political?

It was two related developments that gave rise to the growth of modern political sociology.

The first of these was the development in the social sciences of **the behavioral approach to the study of social phenomena**. Behaviouralism developed initially and most strongly in the United States and grew out of what were known as behaviourist studies in psychology. As the term 'behaviourist' implies, these studies concentrated on observing and analyzing individual and group behaviour, often using animals in laboratory experiments. There was a strong emphasis on systematic and precise measurement and on seeking to establish the existence of behavioural patterns which could form the basis for hypothesizing laws of behaviour. Other social scientists, especially in sociology and later in political science, began to use similar

methods, stressing the importance of intellectual rigor, precise measurement, the development of empirically based generalizations, and objectivity.

The second and subsequent development was a particular concern among American political scientists about **the problem of studying the politics of the Third World or developing countries** - those parts of the world in Africa, Asia, and Latin America that, in most cases, had been subject to colonial rule or, like China, to extensive Western influence. Earlier comparative studies had tended to follow the traditional pattern of institutional analysis, with relatively little consideration of the socio-cultural milieu in which those institutions operated and the differences that this might make. The criticisms of the traditional approach were sometimes exaggerated, but were far from unfounded.

These two developments brought many political scientists much closer to their colleagues in other social sciences, especially sociology. In particular, a number of political scientists were attracted by the development of **systems theory**, notably though not exclusively through the ideas of Talcott Parsons, whose book *The Social System* (1951) had a considerable impact beyond the realm of sociology. Parsons argued that all societies constituted a social system, within which operated a number of subsystems. In addition, he argued a social system was self-regulating or self-adjusting, adapting itself as circumstances changed.

1.1.3 The Origin and Development of Political Sociology

Essentially political sociology seeks to examine the links between politics and society, to place politics within its societal context by analyzing the relationship between social structures and political structures and between social behaviour and political behaviour.

As such it draws heavily upon both disciplines it seeks to inform, but given their respective histories, it is perhaps appropriate that the two men who have the strongest claims to be the founding fathers of political sociology were more closely associated with sociology than with political science. These are, Karl Marx and Max Weber, both of whom regarded politics as inextricably embedded in society.

Marx's contribution was massive and varied and falls into three areas: **general theory, specific theory, and methodology**. Marx developed a theory of historical inevitability, but unlike Hegel he based his theory on the material conflict of opposing economic forces arising out of the means of production, resulting in the ultimate overthrow of capitalism and the creation of a classless society. Basically, Marx argued that the nature of any society depended upon the predominant mode

of production, which determined the relationship between individuals and groups of individuals and the ideas and values predominant in that society. Therefore, fundamental change in society was consequent upon major changes in the mode of production. Marx's interpretation of history was based on the twin pillars of economic and sociological theory. He developed David Home's labour-value theory into theories of surplus value and the exploitation of labour, and these formed the basis of his major sociological theory, the class struggle. He also developed a theory of alienation.

Marx made a further vital contribution in the field of methodology. His development of 'scientific socialism' laid down standards of scholarship and methods which were an example to subsequent social scientists. Marx endeavored to give his theories a firm basis in fact by amassing a vast amount of evidence which he sought to examine in a systematic and rigorous fashion.

Perhaps inevitably, the second founding father of political sociology, Max Weber, was one of Marx's leading critics. Weber's contribution consisted not only of a major critique of Marx, but of a considerable number of specific studies and concepts of importance to political sociology. In his work *The Protestant Ethic and the Spirit of Capitalism* (1930 [1904-5]), and in his studies of India, China and the Jewish people, Weber sought to demonstrate that non-economic factors, especially ideas, were important sociological factors. Moreover, in examining social stratification in various societies he argued that social strata could be based not only on an individual's 'class' or economic position in society, as Marx asserted, but also upon status or social position in society, or upon an individual's position in the societal power structure. These could, Weber acknowledged, be overlapping, but were not necessarily identical.

Weber also contributed several important conceptual and methodological ideas to political sociology: he focused attention on the importance of power as a political concept, particularly within the context of the state, and on the authoritative exercise of power or legitimacy.

Weber's other methodological contribution was the concept of sympathetic (or subjective) understanding or *Verstehen*, as applied to sociology. Weber felt that human behaviour could be better understood if account were taken of the motives and intentions of those directly involved in that behaviour

Marx and Weber laid the foundations of political sociology, but a considerable period was to pass before anything remotely resembling a full fledged discipline

raised. What did occur was the development of work on particular aspects of what are now regarded as integral parts of political sociology.

The period after the Second World War saw a massive burgeoning of research and publications in the social sciences generally issues such as the development of national identity , political socialization, participation, and recruitment, political communication how political information and ideas were transmitted within society were explored, contributing to the development of political sociology. Gradually political sociology assumed a more coherent whole.

1.2 The State Power, and Authority

1.2.1 The State

We live in a world of states: with the exception of parts of Antarctica, there is no part of the world which is not claimed by, territorially part of, or subject to the domination of a sovereign state.

In the modern world the state is a major and crucial part of the political structures of society. A few societies, which in the past anthropologists would have described as 'stateless', still exist in remote parts of the world, such as New Guinea and the Amazonian rain forest, but they are at least nominally within the confines of a modern state. But most modern societies are closely associated with a particular state, and therefore to understand politics in most societies means examining the role of the state.

Weber (1947) defines the state as '**A compulsory political association with continuous organization will be called a "state" so long as it and insofar as its administrative staff successfully claim the monopoly of physical force in the enforcement of its orders.**' This definition makes it clear that for most individuals belonging to a particular state is not a matter of choice but of accident; only those who move, usually voluntarily, from one state to another are able to exercise any real choice. It may well be that most individuals accept their membership of a particular state with little or no question, but this in no way derogates the compulsory nature of the state, since it is in the name of the state that individuals are taxed, laws passed, and policies determined and implemented.

The emphasis that Weber (and others seeking to define the state) laid on a monopoly of the legitimate use of physical force clearly links the concept of the state with the concept of legitimacy. How far individuals subject to the domination (to use Weber's term) of the state actually accept that domination as legitimate is a matter for

empirical analysis, but for non-Marxists the state is inextricably linked with legitimacy for its existence and its survival. Thus the collapse of the regimes in Eastern Europe In 1989 is inevitably interpreted as evidence of a loss of legitimacy, not merely for those holding office but for the communist states they represented.

The Marxist view of the state (and therefore of power, authority and legitimacy) differs significantly from that of Weber and other non-Marxists. Marxists do not deny the territorial nature of the modern state, but they view its role very differently. For some non Marxists the state is the necessary but politically neutral apparatus through which a society maintains order, settles internal conflicts, and achieves its economic and social goals. Marxist theory, however, assigns to the state the crucial role of **representing and operating in the interests of the dominant class in a society**. In the words of Engels the state is the instrument by which **'the most powerful, economically dominant class ... becomes also the politically dominant class, and thus acquires new means of keeping down and exploiting the oppressed class.'** Similarly, and with brutal directness, Lenin defined the state as **'a special force for the suppression of a particular class'** (1960 [1917], p. 52). Thus, far from being neutral, the state is the product of historical class struggles; its legitimacy and authority are irrelevant and exist only in the minds of the ruling class and the false consciousness of those unaware of its true nature. Moreover, according to Marxist theory the state will eventually 'wither away' or cease to exist, since the classless society characteristic of communist society will, by definition, not produce a state.

However, whether conceived of in Marxist or non-Marxist terms the state is of central concern to political sociology. Its origins and development need to be explored and the place of the state in the modern world understood.

1.2.1.1 The Origins Of The State

Modern states are characterized by clearly defined geographical boundaries within which a widely acknowledged political and administrative apparatus operates exclusively and is ultimately able to enforce its authority through the use of physical coercion. Furthermore, modern states are largely characterized by contiguity of territory, including offshore islands. However, historically the relationship between territory and political and administrative apparatus is less clear in pre-modern states. Indeed, many primitive societies are described as 'stateless' in that they have an ill-defined territory and lack a clearly defined political and administrative apparatus. The empires of the ancient world had much of their territory clearly defined, although its extent varied considerably and at the peripheries of imperial rule the boundaries were anything but clearly defined. However, with their

elaborate political and administrative structures the Mesopotamian, Egyptian, Greek, and Roman Empires had much in common with modern states. The same was true of the ancient civilizations of the Chinese, the Hindus, the Maya, the Aztecs, and the Incas. These were all recognizably states in the Weberian sense.

Feudal societies present a more complex picture, however: they normally had clearly defined territories, but these were often scattered over a wide area in piecemeal fashion and lacked clearly defined political and administrative institutions applicable to all the territories concerned. Thus a feudal lord might control various territories, but owe allegiance to different feudal overlords for each.

Of the existence of these early states there is no doubt - apart from the broader historical record, many of them maintained elaborate records of their procedures and activities. What is less clear is **how they came into existence and how, eventually, the modern state emerged**. A good deal of research has addressed the first of these two questions and even more the second. Two basic theories of state formation have emerged in political sociology—conflict theories and integrative theories.

1. Conflict Theories

Conflict theory, as the term suggests, argues that **states developed as a consequence of clashes between individuals or groups of individuals or between societies**.

Intra-societal Conflict

Cutting across the various conflict theories is the argument that the conflicts that gave rise to states were about **the exercise of power**. For example, drawing on anthropological studies some observers have argued that the transformation from stateless societies to states was initially the result of power struggles between kinship groups in settled societies, leading to a concentration of power in the hands of a particular group who then consolidated their position by setting up political and administrative structures. Not far removed is **the Marxist explanation that the state is the product of an historical class struggle arising out of the prevailing means of production**.

A second type of intra-societal conflict focuses on **individual conflicts**. One of the oldest is **contract theory**: the state, it is asserted, is the product of the individual's need for protection from the inevitable conflicts found in society, a view held by both Hobbes and Locke and historically manifested most clearly in the development of feudalism, which regularized into an elaborate contractual relationship. Another major type of individual conflict theory focuses on **social Darwinism**, in which the strongest individuals in society would eventually prevail and form a state to

strengthen and maintain their dominance. The problem with both types of individual conflict theory is that they are probable, but not easily tested. Except for feudalism, for which there is a good deal of supporting evidence, much is assumed and little direct evidence can be brought to bear.

Inter-societal Conflict

Inter-societal conflicts appear to offer more sustainable explanation of state formation. **Simple conquest** is the most obvious, but **Darwinian selection** again emerges as an alternative and offers a more flexible approach by encompassing conquest, but adding to it the possibility of other strengths or weaknesses - economic, leadership, ideological and geographical.

Limitations of Conflict Theory

Perhaps the most obvious limitation of conflict theory is the apparent unwillingness to acknowledge any cause other than conflict, so that however much co-operation and agreement may be involved in the development of the state, its origin rests solely on conflict.

