

The conflict and  
consensus  
explanation of law  
sociology essay



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In order for us to understand why sociological theories could be classified into consensus and conflict perspectives. Let us first look at the definitions of these two concepts of consensus and conflict. Consensus is a concept of society in which the absence of conflict is seen as the equilibrium state of society based on a general or widespread agreement among all members of a particular society. Conflict is a disagreement or clash between opposing ideas, principles, or people-this can be a covert or overt conflict.

Put these into perspective the consensus and conflict sociological theories are reflected in the works of certain dominant social theorists. Dominant Classical social theorists such as Karl Marx, Emile Durkheim and Max Weber. And other prominent social theorists such as Talcott Parsons & Robert Merton, Louis Althusser & Ralph Dahrendorf and Herbert Mead & Herbert Blumer. It is important to note that the conflict and consensus perspectives of sociological theories have been divided into four categories or four paradigms-frame of reference in which human beings see the world. These are Radical Humanism & Radical Structuralism which fitted under conflict theory, Interpretive Sociology & (Structural) Functionalism/Systems Analysis which are classified under the consensus perspective. Each of the classical and modern social theorists (and their theories) above are slotted into one of the four categories or paradigms.

Well, first let us look at Karl Marx and Conflict theory; there are two interpretations or paradigms of Marx's theory of conflict, Radical Humanism & Radical Structuralism.

The works of Marx in his early years was interpreted by some social theorists as emphasizing the role of human beings in social conflict. They explained change as emerging from the crisis between human beings and their society. They argued that Marx's theory was a theory characterised by class conflicts or the conflict between the bourgeoisie (rich, owners) and the proletariat (poor, workers). What these people or Radical Humanists are stressing is the human being's capacity to think and act against situations that are not satisfactory to their existence: political, economic or social situation unsatisfactory to them, therefore, they desire for a radical change-force and struggle against all human impediments-to take place.

According to this Marxist interpretation, change will only come about by means of conflict between two classes of people. This is in consequence of the suppression and domination by one dominant class of people over another weaker class, social conflict will emerge and change will take place. For instance, the change from simple/primitive to slavery to feudalist to capitalist and to socialist societies is characterized by conflict. For example, the French revolution, whereby the bourgeoisie overthrew the feudal system-which saw the ousting of the Monarchs-and gave rise to a capitalist French society. According to another group of social theorists pioneered by Louis Althusser argued that Karl Marx's theoretical exposition in his later years was stressing the role of social structures /institutions in conflict. Althusser proposed a structuralist reading of Marxism. For him, society consisted in a hierarchy of structures distinct from one another, each with its relative autonomy. In other words Althusser was offering an anti-humanist reading of Marx's work. Thus, according to the structuralists, conflict is naturally

prevalent within social structures/institutions in society. With time social conflict will emerge. That is, conflict will emerge by itself because of the incompatible relationship between the rules and regulations of social structures/institutions. Therefore, change will come. According to Althusser, he rejected any idea of human involvement in instigating social conflict. But saw People as just products of these structural conflicts or the inherent internal differences contained within the social structures/institutions. Now let us take for example the recent socio-political turmoil (1998-2000) between the two ethnic groups, Guadalcanal and Malaita, in Solomon Islands from both the humanist & structuralist Marxist explanation. For the humanist Marxist-a possible explanation of the conflict-the conflict was a result of the Guadalcanal people's frustrations because of what they perceived as domination by Malaitans over them. That is in terms of land issues, land and resources acquisition, disrespect for the indigenous people, their land and their customs [Kabutaulaka, 14th April 2002: 4-7].

Whereas, a simple structural Marxist explanation would argue that this socio-political conflict was determined by the existing structures/institutions of social and political nature. One potential illustration of structural Marxists would be branded on the relationship between the introduced Westminster style of ruling and the fragmented traditional forms of ruling as contrary to each other. Thus, resulted in the conflict of principles or values inherent within these two structures that overtime overt conflict emerged by itself. Now let us look at the conservative Consensus perspectives and the two paradigms or sociologies of social order & social regulation; interpretive sociology (symbolic interaction) and (Structural) Functionalism/Systems

analysis. Firstly, let us reflect on interpretive sociology or symbolic interactionism. The foundation of this sociological explanation is rooted in the works of social theorists such as George Herbert Mead, Max Weber, Herbert Blumer and others. For Mead emphasized the natural emergence of the self and mind within the social order-within the social process of social human interaction [Baldwin, 1987: 108, 112]. Weber stressed the role of human beings as agents of the social interpretation and rational understanding [Morrison, 1995: 275-276]. Blumer highlights the meaning of social facts for the individual actions [Jary & Jary, 2000: 622-633].

Their analysis of society is quite similar to that of Humanist Marxism (Radical Humanism) in that they both emphasized the role of human beings in subjective social action. Interpretive sociologists or symbolic interactionists presumed that human beings are thinking beings and do not passively accept the rules and regulations of society.

They further stressed that because of the human ability to think, it provides human interpretations of the social or the norms and values of society.

These interpretations of the norms and values in turn satisfy human beings and make them act accordingly. Therefore, theoretically, it is these human abilities to think, understand, interpret and act meaningfully according to the collective rules and regulations of society that will bring about social order and social stability.

On the other side is functionalism/structural functionalism which objectively looks at society from a macro perspective. Functionalism is based on the works of Emile Durkheim and further expanded by Talcott Parsons. Whereby,

they likened society to biological organisms. Just like the internal organs of a normal biological organism work together for the efficient healthy (orderly) development function of the organism, so is the society which has social organs/structures/institutions which are there to maintain social order and stability in society in order to progress [Plange, 1996: 60]. Thus functionalism is similar to Structuralist Marxism (Radical Structuralism) in that they are concerned with structural/institutional analysis of society. But different in terms of their emphasis. Functionalism emphasizes on social order and social stability but not conflict. Functionalism provides that society is made up of different institutions or organizations that work together in co-operation-their orderly relationship-to maintain social order and social stability. This maintenance of society is extracted from the internal rules, norms, values and regulations of these various ordered institutions. In light of these two conservative theoretical explanations the post socio-political conflict in the Solomon Islands can be assessed from an interpretive sociological explanation and a functionalist point of view. The main focus of the post conflict situation in Solomon Islands at the moment is to restore law and order, and stability. Well, from a Functionalist perception it would be argued that the desire to restore law and order is facilitated by certain institutions in Solomon Islands. Such as the Churches, the police, judiciary, the peace council and the government through their respective functions and co-operative efforts. Whilst, the interpretive sociologist would respond to this by saying that it is the people of Solomon Islands themselves and not the institutions who are working together for the restoration of law and order. Both of these interpretations are relevant in this context. As such, a student of sociology must not take for granted these theories or conclude <https://assignbuster.com/the-conflict-and-consensus-explanation-of-law-sociology-essay/>

that one particular theory is relevant to society than others. There are three things of significance needed to be remembered. Firstly, is that, elements of each theories under the consensus and conflict theories are present in society; the point is no one particular theory can not explain society fully. Secondly, there is an overlap of explanations between the theories. For example, Talcott Parsons set out to synthesis Weber's and Durkheim's work, but he tend to be more Durkheimian than Weberian. Thirdly, these social theorists derived their theories from the works of a predecessor social theorist like Parsons himself, others before him and those who came later including critics. Therefore, as we have seen from these four paradigms it is clear why some sociological theories can be categorized collectively as conflict theories and why other theories are considered as consensus theories. To put it simply it is their emphasis of explanation and interpretation by other social theorists that made them so.

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