

# **Law and Social Change**

**By**

**Prof.(Dr) Preeti Misra,**

**Head, Dept of Human Rights,**

**School of Legal Studies, Babasaheb Bhimrao**

**Ambedkar University, Lucknow,**

**E-Mail: [misra9us@gmail.com](mailto:misra9us@gmail.com)**

# Meaning of Social Change

## **H.T.Majumdar-**

“Social change may be defined' as a new fashion or mode, either modifying or replacing the old, in the life of a people-or in the operation of a society.” (A Grammar of Sociology).

## **Maclver and Page-**

"Social change refers to a process responsive to many types of changes. Changes in man-made conditions of life, to changes in the attitude, and beliefs of men, and to changes that go beyond the human control to the biological and physical nature of things". (Society: An introductory, Analysis).

## **Gillin and Gillin-**

- “Social changes are variations from the accepted modes of life whether due to alternation in **geographical conditions, in cultural equipments, composition of the population or ideologies** whether brought about by diffusion or inventions-within the group”. (Cultural Sociology).

## **M.E. Jones-**

- "Social change is a term used to describe variations in, or modifications of, any aspect of **social processes, social patterns, social interaction or social organization**". (Basic, Sociological Principles).

## **M.D. Jenson-**

- "Social change may be defined as **modification in ways of doing and thinking to people**". (Introduction to Sociology).

## **M. Ginsberg-**

- "By social change. I understand a **change in social structure** e.g. the size of a society, the composition or balance of its parts or the type of its organization". (Social change, British Journal of Sociology, Sept. 1958).

- **S. Koenig-** “Social change refers to the modifications which occur in the life patterns of a people”. (sociology).
- **Anderson and Parker-** "Social change involves alteration in the structure and functioning of societal forms or processes themselves". (Society).
- **Alvin Toffler-**"Change is the process through which future invades our life". (Future shock).
- **Definitions quoted above make use of different terms, more or less in their essence they come closure to the definition of **change in terms of - social structure and function.****

# FEATURES AND DIMENSIONS OF SOCIAL CHANGE

- It is clear from the foregoing discussions that **social change is a very vast, complicated and multifaceted process having innumerable causes as well as consequences.**
- So any attempt to specify its features and dimensions under some headings must be futile.
- Since, what- ever scheme we give, it will be subject to errors like omission of- some elements, or unnecessary inclusion of some which otherwise can be excluded or repetition of some elements.
- **However, for the sake of convenience, one may begin as follows :-**

## Social change is asocial

- “Social Change are not in any sense a product of the society per se or a consequence of some universal or unvarying law of social life”.
- It is something different from the changes that take place in individual organisms. Organic changes invariably take place in all organism as an essential law and follows a particular pattern of' birth, growth, maturity and deaths.
- Society like an organism never dies which brings about a complete end to it. New civilization and societies get ripened in the womb of old societies and thereby retaining some of its elements, may be in a transformed form.
- Thus, the social change is different from individual change - Its causes and consequences are always social which make it asocial.

## **Social change involves elements of predictability as well as unpredictability**

- Largely, social change is unpredictable and yet it involves some elements for predictability. It is unpredictable because of the complexity of dynamic patterns"-that is, interplay of innumerable-numbers of uncontrolled variables. Social phenomena Are multi causal and multidimensional.
- There is also no constancy of causative factors in social life. Moreover, there occurs a constant intermixture of cause and effect in the process of change.
- Social life is not a suitable ground for the operation of the logical law that, the same cause must produce the same act under similar conditions, owing to many of the uncontrolled and even many unknown social variables.
- A particular event may produce a particular effect at a particular point of time and another effect at another point of time because of its interaction with, varying conditions. This makes it quite difficult, even at times, erroneous to have any definite prediction about the future change.

Asocial is not sociable, withdrawn, avoiding the society of others. Antisocial is unable or unwilling to socialise in a normal or friendly way, antagonistic, hostile, consistently ignoring/upsetting the rights of others.