2. Integrative Theories

Integrative theories of state formation offer a different perspective, without necessarily excluding conflict as a factor. They tend to fall into two types: **integration resulting from the circumscription of society and integration bringing organisational benefits**. Circumscription theory argues that a society which cannot shed its surplus population through emigration because of geographical barriers such mountains, seas and deserts, will seek to organize itself more effectively in the form of a state. Conflict may well play a part, either internally because of the pressures that the inability to expand have created, or externally from rival societies or nomadic marauders. Similarly, the benefits that may accrue from greater organization are argued to lead to the establishment of a state. For instance, the expansion of trade, both internally and externally, is likely to be of benefit not only to those directly involved but much more widely in a society, increasing the overall wealth available and extending the benefits of that wealth. Alternatively, benefits may accrue to particular strata or groups in society, giving them an incentive to organize more complex political and administrative structures.

1.2.1.2 The Development Of The Modern State

There are three key strands in the development of the modern state: **the development of capitalism (Capitalist State), the coming of the industrial revolution, and the development of the nation-state**. Together they are responsible for the world of states which characterizes modern society.

1. The development of the capitalist state

Fernand Braudel argues that the capitalist economy was preceded by the development of two other economies, **the market economy and the monetary economy**. **A market economy is one based on the widespread and regular exchange, circulation and distribution of goods and a monetary economy is economic activity based on convertible wealth rather than exchange or barter.** The development of a monetary economy facilitated the accumulation of wealth from profit, in short the creation of capital. However, Braudel does not argue that the development of market and monetary economies led inevitably to the development of capitalism wherever they developed. In fact, he points out that market and monetary economies developed in various parts of the world, but that capitalism developed ultimately only in Europe – not, however, in states but in towns and cities, described by Braudel as 'outposts of modernity' (1979, vol. I, p. 512). Capitalism could have developed in other world civilizations, but did not; these included the Chinese, Islamic and Indian civilizations, which were developed significantly earlier than European civilization and which were highly sophisticated.

2. The Industrial revolution

The industrial revolution depended on the coming together of a range of basics in addition to **capital - resources, manpower, food, entrepreneurs, markets, and ideological support**. Capital alone was not enough, but it was the key factor. It was needed in particular to exploit the resources - the raw materials and energy - without which industrial development could not take place. And it was needed also to support a workforce paid in cash, not kind; to invest in food production to feed and maintain that workforce; and to develop and maintain an infrastructure of transport and communications, and of educational and, more gradually, welfare systems. Entrepreneurs also played a vital role: the ability to recognize the possibilities of industrial development, to organize the resources and manpower, and, perhaps above all, to risk the necessary capital, was crucial. Similarly, the prevailing ideology and the political structures needed to be supportive by being open to innovation and change, at best encouraging, at worst not obstructive. Last and by no means least, markets needed to be developed and expanded, both at home and overseas.

The development of capitalism in Europe eventually transformed the world, but it also led to the development of other models of industrialisation.. But European capitalism was accompanied by another force, nationalism, which led to the emergence of the nation-state.

3. The rise of the nation-state

If one of Europe's major legacies to the world is capitalism, its other is the nation-state. Nationalism as a modern social and political force is not, of course, peculiar to Europe, but historically its origins lie in Europe. Certainly, in the later medieval period England and France could be described as nations in the sense that the overwhelming majority of their populations belonged to common ethnic, linguistic and cultural groups. How far it is accurate to translate this commonality into a sense of community or national identity is a different matter, but appeals to patriotism were not unknown.

As a social and political force nationalism became increasingly important from the end of the eighteenth century onwards. The internationalism of the French Revolution was fairly rapidly transformed into nationalism when revolutionary France sought to export its radical ideas, but it was the hundred years from 1815 to 1919 that was to be the century of European nationalism. In that period the map of Europe was redrawn by the break-up of the old empires, culminating in the Bolshevik Revolution in Russia in October 1917, the defeat of Germany and Austria-Hungary in the First World War in 1918, and the Treaty of Versailles in 1919. Long before Versailles, however, various parts of the Turkish Empire in Europe had successfully broken away - Greece early in the nineteenth century, Romania, Serbia, Montenegro, and Bulgaria somewhat later, while Belgium separated from Holland in 1830 and soon after the turn of the century, in 1905, Norway separated from Sweden.

1.2.1.3 The Marxist Concept Of The State

The Marxist concept of the state is distinctive, in that the state is defined as the product of the historical struggle between classes and as an institutional superstructure resting on the economic base. It can therefore only operate in the interests of the dominant class. Once the class struggle has been resolved, following the proletarian revolution and the emergence of a classless society, the state will wither away. Neo-Marxists such as Gramsci and Althusser explained the persistence of the state in capitalist societies through **its ability to elicit consent from members of society, as well as the incipient threat of force**. Gramsci argued that the bourgeoisie helps to maintain its dominance by making concessions to the working class, by accepting compromises which do not fundamentally undermine its position and therefore that of the state. Althusser stresses the importance of **ideology** and the ability of the bourgeois state to secure the acceptance of its values through what he terms 'ideological state apparatuses', such as the education system, the church, and trade unions, as distinct from repressive state apparatuses, such as the armed forces and the police.

It is, perhaps, the argument that the state is not neutral that is the most important contribution of Marxism to the debate on the role and nature of the state. Social and political institutions do not operate in a vacuum; they themselves reflect particular values, but they can also be put to different purposes by different groups who from time to time control them.

1.2.2 Power, Legitimacy and Authority

1.2.2.1 Power

Much has been written about power as a concept, but there is no generally agreed definition and it remains a subject of much dispute.

'Power', argued **Bertrand Russell** (1938), **“is the production of intended effects.”**

The key to Russell's definition is the phrase 'intended effects', easily understandable in a military context: the use of military force is usually deliberate and has intended effects.

Russell's definition also sees power as a process or an activity rather than as a commodity or resource, so that the question arises whether power exists only when it is used. Of course, it is understandably common to measure military power before it is used by counting numbers of troops, guns, missiles, tanks, ships, and aircraft and by trying to measure its likely effectiveness by assessing quality of leadership, likely strategy and tactics, and relevant nonmilitary resources. Power needs to be seen in terms of its potential as well as its use, and unsuccessful attempts to exercise power are as much part of social and political behaviour as its successful use.

Weber (1947), in what is certainly the best-known definition of power, offers a solution to this problem: **“Power is the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability exists.”** His use of the word 'probability' is crucial because it allows power to be seen potentially, rather than await its use and, more importantly, in relative rather than absolute terms. This means that while there are circumstances in which power operates in a zero-sum context - one individual's gain is proportionate to another's loss - it operates more often in a variable-sum situation, in which power changes and develops according to circumstances and the distribution of the resources on which it rests. Thus Weber rejects any suggestion that power rests solely on the use or threat of physical force, but that other factors can determine whether the will of one individual or group of individuals prevails over that of another individual or group of individuals.

1.2.2.2 Authority and Legitimacy

The meaning, nature and distribution of power are central issues for political sociologists. One of sociology's founding figures, Max Weber gave a general definition of power as the chance of a man or a number of men to realize their own will in a command action even against the resistance of others who are participating in the action. To Weber, power is about getting your own way, even when others don't want you to.

Many sociologists have followed Weber in making a distinction between forms of power that are coercive and those that have authority. Sceptics about the 2003 war in Iraq, for example, often criticized the American-led invasion because it did not have explicit authority from the United Nations, so they viewed the war as illegitimate - a coercive use of power. Most forms of power are not based solely on force, but are backed by some form of authority.

The most basic form of power is force or military might. Initially, force may be used to seize and hold power. Weber suggested, however, that force is not the most effective long-term means of gaining compliance, because those who are being ruled do not accept as legitimate those who are doing the ruling. Consequently, most leaders do not want to base their power on force alone; **they seek to legitimize their power by turning it into authority.**

Authority is power that people accept as legitimate rather than coercive. People have a greater tendency to accept authority as legitimate if they are economically or politically dependent on those who hold power. They also may accept authority more readily if it reflects their own beliefs and values. **Legitimation refers to the process by which power is institutionalized and given a moral foundation to justify its existence.**

Weber outlined three ideal types of authority—charismatic, traditional and legal rational.

1. Charismatic authority

According to Weber, **charismatic authority is power legitimized on the basis of a leader's exceptional personal qualities or the demonstration of extraordinary insight and accomplishment, which inspire loyalty and obedience from followers.** To Weber, charismatic individuals are able to "identify themselves with the central facts or problems of peoples lives (and through the force of their personalities) communicate their inspirations to others and lead them in new directions". Charismatic leaders may be politicians, soldiers, and entertainers, among others (Shils, 1965; Bendix, 1971).

From Weber's perspective, a charismatic leader may be either a tyrant or a hero. Thus, charismatic authority has been attributed to such diverse historical figures as Jesus Christ, Napoleon, Julius Caesar, Adolph Hitler, Winston Churchill, and Martin Luther King, Jr.

Since women seldom are permitted to assume positions of leadership in patriarchal political and social structures, they are much less likely to become charismatic leaders. Famous women who had charismatic appeal include Joan of Arc, Mother Teresa, Indira Gandhi of India, Evita Peron of Argentina, and Margaret Thatcher of the United Kingdom.

Charismatic authority generally tends to be temporary and unstable; it derives primarily from individual leaders (who may change their minds, leave, or die) and from an administrative structure usually limited to a small number of faithful followers. For this reason, charismatic authority often becomes reutilized. **The reutilization, of charisma occurs when charismatic authority is succeeded by a bureaucracy controlled by a rationally established authority or by a combination of traditional and bureaucratic authority.** According to Weber (1968/1922: 1148), "It is the fate of charisma to recede ... after it has entered the permanent structures of social action." However, charisma cannot always be successfully transferred to organizations; many organizations, particularly religious ones, fail when the leader departs.

2. TRADITIONAL AUTHORITY

In contrast to charismatic authority, traditional authority is power **that is legitimized by respect for long-standing custom.** In preindustrial societies, the authority of traditional leaders, such as Kings, queens, pharaohs, emperors, and religious dignitaries, usually is grounded in religious beliefs and established practices. For example, British Kings and queens historically have traced their authority from God. Members of subordinate classes obey a traditional leader's laws out of economic and political dependency and sometimes personal loyalty. However, custom and religious beliefs are sufficient to maintain traditional authority for extended periods of time only as long as people share similar backgrounds and accept this type of authority as legitimate.

As societies industrialize, traditional authority is challenged by a more complex division of labor and by the wider diversity of people who now inhabit the area as a result of migration. In industrialized societies, people do not share the same viewpoint on many issues and tend to openly question traditional authority. As the

Division of labor becomes more complex political and economic institutions become increasingly interdependent.

Weber predicted that traditional authority would inhibit the development of capitalism. He stressed that capitalism cannot fully develop when leaders are not logically established, when officials follow rules arbitrarily, and when leaders are not technically trained (Weber, 1968/1922). Weber believed that capitalism worked best in systems of rational-legal authority.

3. RATIONAL LEGAL AUTHORITY

According to Weber, rational-legal authority is **power legitimized by law or written rules and regulations**. Rational-legal authority is also called bureaucratic authority. In rational-legal authority, power is legitimized by procedures; if leaders obtain their positions in a procedurally correct manner (such as by election or appointment), they have the right to, act.

In a rational-legal system, bureaucracy is the apparatus responsible for creating and enforcing rules in the public interest. Weber believed that rational-legal authority was the only means to attain "efficient, flexible, and competent regulation under a rule of law" (Turner, Beeghley, and Powers, 1995:218). Weber's three types of authority are summarized in the table below.

Table: Weber's three types of Authority		
Authority	Description	Examples
Charismatic	Based on leader's Personal qualities; Temporary and Unstable	Napoleon, Adolph Hitler, Martin Luther King Jr.
Traditional	Legitimized by long Standing custom; subject to erosion as tradition weakens	Kings, Queens
Rational-Legal	Legitimized by rationally Established rules and Procedures; Authority resides In the office, not the person	The parliament, prime Minister ...

1.2.3 Historical and Contemporary Political Systems

1.2.3.1 Monarchy

Monarchy is a political system in which power resides in one person or family and is passed from generation to generation through lines of inheritance. Monarchies are most common in agrarian societies and are associated with traditional authority patterns. However, the relative power of monarchs has varied across nations, depending on religious, political, and economic conditions. Absolute monarchs claim a hereditary right to rule (based on membership in a noble family) or a divine right to rule (in other words, a God-given right to rule that legitimizes the exercise of power). In limited monarchies, rulers depend on powerful members of the nobility to retain their thrones. Unlike absolute monarchs, limited monarchs are not considered to be above the law. In constitutional monarchies, the royalty serve as symbolic rulers or heads of state while actual authority is held by elected officials in the national parliament. In such present-day monarchies as the United Kingdom, Sweden, Japan, and the Netherlands, members of royal families primarily perform ceremonial functions.

1.2.3.2 Authoritarianism

Authoritarianism is a political system controlled by rulers who deny popular participation in government. A few authoritarian regimes have been absolute monarchies in which rulers claimed a hereditary right to their position. Dictatorships, in which power is gained and held by a single individual, also are authoritarian in nature. Pure dictatorships are rare: all rulers need the support of the military and the backing of business elites to maintain their position. Military juntas result when military officers seize power from the government, as has happened in recent years in Nigeria, Chile, and Haiti. Authoritarian regimes may be relatively short-lived; some nations may move toward democracy while others may become more totalitarian.

1.2.3.3 Totalitarianism

Totalitarianism is a political system in which the state seeks to regulate all aspects of people's public and private lives. Totalitarianism relies on modern technology to monitor and control people; mass propaganda and electronic surveillance are widely used to influence people's thinking and control their actions. One example of a totalitarian regime was the National Socialist (Nazi) party in Germany during World War II where military leaders sought to control all aspects of national life, not just government operations. Other examples include the former Soviet Union and contemporary Iraq under Saddam Hussein's regime. To keep people from rebelling,

totalitarian governments enforce conformity: people are denied the right to assemble for political purposes; access to information is strictly controlled; and secret police enforce compliance, creating an environment of constant fear and suspicion. Economic class is another factor in totalitarian control. For example, the Nazi party gained support from members of the middle class who wanted to maintain the status quo while enhancing their own position. By contrast, in the former Soviet Union, the working class sought to eliminate class distinctions, a belief that fit well with Soviet ideology of collective ownership. Sometimes, the relationship between political and economic systems is complex. For example, the People's Republic of China today appears to be readying itself for global competition by embracing some aspects of capitalism (and consumerism) while maintaining strict control over its citizens and blocking their efforts to embrace democracy as it did so ruthlessly in 1989 at Tiananmen Square.

1.2.3.4 Democracy

Democracy is a political system in which the people hold the ruling power either directly or through elected representatives. The literal meaning of democracy is "rule by the people" (from the Greek words *demos*, meaning "the people," and *kratein*, meaning "to rule"). In an ideal-type democracy, people would actively and directly rule themselves. Direct participatory democracy requires that citizens be able to meet regularly to debate and decide the issues of the day. Historical examples of direct democracy might include ancient Athens or a town meeting in colonial New England; however, the extent to which such meetings actually reflected the wishes of most people has been the subject of scholarly debate. Moreover, the impracticality of involving an entire citizenry in direct decision making becomes evident in nations containing millions of adults. If all thirty million people in Canada came together in one place for a meeting, for example, they would occupy an area of 30 square kilometers, and a single round of five-minute speeches would require hundreds of years. At this rate, people would be born, grow old, and die while waiting for a single decision to be made. Even electronic town hall meetings in which people were linked through the telephone, television, or the Internet would be enormously complicated to organize. In most democratic countries, people have a voice in the government through representative democracy, whereby citizens elect representatives to serve as bridges between themselves and the government. In a representative democracy, elected representatives are supposed to convey the concerns and interests of those they represent, and the government is expected to be responsive to the wishes of the people. Elected officials are held accountable to the people through elections.

However, representative democracy is not always equally accessible to all people in a nation. Even representative democracies are not all alike. As compared to the winner-takes-all elections in Canada, which are decided by who wins the most votes in each constituency, many European elections are based on a system of proportional representation, meaning that each party is represented in the national legislature according to the proportion of votes received by each political party. For example, a party that won 40 percent of the vote would receive 40 percent of the seats in a legislative body, and a party receiving 20 percent of the votes would receive 20 percent of the seats. Systems based on proportional representation increase the power of minority parties because they still have a chance of gaining representation in the legislature even though they would not have sufficient strength to win any particular constituency. Israel has a system that encourages a wide range of minority parties, and an election is usually followed by a long period of negotiation before a coalition is formed representing a majority of seats in the country's parliament, the Knesset. This bargaining can give a great deal of power to small parties representing only a fraction of the population, as their participation in a coalition may determine which of the two major parties forms the government.

The specific form of representative democracies also varies. Canada is a constitutional monarchy whose head of state is the Queen, a hereditary ruler who is represented in Canada by the governor general. The governor general is appointed by the Queen but recommended by the prime minister; and has a role that is largely ceremonial, as the elected parliament actually governs the country. By contrast, the United States and France are republics, whose heads of state are elected and share governing power with the legislature.

Another major difference between Canada and the United States is that our system is a parliamentary one in which the prime minister is the leader of the party that wins the most seats in the House of Commons. This system is based on parliamentary discipline, which ensures that the policies favored by the prime minister will become law. If government members oppose these policies, they have the opportunity to debate them in private group meetings, but are normally bound to vote with the government in the House.

Canada and the United States are federations, with a division of power between the central government and provincial or state governments. Other countries, including Britain and Italy, are unitary states, which mean they have a single central political authority.

Some countries have one-party democracies that appear to be democratic because they hold periodic elections. However, the outcome of these elections is a foregone conclusion; voters get to select from candidates belonging to only one party. For example, in the former Soviet Union, all candidates belonged to the Communist party; in Iraq, all candidates were aligned with Saddam Hussein's Baathist party. During the past decade, democracy has spread very rapidly.

1.3 General Theories of Political Processes

1.3.1 Elite Theories

The word 'elite' is widely used socially to denote a superior group in terms of ability or privilege. Furthermore, in a social context it often has a pejorative connotation, leading it to be associated with other terms like 'the establishment', 'the powers that be', and 'the chosen few'. However, while such usages give something of the flavor of its meaning, elite theorists are concerned **only with the distribution of power in society, with the distinction between rulers and ruled**. In the words of one writer on the subject: 'The core of elitist doctrine is that there may exist in any society a minority of the population which takes the major decisions in the society' (Parry, 1969, p. 30). Elite theorists are mainly **anti-Marxist**, and two of the classical theorists, Gaetano Mosca and Vilfredo Pareto, set out specifically to disprove Marx's theories of economic determinism and the class struggle. Elite theorists are also largely **anti-democratic**, since they argue that democratic theory is at variance with reality and, in practical terms, an inherently weak form of government. In a frequently cited passage Mosca clearly stated the basic premise of elite theorists: '**In all societies - from societies that are very meagerly developed and have barely attained the dawning of civilization, down to the most advanced societies - two classes of people appear - a class that rules and a class that is ruled.**' He goes on to elaborate:

The first class, always the less numerous, performs all political functions, monopolizes power and enjoys the advantages that power brings, whereas the second, the more numerous class, is directed and controlled by the first, and in a manner that is now more or less legal, now more or less arbitrary and violent, and supplies the first, in appearance at least, with material means of subsistence and with the instrumentalities that are essential to the vitality of the political organism. (Mosca, 1939 [1896], p. 50)

Implicit in elite theory is that the dominant group or elite is conscious of its existence, cohesive in its behaviour, and possesses a common sense of purpose (see Meisel 1965). Above all, elite theory is regarded as **historically and universally applicable**, except for one theorist, C. Wright Mills (1956), who concentrated on the

distribution of power in the United States and conceded that the power structure in other societies might differ radically from the American model.

Parry divides the elite theorists into four types, each having a different approach or emphasis.

1.3.1.1 The organizational approach - **Mosca and Michels**

According to Mosca, 'the individual ... stands alone before the totality of the organized minority' and both he and Michels believed that the existence of the elite and its domination of society rest on its **organizational position and abilities**. In short, the organized minority will invariably outmaneuvers the less organized or unorganized majority in society. Mosca divided the elite into upper and lower strata, the upper stratum consisting of a small group of political decision-makers and the lower stratum performing lesser leadership functions, such as opinion leaders and political activists. Not surprisingly the more numerous lower strata provided the main recruitment pool for the upper stratum.

The relationship between the elite or ruling class and the rest of society is measured in terms of **authority and elite recruitment** and varies according to two pairs of variables. The authority relationship depends on either the **autocratic principle, in which authority flows from the elite to the masses, or the liberal principle, in which it flows from the masses to the elite**. Recruitment depends on a similar dichotomy: **the aristocratic tendency, in which movement is restricted to within the elite, moving from the lower to the upper stratum; and the democratic tendency, in which there is movement from the masses into the elite**. These are, however, ideal types and particular societies will invariably exhibit elements of several variables. For example, an elected executive, such as the President of the United States, fulfils the liberal principle, but the President's Cabinet, all of whom are appointed, fulfils the autocratic principle. Similarly, an autocratic society might recruit members of its bureaucracy on merit, thus fulfilling the democratic tendency. Although Mosca argued that the recruitment or regeneration of the elite came mainly from within its lower ranks, he acknowledged that a more fundamental change in the elite could occur. Thus the masses or non-elite might become sufficiently discontented or disaffected to overthrow the elite, but in such cases it was likely that an organized minority within the non-elite would be responsible and, in any case, an organized minority would rapidly form a new ruling class.

Mosca was originally strongly anti-democratic, but later shifted his ground and accepted that representative government was the best way to articulate interests in a society, to which the elite should respond, and of controlling the autocratic authority

of the bureaucracy through the liberal authority of a representative assembly. None the less, Mosca remained firmly elitist in his views: a ruling class was necessary to provide leadership and to manipulate the rest of society for its own good. In fact, Mosca would have restricted the franchise to the middle and upper classes, but conceded that historically it was too late to reverse the trend towards universal suffrage.