- Asocial behaviour is a personal refusal to interact with other people. It is also used in terms (with medical professionals) for those with mental illness (such as myself) who choose not to be social with others because of their shame or guilt (examples) associated with their illness.

- But viewing it from another angle, one can see, some elements or possibilities for prediction.. As has already been referred earlier, new orders, or new patterns ripen within the old order or old patterns and thereby sustains some of its elements.
- Again, change .is not a Break Point nor a Destruction Point. Through the process, the old order gets transformed to new ones, retaining some of Its earlier elements in some form or other Such a phenomenon, often termed as "Persistent Patterns", leaves some room for predictions 'Tomorrow will not be quite different and contradictory from to-day and yesterday. It will fall somewhere nearer.

# Social change is a Process of synchronization

- Social change may be viewed as a process of synchronization. Any change in a system comes as a foreign and unwanted agent since the very nature of society is to persist itself, Of course, change does not always lead to destruction but it disturbs the "established and organizationally preferred structures and process of life".
- The old trends, 'patterns, orders of social life collide with newly emerging ones, creating revisions and strain's in social life. Such a phenomenon continues for a transitory period.
- Gradually newer elements get fused into the old order either by replacement or by modification or by transformation ,of older ones. And the process of change becomes a synchronization of old and new that help the social structure to maintain itself.
- For, if a structure does not adapt itself to the new circumstances and rigidly tries to maintain the same structure for too long, it may altogether loose its integrity and identity as a system.

# Speed and Rate of change is not uniform

- Social change occurs at different rate and speed at different points of time. In other words, the rate and speed of social change is not uniform and is very much conditioned by time.
- The rate and speed of change in modern time is far rapid than that of the ancient time. Such a variation takes place because of a number of interrelated causes.
- This process of diffusions is more easier and faster in modern times than that of earlier times, because of better availability of mass media and work of change-agents at different levels.
- This again adds to the phenomenal growth of innovations and discoveries, Further, the demand for innovation, mental ability for innovation, readiness for change etc. also contributes towards faster rate of change.
- These factors in their turn, are the products of rapid cultural assimilation with inventions, increasing level of consciousness and awareness etc.

## **Social change is cumulative and follows a chain-reaction pattern**

- The conditions for a new order is prepared within the old order itself. For example, industrialization came up as a result of new modes of thinking and new innovations and discoveries.
- This destroyed or at least weakened the domestic system of production e.g. cottage industries, small farms etc.
- The establishment of large-scale industries in particular centres brought women out from home to factory. She became- economically independent and gradually tried to be free from the bondage and control of man.
- The process did not end there. This. had a further impact on family life. Centralisation of industries at some pockets resulted in urbanisation, heavy rural-urban migration which again necessitated, new laws and norms for regulation of urban life. In this way, the chain went on till it affected the whole social life.

## Change involves shocks

- Change may involve shock. A greatly accelerated rate of change in society, may result in bewilderments, frustrations and disorientation since the individual mind takes time to cope up with change. When a new culture is rapidly super-imposed on an old one, a lot of dislocations are caused, which needs a series of rearrangements and reorientations. Such phenomena take time.
- But the pace of change demands quick adaptations which results in, a state of anomie in the individual mind. Once again, (the clash between old structure and values with that of new ones puts the individuals in a state of undecidedness and confusions. Of course, such a situation prevails for a transitory period. But, if the Adaptive mechanisms are not properly geared up, its impact becomes very, acute.

# Quantitative Changes

- The changes that can be calculated in terms of numbers, units and the amount of which can be ascertained with some degree of exactitude may be termed as quantitative changes.
- For example, changes in population, number and composition, per capita income, per capita consumption, increase or decrease in number of family units, changes in numbers of business, educational and recreational organisations are all but few examples of quantitative social change.
- It is not true that quantitative change always goes in the direction of increase and growth. For example, in American society, there has been a spectacular decrease in birth rates, death rates, persons per household, per capita consumption of fat etc.
- Quantitative changes are well amenable to future predictions. It can be predicted with a great degree of confidence-how many schools, how many family dwellings etc. will be necessary for the coming year even for the coming decade.
- In making such predictions, "projections of past quantitative changes" are generally taken into account.