Although Michels' principal work was much narrower in scope than that of other elite theorists in that it concentrates on political parties, his famous '**iron law of oligarchy**' has much wider implications and applications. Michels sought to test his theory of oligarchy - self-perpetuating dominance by the few - by examining the organisation of European socialist parties, especially the German Socialist Party, since he argued that if his 'iron law' really existed then there could be no better test than finding out who exercised power in parties that claimed that their mass membership controlled the party. Michels concluded that organisation was the inevitable consequence of the scope and complexity of human activity. Once established an organisation becomes dominated by its leadership: '**who says organisation, says oligarchy**' (1915 [1911], p. 418). In order to function successfully in the modern conditions of mass electorates a political party needs a mass membership to raise funds, promulgate its policies, and, above all, to fight elections. This was not a new observation: M. Ostrogorski (1854-1919) had made the same point in detail in his *Democracy and the Organisation of Political Parties* in 1902, but Michels took it an important stage further.

1.3.1.2 The psychological approach - Pareto

Pareto and Mosca were contemporaries and rivals; they differed on the **constitution of the elite, the reasons for its existence, and the manner of its recruitment or regeneration**. Like Mosca, Pareto says the elite is divided into two sections, but Pareto draws a distinction between what he terms '**the governing elite**' and '**the non-governing elite**'. The governing elite are those who directly or indirectly influence political decisions and the non-governing elite those who hold leadership positions in society, but who do not influence political decisions. This means that Pareto's elite is a larger group than Mosca's and that he comes closer to the commonplace concept of a social elite.

There are, however, more important distinctions between the two theorists in explaining the existence of the elite. Pareto explicitly rejects the Marxist notion that the dominant group in society is the product of economic forces, or social forces for that matter, and asserts that the elite stems from human attributes, from individual

abilities and instincts. Human beings, according to Pareto, do not act logically but seek to justify their actions logically through ideologies or values, which Pareto calls '**derivations**'. These values or derivations produce instincts or states of mind that Pareto calls '**residues**' and it is these that form the basis of human activity. Pareto divides the residues into two types or classes - '**instincts of combination**' and '**persistence of aggregates**'. The former involves the use of ideas and imagination, and Pareto dubs those who operate on this basis as '**foxes**'; the second stresses permanence, stability and order, and those who operate on this basis Pareto calls '**lions**'.

Pareto acknowledges that his ideal elite of 'foxes' and 'lions' seldom materializes and that the balance between the two changes, so that there is a 'circulation of elites'. Thus 'foxes' replace 'lions' and 'lions' replace 'foxes', but 'foxes' gradually replace 'lions', whereas 'lions' suddenly replace 'foxes'. Recruitment or regeneration, therefore, can be either by evolution or revolution, but in either case the downfall of one elite is brought about by its own inherent vices: 'foxes' become over-manipulative or compromise once too often; 'lions' become too self-important and unacceptably ruthless, for example.

Pareto also differs from Mosca, and other elite theorists, in that he does not subscribe to group coherence and common purpose amongst the elite, but argues that individuals act as individuals and for this reason often fail to foresee the consequences of their own actions, as well as those of others.

1.3.1.3 The economic approach - **Burnham**

James Burnham agrees with Marx that power lies with those who control the means of production and acknowledges that, whereas in the aftermath of the industrial revolution this was the capitalist owners, in advanced industrial societies control of the means of production has passed to those with managerial and technical expertise, including leading members of the bureaucracy. These, according to Burnham, constitute the new elite. The state becomes subordinated to the needs of the managerial elite and industrial societies will become increasingly centralized and subject to bureaucratic control. Burnham saw a convergence between the already state-dominated USSR and advanced capitalist societies and, in a sense, posits what some observers were later to describe communist systems as administered societies.

1.3.1.4 The institutional approach - **Mills**

Wright Mills argues that the American elite are embedded in the structures of society and that power is therefore institutionalized. He concludes that the United States is dominated by an industrial-military-political complex of overlapping elites,

with movement from one elite to another and that the key members of this complex constitute a power elite - those in 'positions to make decisions having major consequences ... in command of the major hierarchies and organizations of modern society' (1956, p.4). The elite may be based on a conscious conspiracy or simply shared values, but its power stems from its position, rather than from status, wealth, class, or ability.

1.3.2 Pluralism

Dahl sought to test elite theory by examining particular policy decisions and asking whether an identifiable elite was responsible for the outcome in each case. In *Who Governs?* (1961), which is based on decision-making in the town of New Haven, Dahl concluded that the outcomes of the decisions on the three issues were determined by three mutually exclusive groups and therefore that no single elite existed, but there was a plurality of interests. However, far from suggesting that this plurality of interests competed on equal terms, Dahl argues that the various interests are unequal, particularly in the availability of resources, and therefore in their ability to influence decisions. Dahl also drew a distinction between what he termed 'social notables', 'economic notables', and the holders of political office. Effectively he was suggesting a system of competing elites.

Dahl describes such a system as a **polyarchy** - the rule of the many, in which the state and its political structures provide an arena in which interests can bargain and compete over policy proposals. Implicit in the polyarchical view of society is that a basic consensus exists about the form of society and its political structures, so that no one, except possibly a tiny minority, is seeking fundamental change in those structures or in the policies pursued through them. No one group in society constitutes a majority interest, and society therefore consists of competing, though not necessarily equal, minority interests. By definition no particular interest can perforce expect to prevail, even where its interests are directly and significantly affected, but, as another leading pluralist Nelson Polsby (1963) argues, in a polyarchy virtually all views or interests will be listened to by those charged with decision-making.

The pluralist view developed out of the concept of pressure or interest groups - organizations which seek to influence policy decisions affecting their views or interests. Interest group theory argues that society consists of a great variety of interests, many of which organize themselves to press the government to respond to their demands.

1.4 Power beyond the rules – Revolution & Terrorism

Politics is always a matter of disagreement about goals and the means to achieve them. Yet a political system tries to resolve controversy within a system of rules. Countless laws and regulations in a country guide the hand of every political official from the prime minister to the enumerator who is hired for a week or two to establish the list of eligible voters before each election. But political activity sometimes exceeds-or tries to do away with established practices.

1.4.1 Revolution

As we have already explained, political stability depends on transforming power into legitimate authority. Sometimes political systems that lose legitimacy make way for radical alternatives. **Political revolution is the overthrow of one political system in favor of another.**

Political revolution is more profound than mere reform. Reform involves change within the system's rules; revolution implies change of the system itself. Moreover, reform may spark conflict, but it rarely escalates into violence. The extreme case of reform is the overthrow of one leader by another-a coup d'etat (in French, literally "stroke concerning the state"), which typically involves violence on a limited scale. By contrast, revolution often produces widespread violence. The 1989 pro-democracy movement in the People's Republic of China was revolutionary because participants envisioned a new and more open political system. The government recognized the threat and responded brutally, causing thousands of deaths before the uprising was ended. In the successful week-long revolution against Romanian dictator Nicolae Ceaucescu in 1989, thousands of citizens perished, victims of attacks by state soldiers on unarmed crowds. But revolution can sometimes occur nonviolently. In other Eastern European countries, the sweeping transformations of the late 1980s took place with little or no bloodshed.

No type of political system is immune to revolution; nor does revolution invariably produce anyone kind of government. The American Revolution ended the colonial control of the British monarchy and produced a democratic government. French revolutionaries in 1789 also overthrew a monarch, summarily executing members of the feudal aristocracy only to observe, within a decade, the return of monarchy in the person of Napoleon. In 1917, the Russian Revolution replaced the czarist monarchy with a socialist government built on the ideas of Karl Marx. In 1992, the Soviet Union formally came to an end, launching revolutionary change toward political democracy and a market system.

Despite their striking variety, analysts of revolution have pointed out several common patterns (Tocqueville, 1955, orig. 1856; Davies, 1962; Brinton, 1965; Skocpol, 1979; Lewis, 1984).

1. Rising expectations

Common sense suggests that revolution would be more likely in bad times than good, but history shows that political upheaval usually takes place when people's lives are improving. Extreme deprivation can be paralyzing, while a rising standard of living stimulates the desire for an even better life so that expectations may outpace reality. Crane Brinton explains that revolutions are typically "not started by down-and-outers, by starving, miserable people," but are "born of hope and their philosophies are formally optimistic" (1965:250).

2. Deprivation and social conflict

Revolutionary aspiration is propelled by a sense of injustice. The appeal of insurgency rises to the extent that people think they deserve more than they have while seeing little chance for improving their lot within the confines of the prevailing political system (Griffin & Griffin, 1989).

3. No responsiveness of the old government

Revolutions gain momentum if a political regime is unable or unwilling to reform, especially when demands for change are made by large numbers of people or powerful segments of society (Tilly, 1986). The Ceaucescu regime in Romania, for example, defied popular calls for economic and political reforms, making revolution increasingly likely.

4. Radical leadership by intellectuals

The English philosopher Thomas Hobbes (1588-1679) observed that political rebellion in seventeenth century England often was centered at the universities. This pattern has been repeated at other times and places. Recently, students were instrumental in initiating the pro-democracy movement in the People's Republic of China. Students stand at the forefront of so many of these insurrections because intellectuals formulate the principles that justify radical change. Marx also pointed out the central role of the intelligentsia in any revolutionary change.

5. Establishing a new legitimacy

The overthrow of a political system is rarely easy, but more difficult still is ensuring a revolution's long-term success. Revolutionary movements are sometimes unified by hatred of the past government. After the first taste of success, divisions within a revolutionary movement may intensify. A political regime also faces the task of legitimizing its newly won power, and it must guard against counterrevolution as

past leaders maneuver to regain control. This explains the speed and ruthlessness with which victorious revolutionaries typically dispose of past leaders.

1.4.2 Terrorism

The origins of terror and terrorism

The word terrorism has its origins in the French Revolution of 1789. Thousands of people - originally aristocrats, but later many more ordinary citizens - were hunted down by the political authorities and executed by the guillotine. The term 'terror' was not invented by the revolutionaries themselves, but by the counterrevolutionaries: the people who despised the French Revolution and what it stood for, and who believed that the bloodletting which went on was a form of terrorizing the population (Laqueur 2003). 'Terror', in the sense of the use of violence to intimidate, was used extensively in the twentieth century, for example by the Nazis in Germany or the Russian secret police under Stalin. However, this kind of use of violence predates the origins of the term in the French Revolution.

Although the term 'terror' was not coined until the eighteenth century, the phenomenon of terrorizing people through violence is a very old one. In ancient civilizations, when one army invaded a city held by the enemy, it was not at all uncommon for them to raze the entire city to the ground and kill all the men, women and children in the city. The point of this was not just physically to destroy the enemy, but also to create terror in those living in other cities and demonstrate the power which that terror represented. So the phenomenon of using violence with the idea of terrifying populations, especially civilian populations, is obviously older than the term.

Social scientists disagree over whether the term 'terrorism' can be a useful concept - that is, whether it can be used in a reasonably objective way; it is a notoriously difficult term to define. One issue concerns the shifting moral assessments people make of terrorism and terrorists. It is often said that 'one person's terrorist is another person's freedom fighter'. It is also well known that people who were terrorists at one point themselves can later come to condemn terror just as violently as they practiced it. It could be said, with some reservations, that the early history of the state of Israel, for example, was punctuated by terrorist activity, but in the twenty-first century the Israeli leadership is self-declaredly part and parcel of the 'war on terror', and regards terrorism as its primary enemy. It is only a few decades since the former South African leader Nelson Mandela was wildly reviled as potential terrorist, but he is now one of the most revered political figures of recent times. For

terrorism to be a useful term, it must be freed as far as possible from moral valuation that shifts across time or the perspective of the observer.

A second issue in looking for a useful conception of terrorism concerns the role of the state. Can states be said to practice terrorism? States have been responsible for far more deaths in human history than any other type of organization. States have brutally murdered civilian populations; in modern times, states have carried out something comparable to the razing of cities that occurred in traditional civilizations. For example, towards the end of the Second World War, the Allied fire bombs largely destroyed the German city of Dresden: hundreds of thousands of people died. Many historians argue that the attack on Dresden happened at a point in the war, when it was of no strategic advantage to the Allies. Critics of the Allies' action argue that the purpose of the destruction of Dresden was to create terror and fear in German society and thereby weaken the resolve of its citizens to carry on the war.

It is sensible to restrict the notion of terrorism to groups and organizations working outside the state. Otherwise, the concept becomes too close to that of war more generally. In spite of the problems noted above, many argue that a neutral definition can be found. We can define terrorism as

'any action [by a non-state organization] ... that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act' (Anand Panyarachun et al. 2004). In other words, terrorism concerns attacks on civilians designed to persuade a government to alter its policies, or to damage its standing in the world.

2. SOCIOLOGY OF LAW

2.1 Law Sociologically Defined

Broadly defined, it is a sub-discipline of sociology that focuses on the interaction between law and society. More specifically, it is concerned with **the ways in which the criminal justice system operates.**

(Definition: **the criminal justice system refers to the system of police, courts, and prisons set up to deal with people who are accused of having committed crimes**). Officials who hold different positions in the criminal legal system (police officers, judges, attorneys, and correction experts, etc.) are called law enforcers (law enforcement machines of the state).

Understanding the operations of the criminal legal system in turn involves looking at the ways in which:

- Legal rules are enforced by law enforcers
- Law enforcement officials act towards different categories of people
- Legal rules are distributed within society in the process of interaction.

Within sociology, the study of law touches a number of well-established areas of inquiry, including criminology (concerned with the changing character of penal law and social dynamics of law enforcement and corrections) and political sociology (with its emphasis on the nature of legitimate authority and social control).

The special interest of sociology of law is how both law and legal institutions affect and are affected by the social conditions that surround them. The roots of legal sociology – sociological understanding of law and legal institutions – lie mainly in jurisprudence – the study of law and the principles on which it is based) and but a more sociological orientation to law developed out of the works of Emile Durkheim, Max Weber and many others.

Four basic motifs have been prominent in the intellectual history of legal sociology. These are:

- Historicism – involves tracing legal ideas and legal institutions to their historical root, with patterns of legal evolution seen as unplanned outcomes of the play of social forces (e.g. Henry Maine’s treatment of movement of progressive societies from status to contract)
- Instrumentalism – calls for the assessment of law according to some defined social purpose and encourages the incorporation of social knowledge into law (e.g. Jeremy Bentham). In its strict use of the term, instrumentalism conceives law as a reflection, or a tool in the service of dominant, powerful

groups – the application of law is largely influenced by the interest or power of some dominant groups in the society.

- Antiformalism – Claims that any view of the legal order as pure and isolated system is unrealistic (law has certain non-rational elements which affect its implementation) – law influences and is influenced by the historical and cultural forces of a given society. Formalism in law asserts the absolute autonomy of the juridical form in relation to the social world.
- Pluralism – Advocates that since law is endemic in custom and social organization, it is located in society; that is, beyond the official agencies of government (courts, prisons, police). It is in the actual regularities of group life that we find the ‘living law’. This view refutes that law is mainly or solely made by government

The sociological approach to law seeks to emphasize the primary of the social context and by seeking ‘the legal’ outside of its conventional sphere – this brings law closer into the broader concepts of social control and social order – law is seen as an aspect of social control.

However, a legal norm is different from a social norm because of the probability that it would be enforced by a **specialized staff** (law enforcement agencies) through the application of sanctions, which can be either rewards or punishments. The specialized staff does not always necessarily be associated with a political community – also applicable to an extra-state law such as ecclesiastical or corporate law that is binding on its members.

2.2 Origin and Development of Sociology of Law

Traditionally, legal thought (thinking about laws) in Europe was based on the philosophical conception of Natural Law (i.e., rules and regulations that are considered morally correct). Law was considered as part of moral philosophy and theology (not as rational thing by its own).

Rational legal theory as a separate field of thought emerged beginning from the Renaissance period and continued to grow through the enlightenment period. More specifically, we can trace the origins of sociological concerns with law to the works of Montesquieu, especially his book entitled “Elements of Law” (1748).

In this book, Montesquieu compared the laws of different countries and tried to relate their differences to variations both in geographical and social conditions. (He, for instance, argued that Russian laws command very harsh punishments because these people can’t be democrats in the same way as like the French or English people).

Sociological studies of law progressed rapidly beginning from the 19th century. Leading pioneer in this sub-field of sociology include early evolutionist H. S. Maine. In his book **Ancient Law**, Maine differentiated between what he called “static” and “progressive” societies. The first refers to society based on status differences (e.g., seniority in the family, gender, and social background), while the latter refers to societies based on contractual relations. Maine argued that the movement from status to contractual relations marks a progress from a primitive to a more advanced stage of development. A similar view was developed by Emile Durkheim who differentiated between two types of societies based on what he called “repressive” or “penal” law on one hand, and “restitutive” or “cooperative” law on the other.

Repressive (penal) law applies to those actions which violets the modes of thinking and actions commonly shared by members of society. In societies where such laws dominate, the life of all individuals is subject to strict supervision. The individual is scarcely differentiated from the community in which he or she lives. In other words, the level of individual consciousness is identical with the collective consciousness of the community. Such community is not that much internally differentiated. There is simple division of labor. There is a mechanical (strong) solidarity binding members.

Restitutive laws are laws which exit in societies where the individual has become a distinct legal person (i.e., a person capable of entering into contractual agreements with other members of society). Here, there is a high degree of individualization. Such societies are also characterized by a high degree of division of labor and specialization. Such are attributes of modern industrialized societies where relations among individuals are based on organic solidarity. Another scholar who contributed to sociological studies of law is L. H. Hobhouse. He traced the development of through a number of stages starting from private redress and blood-feud through the development of compensation for offenses to the stage of civilized justice.

In discussing civilized justice, Hobhouse stresses the significance of the development of individual responsibility. The basic feature of civilized justice is the development of individual accountability for his actions without necessarily involving his or her family or lineage.

Another scholar who made even a more lasting contribution to the development of sociological studies of law was Max Weber. Weber conceived of the law as a **mechanism of adjustment too conflicting social values, not as a means of adjudicating between conflicting interests of individuals in society**. By shifting the focus of analysis from the individual to society, Weber made law a field of study to be included in sociology in the same way as other institutions (family, religion, etc).

In discussing the transformation of law from one stage to another, Weber identified two types of laws: *formally rational law and substantively rational law*. With formal rational law, the legal system creates and applies a body of universal rules, and formal rational law relies on a body of legal professionals who employ peculiarly legal reasoning to resolve specific conflicts (19th and early 20th century classical models of law were based on this notion of the legal system). Formal rational law is sustained by a set of methodological rules (rules governing analytical interpretation of legal rules) that guarantee uniformity and continuity in the legal system.

With the emergence of welfare and regulatory state capitalism greater stress has been placed on substantively rational law – law used as an instrument for purposive goal oriented intervention (e.g. civil rights legislation in the USA, Affirmative action legislation). Here, law is used to achieve specific goals in concrete situations (such as ameliorating living condition of the poor). Substantively rational law is characterized by the infusion of ethical imperatives, political maxims in the adjudication of law.

The process by which law has increasingly assumed utilitarian in its goals leading to gradual erosion of formal rationality in law is called **re-materialization** of law, or **politicization** of law. The decline in importance of formal rational or procedural law and growing significance of substantively rational law creates possibilities for arbitrary state action at the expense of individual freedom which has been protected by formal rational law.

Weber argued that the development of “rational administrative justice” (modern law) in western societies was the result of the rationalization of social life in the West. This rationalization was reflected in the development of capitalist enterprises and modern bureaucracy.

In elaborating the rationalization of the legal system, Weber differentiated between legal order and conventional order. “Legal order” refers to an order guaranteed by the likelihood that physical or psychological punishment aiming at to bring about conduct in conformity will be exercised by a staff of people specially holding themselves ready for this purpose.

“Conventional order”, on the other hand, is an order the validity of which rests on the likelihood that conduct which doesn’t conform with the order will meet with the relatively general and actually observable disapproval of some given group of people.

In other words, legal order is more formal while conventional order is informally maintained.

2.3 Types of Law

Laws can be classified (categorized) in different ways. Based on their evolution over time, for instance, we can categorize them into three types: primitive law, archaic law, and matured (modern) law.

Primitive Law

This is the law of relatively simple and primitive societies which lack specialized legal organization and enforcement machineries. In such societies we have mechanisms of resolving conflicts, but not specialized courts and police officers.

Archaic law

This is the law of societies with some kind of administrative officialdom as well as rudimentary forms of legal organizations or courts. The enforcement agents may be councils of elders, age groups, or lineage corporations.

Modern Law

This law is characteristic feature of modern societies where we find legal rules being administered by people who received legal training and fulfill other requirements. One distinguishing feature of modern law is that it is based on the analytical interpretation of legal cases. It involves the positioning of legal persons and theories in relation to each and every case, so that a universal interpretation can be achieved regardless of place and time.

Another way of classifying law is into: man-made (positive) and natural law

Man-made law

As the name implies, refers to laws made by man for the purpose of governing individual behaviors. Such a law is made based on ruler and ruled relationships. The primary source of this law is human will (wish); how do I want to rule (be ruled).

Natural law

Sometimes called higher law, refers to the sum total of norms which are binding among individuals independently of, and superior to, any positive (man-made) law. The concept of natural law is related to the concept of "natural justice," i.e., an ideal standard to be elicited by reason, revelation and rationality. This natural instinctual feeling helps to evaluate the nature of positive laws. The source of natural law is said to be **man's universal ability to reason** and this view gained prominent during the period of renaissance.

Currently, the idea of natural law has become basis for human rights issues across different countries. It is the basis for several legal documents including the United Nation's Declaration of Human Rights—a bill ratified by most member states. The rights included in this declaration include the rights to free speech, the right to decent life, like shelter, food, medical care, clothing, employment, etc. The declaration is also associated with the notions of liberty, freedom and democracy.

Law can also be divided into **criminal law** and **civil law**.

Criminal law prohibits behaviors such as murder, fraud, or desecrating sacred objects or places. In contrast, civil law is used to regulate social relationships, such as resolving a dispute or compensating someone who has been treated unfairly or caused injury or loss through negligence. Depending on which area of social life is involved, civil law takes many forms, from commercial, constitutional, and family law to procedural law (which regulates the functions of courts).

2.4 Law and Conventional Morality: What is the relationship?

Rules of law and conventional morality are not the same. Conventional morality has two related aspects which makes it distinct from other legal rules:

- It may seem external or imposed to someone who sees it as a standard by which others judge his or her conduct. Individuals don't have any control over the moral expectations of their society
- It may seem for most people as an accepted rule by which they themselves judge their behavior. It may sound as natural and correct, instead of man-made.