# Qualitative Changes

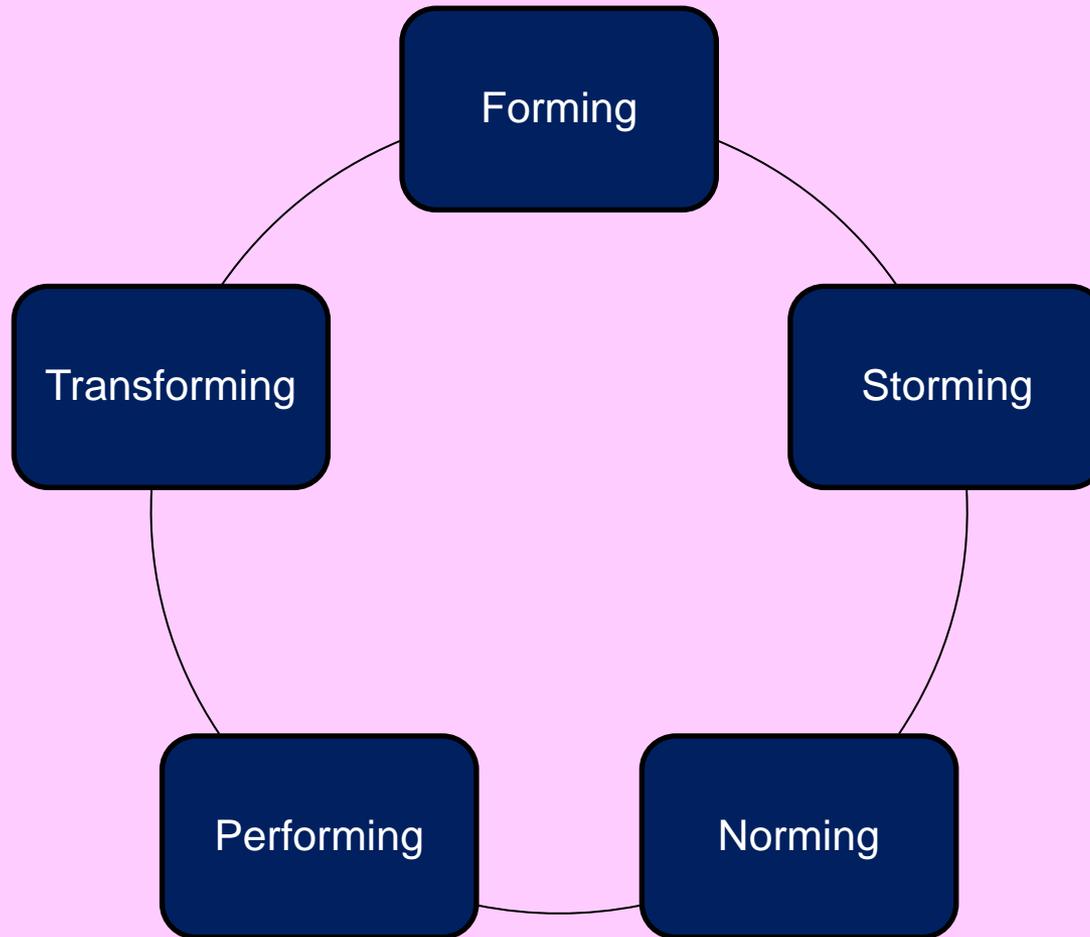
- But, there are other kinds of change which are not easy to be put in quantitative terms. They cannot be counted. They are to be evaluated and compared in their depth, nature and character.
- These changes are qualitative in nature. It may "occur in any aspect of the social system-in the tools and other artifacts used by the members; in their technological process ; in their informal or formal modes of association ; in their language and its supplements ; writing, pictorial representation etc ; in their modes of socialization and social control, including law ; in the body of myths, legends and ideologies ; in their moral concepts ; or in their sentiments, opinions, values, tastes, prejudices, or the like".
- 'Discovery and use of new sources of power and energy, development insurance systems (like life insurance, commercial insurance, vehicle insurance etc.) progressive urbanisation etc. are some of the other examples of qualitative changes that are more clearly visible in contemporary time.
- It is in fact this qualitative change that distinguishes a society from the other and also the same society at different points of time. Hence, as **Lapierre** remarks **"it is the qualitative rather, quantitative changes that are of primary significance in social change."**