On the contrary, obedience to legal rules is considered as mandatory. Moreover, legal rules are full and detailed than convention. They are formulated explicitly, not implicitly. As stated above, they are enforced by a politically organized government or an organization having a legal entity. In spite of these differences, both legal rules and conventional morality constitute the collective wisdom of a nation. Legal rules without moral rules are not binding. The two are expected to co-exist. Their co-existence is especially evident in simple societies where legal rules not clearly demarcated from religion and morals. Both are largely fused.

The co-existence of the two is evident even in modern societies. In such societies legal rules are based on moral precepts and doctrine. The Indian Hindu Law is for instance on Hindu religion. This shows an extreme penetration of legal rules into moral rules.

The stability of any system depends on the legal order. The stability/effectiveness of legal order depends on the moral climate of society. Effective law enforcement is possible when:

- The law of a society expresses the central value systems of that society- when it is chiefly drawn from the norms by which members of society judge behavior as right or wrong
- Violations to the law are infrequent. This happens when the law is based on the moral consensus of members. Or, when there is a general agreement among the masses on the type, nature and style of the law to be drawn from their culture.

Examples of poorly enforced laws include: Laws against prostitution, gambling and drug trafficking.

2.5 Fields (Specialization) in Modern Law

Lawyers make two distinctions in the field of law; public and private law.

Public law

This is the total body of legal norms which regulate state oriented activities (public affairs). Its primary concern is to serve to ensure the orderly functioning of the state. For this purpose it regulates the relationships between various government organs such as ministries, agencies and other organizations.

Private law

This is the total body of norms concerned with the regulation of conduct other than those considered as public affairs. These include regulating relationships among individuals concerning property ownership, respect for one another, etc. In this regard, private law can be contrasted with public law. But the boundary between the two is often blurry to differentiate.

In the Western world, modern law has gone through various features of specialization in addition to the above mentioned fields. One can, for instance, speak of **commercial law** as a field by its own. It refers to contractual relations among individuals and/or organizations whose main interests are the acquisition of goods for profitable resale.

There are also “consumer laws” that are concerned with the rights of consumers vis-a-vis producers. Such laws, for instance, demand that producers should be able to take back a product (commodity) if the consumer finds it to be defective to serve the intended purpose (with error in workmanship). Consumer laws may also require that producers make compensation for the loss sustained by the consumer.

2.6 Law Making and Law Finding (Enforcement)

In the field of legal system there are two major activities undertaken by the political machinery. These are lawmaking and law-finding (enforcement).

Lawmaking

This is an activity of law which is the establishment of general norms which, from the jurists' point of view, assumes a character of being rational. It is the formulation of a set of laws concerning different aspects of society.

Law-finding (enforcement)

It refers to the application of general legal norms to particular and collective cases. Marx Weber notes that from theoretical point of view, the development of both lawmaking and law enforcement may be thought as passing through the following stages.

- Charismatic legal revelation through law prophets: this stage in the development of legal system roughly corresponds to the period Weber called "charismatic justice", a period where legal rules were prescribed by individuals who were believed to have exceptional qualities
- Empirical creations and enforcement of laws: These were the characteristics of ancient (simple) societies where village-head men and lineage chiefs formulate and enforcement practical rules on behave of the people they lead
- Creation of law by secular or theocratic rulers: This refers to laws primarily formulated and enforced by rulers who claim legitimacy on grounds of religion and spirituality. A good example would be medieval kings who were said to be elected by God.
- Systematic elaboration of law and professionalized administration of justice: This is the law of modern industrial societies. It refers to legal rules formulated by professional lawyers in a logical and rational manner.

2.7 Functions of Law

In more general terms, law performs the following functions:

- Enforcement of peace and order through the involvement of legally established law enforcement agencies such as the police, courts, prison administrators, and the army
- Law directs economic conduct by coordinating the activities of different individuals and groups (e.g. producers vs buyers, owners vs workers, importers vs exporters, etc.)
- Law resolves conflicts between persons, groups, institutions and even between nation states
- Law protects individual property and citizenship rights.

3. ECONOMIC SOCIOLOGY

3.1 The Economy And Economic Sociology

The economy is the social institution that ensures the maintenance of society through the production, distribution, and consumption of goods and services. Goods are tangible objects that are *necessary* (such as food, clothing, and shelter) or *desired* (such as DVDs and Laptops). *Services* are intangible activities for which people are willing to pay (such as dry cleaning, a movie, or medical care). While some services are produced by *human labour* (for example the person who comes around three days a week and collects your garbage), others primarily are produced by *capital* (such as communication services provided by a telephone company). Labour consists of the *physical* and *intellectual* services, including training, education, and individual abilities, that people contribute to the production process (Boyes and Melvin, 1994). Capital is *wealth (money or property) owned or used in business by a person or corporation*. Obviously, money, or financial capital, is needed to invest in the physical capital (such as machinery, equipment, buildings, warehouses, and factories) used in production.

What is the difference between a sociological perspective on the economy and the study of economics? Although aspects of the two disciplines overlap, each provides a unique perspective on economic institutions. **Economists attempt to explain how the limited resources and efforts of a society are allocated among competing ends** (G. Marshall, 1994). To economists, an imbalance exists between people's wants and society's ability to meet those wants. To illustrate, think about university registration. How many of you would like to have the "perfect" schedule with the classes you want at the times you want, and with "preferred" professors? How many of you actually manage to get such a schedule? What organizational constraints make it impossible for everyone to have what they need or want? Some economists suggest this answer: "The most important fact of economics is the law of scarcity: there will never be enough resources to meet everyone's wants" (Ruffin and Gregory, 1988:31). Universities do not have the financial or human resources to provide everything that students (or faculty) want.

While economists focus on the complex workings of economic systems (such as monetary policy, inflation, and the national debt), sociologists focus on interconnections among the economy, other social institutions, and the social organization of work. At the macro level, sociologists may study **the impact of multinational corporations on industrialized and developing nations**. At the micro level, sociologists might study **people's satisfaction with their jobs**. To better

understand the economic system better, we will examine how economic systems came into existence and how they have changed over time.

3.2 Historic Changes In Economic Systems

In all societies, the specific method of producing goods is related to the techno-economic base of the society. In each society, people develop an economic system, ranging from simple to very complex, for the sake of survival.

Preindustrial Economies

Hunting and gathering, horticultural and pastoral, and agrarian societies are all preindustrial economic structures—**economies where in most workers engage in primary sector production, i.e. the extraction of raw materials and natural resources from the environment.** These materials and resources typically are consumed or used without much processing.

The production units in hunting and gathering societies are small; most goods are produced by family members. The division of labour is by age and gender (Hodson and Sullivan, 1990).

The potential for producing surplus goods increases as people learn to domesticate animals and grow their own food. In horticultural and pastoral societies, the economy becomes distinct from family life. The distribution process becomes more complex with the accumulation of a surplus such that some people can engage in activities other than food production.

In agrarian societies, production is related primarily to producing food. However, workers have a greater variety of specialized tasks, such as warlord or priest; for example, warriors are necessary to protect the surplus goods from plunder by outsiders (Hodson and Sullivan, 1990). Surplus goods are distributed through a system of *barter*—the direct exchange of goods or services considered of equal value by the traders. However, bartering is limited as a method of distribution; equivalencies are difficult to determine (how many *tef* equals one chicken?) because there is no way to assign a set value to the items being traded. As a result, money, a medium of exchange with a relatively fixed value, came into use in order to facilitate the distribution of goods and services in society.

Industrial Economies

Industrialization brings sweeping changes to the system of production and distribution of goods and services. Prior to the 19th century, people did not have jobs; they did jobs (Bridges, 1994). Thus industrial production caused a dramatic change in the nature of work. Drawing on new forms of energy (such as steam,

gasoline, and electricity) and technology, factories proliferate as the primary means of producing goods. Wage labour is the dominant form of employment relationship; workers sell their labour to others rather than working for themselves or with other members of their family. In a capitalist system, this means that the product belongs to the factory owner and not to those whose labour creates that product.

Most workers engage in secondary sector production—the processing of raw materials (from the primary sector) into finished goods. For example, steel workers process metal ore; auto workers then convert the ore into automobiles, trucks, and buses. *In industrial economies, work becomes specialized and repetitive, activities become bureaucratically organized, and workers primarily work with machines instead of with one another.*

This method of production is very different from *craftwork*, where individual artisans perform all steps in the production process.

Mass production results in larger surpluses that benefit some people and organizations but not others. Goods and services become more unequally distributed because some people can afford anything they want and others can afford very little.

Postindustrial Economies

A *postindustrial economy* is based on **tertiary sector production—the provision of services rather than goods as a primary source of livelihood for workers and profit for owners and corporate shareholders**. Tertiary sector production includes a wide range of activities, *such as fast-food service, transportation, communication, education, real estate, advertising, sports, and entertainment.*

Sociologist Daniel Bell (1973) predicted that the manufacturing sector of the U.S. economy would be replaced by a service and information processing sector, based on technical skills and higher education (the "postindustrial society"). Bell suggested that professionals, scientists, and technicians would proliferate and that many blue-collar and lower-paying, secondary service sector positions gradually would disappear. These changes would bring about greater economic stability and fewer class conflicts. Workers' feelings of alienation would be alleviated by greater participation in the decision-making process.

A number of factors created the service economy. Mechanization and technological innovation have allowed fewer workers to produce more in both the manufacturing and primary sectors. Robots have replaced assembly line workers and tractors and factory ships have enabled farmers and fishers to produce more than their

predecessors. The expansion of our economy and the increased leisure time available has increased the demand for a wide variety of services. Finally, much of the low-skill production is now done offshore, where wages are much cheaper, leaving components such as design, sales, and marketing in North America, Europe, and Japan.

Highly skilled "knowledge workers" in the service economy have benefited from the stable, less alienating postindustrial economy Bell predicted. However, these benefits have not been felt by those who do routine production work, such as manufacturing and data entry, and workers who provide personal services, including restaurant workers and sales clerks. The positions filled by these workers of the service sector, as mentioned previously, form a second tier where labour is typically unskilled and poorly paid. And these are positions Bell predicted would gradually disappear. In his study of the "McDonaldization" of society, however, sociologist George Ritzer (1993) suggests that the number of lower-paid, second-tier service sector positions actually has increased. Many jobs in the service sector emphasize productivity, often at the expense of workers. Fast-food restaurants are a case in point, as the manager of a McDonald's explains:

As a manager I am judged by the statistical reports which come off the computer. Which basically means my crew labour productivity. What else can I really distinguish myself by? ... O.K., it's true, you can over spend your [maintenance and repair] budget; you can have a low fry yield; you can run a dirty store, every Coke spigot is monitored. Every ketchup squirt is measured. My costs for every item are set. So my crew labour productivity is my main flexibility ... Look, you can't squeeze a McDonald's hamburger any flatter. If you want to improve your productivity there is nothing for a manager to squeeze but the crew. (quoted in Garson, 1989:33-35)

"McDonaldization" is built on many of the ideas and systems of industrial society, including bureaucracy and the assembly line (Ritzer, 1993).