# Social Transformation

- Social Transformation refers to an **orchestrated, systemic (Universal, total) and revolutionary overhaul of the global church, including the “transformation” of cities, societies, cultures, marketplaces, and more.**
- Can be defined as “transformation of consciousness,” “a new *seeing*,” “conscious evolution,” and a “paradigm change.”
- *metamorphosis*: i.e., a complete change, such as a caterpillar turning into a butterfly.

- In reality, “transformation” is substantial and deep, intent on re-forging the very foundations of the governance of the entire earth.
- The word “transformation” now indicates a societal, cultural and global revolution.
- The term “transformation” is used to describe a planned, intentional “Second Reformation”.
- This “transformation” is not personal but is applied corporately to groups and entities. One example is: “Social transformation is defined as seeking positive change in the whole of human life materially, socially and spiritually.”

# Stages of Social Transformation



# FACTORS OF SOCIAL CHANGE

- **CULTURAL FACTOR OF SOCIAL CHANGE**
- Culture, the very basis of social continuity, itself works as a major cause of social change. It is needless to re-emphasize the fact that **society and culture are interwoven with each other.**
- Culture is, the internal life forces of society. **Any variation in the culture itself necessarily and inevitably leads to social change.** Social change takes place because of (1) the dynamism of the culture itself and, (2) the determining role of culture.

# 1. DYNAMISM OF CULTURE

## How and why culture changes

- **Culture, as is defined by Tylor refers to--**  
that complex whole which includes knowledge, belief, art, morals, law, custom and other capabilities acquired by man as a member of society.
- Culture by nature is social, shared, transmissive, continuous, cumulative and adaptive. This very nature of culture makes it dynamic.
- Besides, there are a host of other internal as well as external variables that interact upon the culture and cause changes within it. These ' causes can be broadly arranged under two headings I.e. non-human and human.

- (a) *The non-human stimuli* mostly come from the physical environment. The environmental causes like climate, rainfall, quality of the soil, earth-quake, human and plant ecology etc. cause changes in the culture. The history of human civilisation is full of with many such evidences.
- (b) *The human stimuli* come mostly from the process of social innovations and the process of social acceptance of that innovation. Innovation denotes the function of a known-habit by a single individual which is subsequently accepted by the members of Society.

- 'Only the innovations are not enough to cause any significant change in culture. **Their social acceptance by the majority of the mass is of crucial importance.** Change comes forth only when people commonly share a new item either borrowed or invented.
- The process of acceptance of innovations is affected by a number of factors. For example, if **the nature of invented item is in conformity with the cultural pattern of a group**, then the item is likely to be adopted rapidly.
- The use of contraceptives and birth control mechanisms could not be popularised in India as it went against the cultural ethos and divine beliefs. This is the reason for which the western culture, though was progressive, was resisted by the conservative Indians.
- **Process of adoption also depends upon the prestige and the image of the inventor as well as the initiator of the process** of adoption. If the Inventor and the initiator have an undisputed social image, then the invention they profess will be adopted easily by the people.