Also contrary to Bell's prediction, class conflict and poverty may well increase in postindustrial societies (see Touraine, 1971; Thompson, 1983). Recently, researchers also have found that employment in the service sector remains largely gender segregated and that skills degradation, rather than skills upgrading, has occurred in many industries where women hold a large number of positions (Steiger and Wardell, 1995). To gain a better understanding of how our economy works today, we now turn to an examination of contemporary economic systems and their interrelationship in an emerging global economy.

3.3 Contemporary ECONOMIC SYSTEMS

During the twentieth century, capitalism and socialism have been the principal economic models in industrialized countries. Sociologists often use two criteria—*property ownership and market control* to distinguish between types of economies.

Capitalism

Capitalism is an economic system characterized by private ownership of means of production, from which personal profits can be derived through market competition and without government intervention. Most of us think of ourselves as "owners" of private property because we own a car, a stereo, or other possessions. However, most of us are not capitalists; we spend money on the things we own, rather than making money from them. Capitalism is not simply the accumulation of wealth, but is the "*use of wealth*" as a means for gathering more wealth" (Heilbroner, 1985:35). Relatively few people own income-producing property from which a profit can be realized by producing and distributing goods and services. Everyone else is a consumer. "Ideal" capitalism has *four distinctive features*:

- (1) *private ownership of the means of production,*
- (2) *Pursuit of personal profit,*
- (3) *Competition, and*
- (4) *Lack of government intervention.*

1. *Private Ownership of the Means Of Production*

Capitalist economies are based on the right of individuals to own income-producing property, such as land, water, mines, and factories and to "buy" people's labour.

In the early stages of industrial capitalism (1850-1890), virtually all of the capital for investment was individually owned. Under early monopoly capitalism (1890-1940), most ownership rapidly shifted from individuals to huge *corporations*—large-scale organizations that have legal powers, such as the ability to enter into contracts and buy and sell property, separate from their individual owners. During this period, major industries came under the control of a few corporations owned by shareholders. For example, the automobile industry in North America came to be dominated by the "Big Three" General Motors, Ford, and Chrysler.

In advanced monopoly capitalism (1940-present), ownership and control of major industrial and business sectors has become increasingly concentrated. Economic concentration is the degree to which a relatively small number of corporations control a disproportionately large share of a nation's economic resources. There are about 400,000 corporations in Canada; the top 100 control 67 percent of Canadian

business assets, while the other 399,900 account for the remaining 33 percent of these assets.

Today, *multinational corporations*-large companies that are headquartered in one country and have subsidiaries or branches in other countries-play a major role in the economies and governments of many nations.

Multinational corporations also are referred to as *transnational corporations* because they sell and produce goods abroad. These corporations are not dependent on the labour, capital, or technology of anyone country and may move their operations to countries where wages and taxes are lower and potential profits are higher.

2. *Pursuit of Personal Profit*

A tenet of capitalism is the belief that people are free to maximize their individual gain through personal profit; in the process, the entire society will benefit from their activities (Smith, 1976/1776). Economic development is assumed to benefit both capitalists and workers, and the general public also benefits from public expenditures (such as for roads, schools, and parks) made possible through an increase in business tax revenues.

During the period of industrial capitalism, however, specific individuals and families (not the general public) were the primary recipients of profits. For many generations, descendants of some of the early industrial capitalists have benefited from the economic deeds (and misdeeds) of their ancestors. In early monopoly capitalism, some stockholders derived massive profits from companies that held near monopolies on specific goods and services. In advanced (late) monopoly capitalism, profits have become even more concentrated as a few large corporations control more of the market through expansion and the acquisition of competitors.

3. *Competition*

In theory, competition acts as a balance to excessive profits. When producers vie with one another for customers, they must be able to offer innovative goods and services at competitive prices. However, from the time of early industrial capitalism, the trend has been toward less, rather than more, competition among companies; profits are higher when there is less competition. In early monopoly capitalism competition was diminished by increasing concentration within a particular industry. Today, Microsoft Corp. so dominates certain areas of the computer software industry so that it has virtually no competitors in those areas.

4. *Lack of government intervention*

Proponents of capitalism say that ideally capitalism works best without government intervention in the market place. This policy of *laissez-faire* was advocated by economist Adam Smith. Smith argued that when people pursue their own selfish interests, they are guided "as if by an invisible hand" to promote the best interests of society (see Smith, 1976/1776). Today, terms such as market economy and free enterprise often are used, but the underlying assumption is the same: that free market competition, not the government, should regulate prices and wages.

However the "ideal" of unregulated markets benefiting all citizens has been seldom realized. Individuals and companies in pursuit of higher profits have run roughshod over weaker competitors, and small businesses have grown into large monopolistic corporations. Accordingly, government regulations were implemented in an effort to curb the excesses of the marketplace brought about by *laissez-faire* policies.

Socialism

Socialism is an economic system characterized by public ownership of the means of production, the pursuit of collective goals, and centralized decision making. Like "pure" capitalism, "pure" socialism does not exist. Karl Marx described socialism as a temporary stage en route to an ideal communist society. Although the terms socialism and communism are associated with Marx and often are used interchangeably, they are not identical. Marx defined communism as an economic system characterized by common ownership of all economic resources (G. Marshall, 1994).

1. *Public ownership of the means of production*

In a truly socialist economy, the means of production are owned and controlled by a collectivity or the state, not by private individuals or corporations. Prior to the early 1990s, the state owned all the natural resources and almost all the capital in the Soviet Union. In the 1980s, for example, state-owned enterprises produced more than 88 percent of agricultural output and 98 percent of retail trade, and owned 75 percent of the urban housing space (Boyes and Melvin, 1994). At least in theory, goods were produced to meet the needs of people. Access to housing and medical care was considered a right.

2. *Pursuit of collective goals*

Ideal socialism is based on the pursuit of collective goals, rather than on personal profits. Equality in decision making replaces hierarchical relationships (such as between owners and workers or political leaders and citizens). Everyone shares in the goods and services of society, especially necessities such as food, clothing,

shelter, and medical care based on need, not on ability to pay. In reality, however, few societies can or do pursue purely collective goals.

3. *Centralized decision making*

Another tenet of socialism is centralized decision making. In theory, economic decisions are based on the needs of society; the government is responsible for facilitating the production and distribution of goods and services. Central planners set wages and prices to ensure that the production process works. When problems such as shortages and unemployment arise, they can be dealt with quickly and effectively by the central government (Boyes and Melvin, 1994).

Centralized decision making is hierarchical. In the former Soviet Union, for example, broad economic policy decisions were made by the highest authorities of the Communist Party, who also held political power. The production units (the enterprises and farms) at the bottom of the structure had little voice in the decision-making process. Wages and prices were based on political priorities and eventually came to be completely unrelated to actual supply and demand.

Mixed Economies

As we have seen, no economy is truly capitalist or socialist; most economies are mixtures of both. A mixed economy combines elements of a market economy (capitalism) with elements of a command economy (socialism). Sweden and France have mixed economies, sometimes referred to as democratic socialism—an economic and political system that combines private ownership of some of the means of production, governmental distribution of some essential goods and services, and free elections. Government ownership in Sweden, for example, is limited primarily to railroads, mineral resources, a public bank, and liquor and tobacco operations (Feagin and Feagin, 1994). Compared with capitalist economies, however, the government in a mixed economy plays a larger role in setting rules, policies, and objectives.

The government also is heavily involved in providing services such as medical care, child care, and transportation. In Sweden, for example, all residents have health insurance, housing subsidies, child allowances, paid parental leave, and day-care subsidies. National insurance pays medical bills associated with work-related injuries, and workplaces are specially adapted for persons with disabilities. College tuition is free, and public funds help subsidize cultural institutions such as theatres and orchestras ("General Facts on Sweden," 1988; Kelman, 1991). While Sweden has a very high degree of government involvement, all industrial countries have assumed many of the obligations to provide support and services to its citizens. However,

there are very significant differences in the degree to which these services are provided among these countries.

3.4 The social organization of work

Sociologists who focus on micro level analyses are interested in how the economic system and the social organization of work affect peoples' attitudes and behaviour. Interactionists, in particular, have examined the factors that contribute to a person's job satisfaction or feeling of alienation.

3.4.1 Job satisfaction and Alienation

According to interactionists, work is an important Source of self-identity for many people; it can help people feel positive about themselves or it can cause them to feel alienated. Job satisfaction refers to people's attitudes toward their work, based on (1) their job responsibilities, (2) the organizational structure in which they work, and (3) their individual needs and values (Hodson and Sullivan, 1990). Studies have found that worker satisfaction is highest when employees have some degree of control over their work, when they are part of the decision-making process, when they are not too closely supervised, and when they feel that they play an important part in the outcome (Kohn et al., 1990).

Job satisfaction often is related to both **intrinsic and extrinsic factors**. Intrinsic factors pertain to the nature of the work itself, while extrinsic factors include such things as vacation and holiday policies, parking privileges, on-site day-care centers, and other amenities that contribute to workers' overall perception that their employer cares about them.

3.4.2 Occupations

Occupations are categories of jobs that involve similar activities at different work sites (Reskin and Padavic, 1994). There are hundreds of different types of occupations. Historically, occupations have been classified as blue collar and white collar. Blue-collar workers primarily were factory and craft workers who did manual labour; white-collar workers were office workers and professionals. However, contemporary workers in the service sector do not easily fit into either of these categories; neither does the so called pink-collar workers, primarily women, who are employed in occupations such as preschool teacher, dental assistant, secretary, and clerk (Hodson and Sullivan, 1990).

3.4.3 Professions

What occupations are professions? Although sociologists do not always agree on exactly which occupations are professions, they do agree that the number of people

categorized as "professionals" has grown dramatically since World War II. According to sociologist Steven Brint (1994), the contemporary professional middle class includes most doctors, natural scientists, engineers, computer scientists, certified public accountants, economists, social scientists, psychotherapists, lawyers, policy experts of various sorts, professors, at least some journalists and editors, some clergy, and some artists and writers.

CHARACTERISTICS OF PROFESSIONS

Professions are high status, knowledge-based occupations that have five major characteristics (Freidson, 1970, 1986; Larson, 1977):

1. Abstract, specialized knowledge. Professionals have abstract, specialized knowledge of their field, based on formal education and interaction with colleagues. Education provides the credentials, skills, and training that allow professionals to have job opportunities and to assume positions of authority within organizations (Brint, 1994).
2. Autonomy. Professionals are autonomous in that they can rely on their own judgment in selecting the relevant knowledge or the appropriate technique for dealing with a problem. Consequently, they expect patients, clients, or students to respect that autonomy.
3. Self-regulation. In exchange for autonomy, professionals theoretically are self-regulating. All professions have licensing, accreditation, and regulatory associations that set professional standards and that require members to adhere to a code of ethics as a form of public accountability.
4. Authority. Because of their authority, professionals expect compliance with their directions and advice. Their authority is based on mastery of the body of specialized knowledge and on their profession's autonomy: professionals do not expect the client to argue about the professional advice rendered. Professionals also have authority over persons in subordinate occupations; for example, doctors control much of the work of nurses and others in the health-care field.
5. Altruism. Ideally, professionals have concern for others. The term Altruism implies some degree of self-sacrifice whereby professionals go beyond self-interest or personal comfort so that they can help a patient or client (Hodson and Sullivan, 1990). Professionals also have a responsibility to protect and enhance their knowledge and to use it for the public interest.