# The Determining Role of Culture

- Culture determines the **speed and direction** of social change. **If the culture is too much conservative and irrational then the speed and rate of change generally becomes too low.** On the other hand, **if it is less rigid, flexible and logical then the change is more likely to come up.** The readiness of the people to accept change depends upon their values and attitudes, which are the products of the culture.
- Culture **gives direction to technology.** **MacIver** comments, "Cultural factor in turn not only is responsive to technological change but also acts back on it, so as to influence its direction and its characters ."
- **For example** the atomic energy can be used for war and destruction and also for peace and progress. The use we make of it depends on, our purposes, needs and attitudes. Not only the **use of technology** but also the **technological innovation itself is dependent upon the culture.**
- Culture not only gives direction to technology, industry and historical transformation, but also **shapes the economy** and is too much effective towards economic growth.

## TECHNOLOGICAL FACTORS OF SOCIAL CHANGE

- The last few decades have witnessed many startling examples of social changes caused by technological revolution. In the present era, technology has been an inevitable part of individual as well as social life.
- In fact, no modern man or society can sustain without technology. Owing to its universal presence and immense importance in social life, the present age *has* been variously termed as 'super-technocratic age', 'post-industrial society', 'Age of machines', etc. Not only in the present age, technology has been playing its decisive role throughout human history.
- It was the technological development, how crude or simple it might be, that changed the nomadic barbarian life into settled agricultural life. 'Subsistence economy' of primitive barbarian phase was transformed to a 'surplus agricultural economy' with the development of agricultural technology. From that time, technology has been effecting changes in human society in innumerable ways.

## Demographic Factor of Social Change

- Demographic factor has been contributing to the great transformations in society's socioeconomic and political structure throughout human history.
- The principal components of demographic factor are natural reproduction, migration and social mobility.
- These processes in their term set in motion, the other components like sex ratio, age ratio, racial inter-mixture which ultimately effect changes in marriage, family and social interrelationships.

## IDEOLOGICAL FACTORS OF SOCIAL CHANGE

- In the contemporary society the word 'ideology' has become a fashionable concept. Many great ideas are "in the air" whether practical or utopian, right or wrong, conservative or pragmatic.
- Sociological research in this field reveal that there is a continuous reciprocal interaction between man's thought-world and the outer world. The inter-relation is so close that man's different ideas, ideologies, and belief system result in varied actions.
- Thus, behind every invention, discovery, progress and development, we find a set of ideas of ideologies.
- An 'ideology' may be defined 'as a system of belief leading to a line of conduct, both public and private and supported, whenever, it is politically important, by a priesthood or something analogous.'
- Generally, ideology refers to a set of beliefs or thoughts in a particular direction about a particular problem. Ideologies are tendencies, not revealed dogmas. It may be accepted or rejected according to the prevailing attitudes of individuals and society.

# Legislation as a Factor Of Social Change

- Law a means of social control.
- In Ancient India-Two Mechanisms of Social conformity are Dharma & Achara (custom)
- Dharma has four sources--Vedas, Shruti, Smiriti, sadachara
- “Immemorial custom is transcendent law”—  
Manu
- Many customs recognized in codified personal laws-pluralistic, tolerant society-freedom to each group to develop in its own way

E.G.Regarding Remarriage of widow, Sati, Divorce, polygamy Hindu customs codified but Muslims still governed by their personal laws

- Two views regarding functions of law
  - A) to reinforce existing modes and provide uniform procedure for the evaluation and punishment of deviance from the existing rules to maintain social stability.
  - B) Dynamic role of law. Social control plus social change by influencing behaviour, beliefs and values
- In dynamic society social norms are ahead of legal norms.

Legal norms must be brought in conformity with social norms so that majority group may adopt new social values.

- As an instrument of social change, law involves two interrelated processes.
- **Institutionalization** of new pattern of behaviour manifesting new social values by new enactments. Any deviance is punishable.
- Mere institutionalization is not sufficient, as it may be letter of law without any social force.
- For law to become active social force, there must be **internalization** of new pattern of behaviour in the individual.