3.4.4 Managers and the Managed

A wide variety of occupations are classified as "management" positions. The generic term manager often is used to refer to executives, managers, and administrators (Hodson and Sullivan, 1990). At the upper level of a workplace bureaucracy are executives, who control the operation of their organizations. Administrators often work for governmental bureaucracies or organizations dealing with health, education, or welfare (such as hospitals, colleges and universities, and nursing homes) and usually are appointed. Managers typically have responsibility for workers, physical plants, equipment, and the financial aspects of a bureaucratic organization. Women have increasingly gained access to management positions at this level, especially in middle management positions. In 1993, 42 percent of those working in management and administrative positions in Canada were women, up from 29 percent in 1982 (Statistics Canada, 1994).

Management in bureaucracies: Managers are essential in contemporary bureaucracies in which work is highly specialized and authority structures are hierarchical. Managers often control workers by applying organizational rules. Workers at each level of the hierarchy take orders from their immediate superiors and perhaps give orders to a few subordinates. Upper-level managers typically are responsible for coordination of activities and control of workers. The span of control, or the number of workers a manager supervises, is affected by the organizational structure and by technology. Some analysts believe hierarchical organization is necessary to coordinate the activities of a large number of people; others suggest that it produces apathy and alienation among workers (Blauner, 1964). Lack of worker control over the labour process was built into the earliest factory systems through techniques known as scientific management (Taylorism) and mass production (Fordism).

Scientific Management [Taylorism]: At the beginning of the twentieth century, industrial engineer Frederick Winslow Taylor revolutionized management with a system he called scientific management. In an effort to increase productivity in factories, Taylor did numerous time-and-motion studies of workers he considered to be reasonably efficient. From these studies, he broke down each task into its most minute components to determine the "one best way" of doing each of them. Workers then were taught to perform the tasks in a concise series of steps. Skilled workers became less essential since unskilled workers could be trained by management to follow reutilized procedures. The process of breaking up work into specialized tasks and minute operations contributed to the deskilling of work and shifted much of the control of knowledge from workers to management (Braverman, 1974). As this occurred, workers increasingly felt powerless (Westrum, 1991).

Mass production through Automation [FORDISM]: Fordism, named for Henry Ford, the founder of the Ford Motor Company, incorporated hierarchical authority structures and scientific management techniques into the manufacturing process (Collier and Horowitz, 1987). Assembly lines, machines, and robots became a means of technical control over the work process (Edwards, 1979). The assembly line, a system in which workers perform a specialized operation on an unfinished product as it is moved by conveyor past their workstation, increased efficiency and productivity. On Ford's assembly line, for example, a Model T automobile could be assembled in one-eighth the time formerly required. Ford broke the production process of the Model T into 7882 specific tasks (Toffler, 1980). This fragmentation of the labour process meant that individual workers had little to do with the final product. The assembly line also allowed managers to control the pace of work by speeding up the line when they wanted to increase productivity. As productivity increased, however, workers began to grow increasingly alienated as they saw themselves becoming robot-like labourers (Collier and Horowitz, 1987). However, dramatically increased productivity allowed Ford to give pay raises, which kept workers relatively content, while his own profits steadily rose. Without mass consumers there could be no mass production; Ford recognized that better wages would allow the workers to buy his products.

3.4.5 The Lower Tier of The Service Sector and Marginal Jobs

Positions in the lower tier of the service sector are characterized by low wages, little job security, few chances for advancement, and higher unemployment rates. Typical lower-tier positions include janitor, waitress, messenger, sales clerk, typist, file clerk, farm laborer, and textile worker.

Personal service Workers

Service workers often are viewed by customers as subordinates or personal servants. Frequently, they are required to wear a uniform that reflects their status as a clerk, food server, maid, or porter. Occupational segregation by gender and by age is clearly visible in personal service industries. Thirty-two percent of working women were employed in this sector in Canada compared with 21 percent of men. Younger workers are more likely than older people to work in this sector, as they pay for their studies with part-time work or use these low-level positions as a means of entering the labour force.

3.4.6 Contingent Work

Contingent work is part-time work or temporary work that offers advantages to employers but that can be detrimental to the welfare of workers. Contingent work is found in every segment of the workforce. Employers benefit by hiring workers on a

part-time or temporary basis; they are able to cut costs, maximize profits, and have workers available only when they need them. As some companies have cut their workforce, or downsized, they have replaced regular employees who had higher salaries and full benefit packages with part-time and hourly employees who receive lower wages and no benefits. Although some people voluntarily work part-time, many people are forced to do so because they lack opportunities for full-time employment.

3.4.7 Unemployment

There are three major types of unemployment—**cyclical, seasonal, and structural**. Cyclical unemployment occurs as a result of lower rates of production during recessions in the business cycle; although massive layoffs initially occur, some of the workers eventually will be rehired, largely depending on the length and severity of the recession. Seasonal unemployment results from shifts in the demand for workers based on conditions such as the weather (in agriculture, the construction industry, and tourism) or the season (holidays and summer vacations). Both of these types of unemployment tend to be relatively temporary in nature.

By contrast, structural unemployment may be relatively permanent. Structural unemployment arises because the skills demanded by employers do not match the skills of the unemployed or because the unemployed do not live where the jobs are located. This type of unemployment often occurs when a number of plants in the same industry are closed or new technology makes certain jobs obsolete. Structural unemployment often results from capital flight—the investment of capital in foreign facilities, as previously discussed. Today, many workers fear losing their jobs, exhausting their unemployment benefits, and still not being able to find another job.

The unemployment rate is the percentage of unemployed persons in the labor force actively seeking jobs. The unemployment rate is not a complete measure of unemployment because it does not include those who have become discouraged and have stopped looking for work, nor does it count students, even if they are looking for employment. Unemployment rates vary by year, region, gender, race, age, and with the presence of a disability.

3.4.8 Worker Resistance and Activism

In their individual and collective struggles to improve their work environment and gain some measure of control over their own work-related activities, workers have used a number of methods. Many have joined labor unions to gain strength through collective actions.

3.4.8.1 Labour Unions

As workers grew tired of toiling for the benefit of capitalists instead of for themselves; some of them banded together to form labour unions in the middle of the nineteenth century. **A labour union is a group of employees who join together to bargain with an employer or a group of employers over wages, benefits, and working conditions.**

During the period of monopoly capitalism, as industries such as automobile and steel manufacturing shifted to mass production, workers realized that they needed more power to improve poor working conditions. The suppression of the "Winnipeg General Strike in 1919 and the employment crisis during the Depression of the 1930s had devastated unions. Those that remained were typically based in the United States and usually organized to benefit specific trades such as bricklayers and carpenters.

Industrial unions faced a long struggle to organize. Relations between workers and managers were difficult and violence against workers was often used to fight unionization. Ultimately, organizers were successful, and unions have been credited with gaining an eight-hour workday and a five-day work week, health and retirement benefits, sick leave and unemployment insurance, and workplace health and safety standards for many employees. Most of these gains have occurred through **collective bargaining**-negotiations between employers and labour union leaders on behalf of workers. In some cases, union leaders have called strikes to force employers to accept the union's position on wages and benefits. While on strike, workers may picket in front of the workplace to gain media attention, to fend off "scabs" (nonunion workers) who might take over their jobs and in some cases to discourage customers from purchasing products made or sold by their employer. However, in recent years, strike activity has diminished significantly as the recession and corporate restructuring made it unlikely that a successful strike would mean major gains for workers, many of whom were happy to even have a job. Many recent strikes have been a result of workers trying to protect their jobs during a time of cutbacks.

Union membership has grown dramatically throughout this century. Difficult times may lie ahead for unions; the growing diversity of the workforce; the increase in temporary and part-time work, the threat of global competition, the ease with which jobs can be moved from one country to another, and the replacement of jobs with technology are just a few of the challenges that lie ahead. The next decade will be a

critical time in the future of the labour movement. How do you think union leaders can change their organizations to meet the new realities of the world of work?

In most industrialized countries, collective bargaining by unions has been dominated by men. However, in many countries, including Sweden, Germany, Austria, and Great Britain, women workers have made important gains as a result of labour union participation.

3.5 Sociological Perspectives On The Economy And Work

Functionalists, conflict theorists, and interactionists view the economy and the nature of work from a variety of perspectives. In this section, we examine functionalist and conflict views.

3.5.1 The Functionalist Perspective

Functionalists view the economy as a vital social institution because it is the means by which needed goods and services are produced and distributed. When the economy runs smoothly, other parts of society function more effectively. However, if the system becomes unbalanced, such as when demand does not keep up with production, maladjustment occurs (in this case, a surplus). Some problems may be easily remedied in the marketplace (through "free enterprise") or through government intervention (such as buying and storing excess production of butter and cheese). However, other problems, such as periodic peaks (high points) and troughs (low points) in the business cycle are more difficult to resolve. The business cycle is the rise and fall of economic activity relative to long-term growth in the economy (McEachern, 1994).

From this perspective, peaks occur when "business" has confidence in the country's economic future. During a peak, or expansion period, the economy thrives: plants are built, raw materials are ordered, workers are hired, and production increases. In addition, upward social mobility for workers and their families becomes possible.

The dream of upward mobility is linked to peaks in the business cycle. Once the peak is reached, however, the economy turns down because too large a surplus of goods has been produced. In part, this is due to inflation—a sustained and continuous increase in prices (McEachern, 1994). Inflation erodes the value of people's money, and they no longer are able to purchase as high a percentage of the goods that have been produced. Because of this lack of demand, fewer goods are produced, workers are laid off, credit becomes difficult to obtain, and people cut back on their purchases even more, fearing unemployment. To combat a recession, the government lowers

interest rates (to make borrowing easier and to get more money back into circulation) in an attempt to spur the beginning of the next expansion period.

3.5.2 The Conflict Perspective

Conflict theorists view business cycles and the economic system differently. From a conflict perspective, business cycles are the result of capitalist greed. In order to maximize profits, capitalists suppress the wages of workers. As the prices of the products increase, the workers are not able to purchase them in the quantities that have been produced. The resulting surpluses cause capitalists to reduce production, close factories, and lay off workers, thus contributing to the growth of the reserve army of the unemployed, whose presence helps to reduce the wages of the remaining workers. This practice of contracting out-governments and corporations hiring outside workers to do some jobs rather than using existing staff-has become a favorite cost-cutting technique. In today's economy, it is easy to find someone who will do the work more cheaply than existing employees whose seniority and wages have increased over time, often because of the efforts of unions.

Much of the pressure to reduce costs has come from shareholders, and many observers have seen the firing or deskilling of workers as symptoms of class warfare; the rich are benefiting at the expense of the poor. The rich have indeed thrived; those with large amounts of capital have seen their fortunes increase dramatically. However, the largest shareholders in many companies are pension plans whose assets belong to workers from the private and public sectors; so, in essence some workers have lost their jobs to enhance the retirement benefits of other workers.