Codification of Hindu Laws-polygamy gave way to monogamy. Marriage still sacrament.

- Untouchability-in spite of offence ( Protection of Civil Rights Act, 1955) not yet removed, legal norm ahead of social norms.
- Prohibition- mere legislation without support of public opinion is futile.
- Social values and attitudes are important for the success of social legislation.

# Models of Social Development

- **(i) Capitalist Model**

- The ethos of this model is freedom to entrepreneur (of opening industry or engaging in trade), to worker (of selling labour), to trader (of buying and selling goods), and to individual (of buying and consuming). However, it does not accept equality as value. It regards **inequalities as directly related to the indolence** of individual.

- **(ii) Socialist Model**

- This model is not in favour of democratization. It wants state dominated by workers. The socialist model may either be the Russian model or the Chinese model. The Russian model is heavy industry-oriented urban based model while the Chinese model is industry-oriented rural based model.

# Alternate Model of Development Adopted in India

- Indian model of social development, based on socialist ideology and called '**democratic collectivism**,' is different from the above-mentioned models. It is not based on conflict but on consensus. It is democratization through adjustment.
- Unlike the capitalist model, it is not callous to ,common man and unlike the Russian and Chinese models, it is not based on suppression of individuals. It aims at creating a 'socialist pattern of society'.
- It protects the interests of both individual and the State. it aims at distributive justice popular participation, and social integration. It does not aim at abolition of private property but focuses on the public ownership of the basic and major industries. Socialism in India certainly lacks the ideological centrality it has in China.

# Alternate Model of Development Adopted in India

- At the time of independence, there were two schools within the ruling Congress party—one which supported socialism and other which opposed it. Yet socialism was adopted as a development model for the future and as the basic strategy for the restructuring of rural society and for expanding state control of the means of industrial production.
- The government's approach to private enterprise and to the role of the state in industrial development was indicated in Industries Development and Regulation Act which provided that no new industrial unit or substantial expansion of existing plants could be made without a license from the Central Government. This rule was, however, liberalized in the economic policy adopted by the government in 1992.

# Goals of Social Change in India

- At the time of political independence of the country, many intellectuals felt that India had failed to modernize itself not because it lacked the wherewithal to develop. But, it had been the victim of capitalist imperialism.
- The socio-cultural transformation we had initiated decades ago and the one which we want to plan for the coming decades aims at structural changes which could meet the emerging needs and aspirations of the people.
- The collective goals we had planned to achieve in the very first decade of the republic were social, economic, political and cultural.
- The *social goals were*: equality, justice, freedom, rationality, and individualism. *The economic goals include*: distributive justice and economic rationalism in place of economic theology. The *political goals* were: establishing a political system where the ruler is accountable to the ruled, decentralization of political power, and associating more and more people with the decision-making processes. Our *cultural goal* was a change from the sacred to the secular ideology.

# Goals of Social Change in India

- ***To create a strongest state.*** This was necessary because historically, political authority in India had been fragmented. After independence, it was feared that the religious, linguistic, caste, tribal, class, etc. forces may further attempt to fragment authority.
- Strong federal government with some authority to state governments alone would thwart attempts of such fragmentation.
- ***To modernize the economy.*** This was necessary for raising the low per capita income, for making the country self-reliant, and for having an indigenous capital goods sector which is not dependent on foreign private capital.

# Goals of Social Change in India

- ***To create a socialist pattern of society.*** This was necessary to restrict but not eliminate the role of private capitalists and emphasize public ownership of major industries.
- **To reduce inequalities** among castes, regions, and classes.
- **To preserve fundamental human rights**, such as right of free speech, right of free religious expression, right of political participation, and so forth.
- To establish a society where individuals would be motivated by spirit of selflessness, sacrifice, co-operation and idealism.

# **Hindrances to Social Change**

- **Caste System**
- **Illiteracy, Ignorance and Fear**
- **The Values**
- **The Power Elite**
- **Population Explosion**