
Law as Means of Preventing Violence among Youth through Social Control Mechansim

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This study analyzes the importance of law in a society. By defining law and highlighting its relationship with society the study show: how society gets influenced by the presence or absence of law. It also examines the relationship between law and violence that is how an increase in lawlessness causes an increase in violence among members of a society. Moreover, it discusses the relationship of law and violence by focusing on youth violence and this factors that explain violence and crime among the youth. At the end some strategies are highlighted for effectively implementation the law to control violence and crime among the youth as well and the means to cope with the adverse situations of lawlessness in a society.

Introduction to Sociology of Law

Sociology of law studies the relationship between law and society as how law affects society and vice versa. It is a new discipline, which studies human behavior in a society as it is determined by commonly accepted ethico-legal norms, and in so far as it influences them.

The sociology of law studies the social reality of law, beginning with its tangible and externally visible expressions, in effective communal behaviors (crystallized organizations, conventional practices and traditions or behavioral innovations). Sociology of law interprets these behaviors and material demonstration of law according to the internal meanings which, while inspiring and penetrating them, are at the same time in part altered by them (Gurvitch, 2001).

Law as a form of social coordination, and sociology as a science of discovering and analyzing uniformities in society, provide us with a new science called the sociology of law. Its object is the determination and coordination of human behavior in a society as circumscribed by the legal norms (Hepburn, 1940).

Numerous scholars have taken up the systematic, theoretically and empirical study of law as a set of social practices or as an aspect or field of social experience (Cotterrell, 2007). Sociology of law also studies the legal regulation, legal profession, forms of social control (Trevino, 2008), the social development of legal institutions, the social construction of legal issues, the interaction between legal cultures and the relation between law and social change (Nelken 2009) diversification of cultures, societies and in the world affecting lives of the people. Due to movements of goods and services at the global level, social policy, social agreements, trade, transfer of symbolic and economic capital from one boundary to another through electronic media-trade market is open for everyone to give awareness of legal regulation and control (Toor et al., 2013).

After the World War II, scholars wanted to reform the world political and economic system and it was clearly established as an academic field of learning and empirical research. The study of law was not central in sociology, although some well-known sociologists did write about the role of law in society (Deflem, 2007). Sociologists have successfully discredited all individualistic

explanations for violation and crime. As a result of the past debates, many members of individualistic disciplines stress cultural influences and interpersonal relations in analyzing and observing the behavior of criminals and delinquents. There has been continuing interaction and cross-fertilization between the abstract explanation for violation and crime and evaluation of correction and crime-prevention programs. Any judicial or correctional policy which is based on a seriously invalid conception of the behavior of the persons is likely to do much more damage than benefit.

In recent decades, a wide range of theories has emerged in the sociology of law encompassing violence and crime at every level. The variety of theoretical work influencing the sociology of law has also marked the broader field of law and society (Ramos, 2003). The multi-disciplinary field of law and society remains highlighted, while the discipline of the sociology of law is now better organized than ever in institutional and professional respect (Deflem, 2007).

Background

The roots of the sociology of law can be linked to the works of sociologists and jurists at the turn of the century. The relationship between society and law was explored in the works of both Émile Durkheim (1858-1917) (Cotterrell, 1999) and Max Weber (1864-1920) (Kronman, 1983). The writings on law by these classical sociologists are the basics in the discipline of sociology of law today (Deflem, 2007). Max Weber so-called "legal rational form". Form of domination within a society is not attributable to people but to abstract norms in terms and conditions of a rational-legal authority. Émile Durkheim describes in "The Division of Labor in Society" that as society becomes more complex, the body of civil law concerned primarily with compensation and restitution grows at the expense of penal sanctions and criminal laws (Durkheim, 1984). Over time, law underwent a transformation from repressive law to restitutive law

(Johnson & Alan, 1995). In the "Fundamental Principles of the Sociology of Law", Ehrlich (1936) represented a sociological framework to the study of law by focusing on how social networks and groups organized social setup. He explored the relationship between general social norms and law and distinguished between "positive laws" and what (Ehrlich, 1936) and this was subjected to criticism by the advocates of the legal positivism such as jurist Hans Kelsen (Banakar 2008) for its distinction between the law created by the state and law produced by the organization of non-state social associations (Banakar, 2008). Leon Petrazycki distinguished between the forms of "official law" which is supported by the state and "intuitive law" consisting of legal experiences that consist of a complex of psychic processes in the mind of the individual with no reference to outside authority (Petrazycki, 1955). Georges Gurvitch's aim was to devise the concept of "social law" as a law of integration and cooperation and interested in fusion of simultaneous manifestation of law in various forms and at various levels of social interaction (Gurvitch, & Georges, 1932). It is among one of the early sociological contributions to the theory of legal pluralism since it challenged all conceptions of law based on a single source of political, legal or moral authority (Banakar, 2000).

In response to the criticisms that were developed against functionalism, some other sociological perspectives of law emerged. Critical sociologists developed a framework of law as an instrument of power (Cotterrell, 1992). Some other theorists in the sociology of law, such as Philip Selznick, argued that modern law became increasingly responsive and essential to a society's needs and had to be approached morally as well (Selznick, 1969). Still some scholars, most notably the American sociologist Donald Black, developed a resolutely scientific theory of law on the basis of a paradigm of pure sociology. to German sociologist Niklas Luhmann sees law as normatively closed (Luhmann, 1995 & 2004), but cognitively open system as all collective human life is directly or indirectly shaped by law and is

like knowledge, an essential and all-pervasive fact of the social condition (Luhmann, 1985).

Despite its initial promise, it has remained a limited field. The two most well-known approaches during the 1960s and 1970s were interactionism and Marxism. Since the 1980s, a few empirical studies of legal and law institutions have been conducted by British sociologists (Travers, 2001). There are some exceptions to begin with, Sociology of law with so many areas of academic work. The interest in the Sociology of law continues to spread in the Western countries. Different but important research has been produced by South American scholars (Lista, 2004) and by Indian scholars (Deva, 2005; Baxi, 1986) but we find only a limited amount of socio-legal work for example, in the Middle East or central and northern parts of Africa (Ferrari, 1990). So, the global spread of sociological studies of law is concentrated mostly in the industrialized nations with democratic political systems (Banakar, 2011).

Law and Violence

Law is a cultural force. Its function is that of imposing norms of conduct or models of social behavior in the individual. (Timasheff, 1937). Law means the body of rules that we term legal, that is, the rules that are determined and imposed by the state and that are projected to control behavior and to resolve certain unwanted events (Shavell, 2002). Violence refers to intense forms of aggression, such as physical assault and murder. All violence is aggression, but not all aggression is violence (Anderson & Bushman, 2001).

Violence is the use of potentially destructive force. By force we mean all types of force: physical, verbal, symbolic. Not every use of force constitutes violence, but all use of violence requires the use of some type of force. The force so deployed does not have to cause harm although in the majority of cases (Maertens & Anstey, 2007). It would be it holds enough that when using force,

the actor intends to cause harm or may be able to cause it regardless of his or her intention (Ramos, 2003).

The relationship between law and violence is paradoxically structured. It is based upon three conflicting premises.

The first premise states: Law is the opposite of violence; legal forms of decision-making are introduced to disrupt the endless sequence of violence.

The second premise states: Law is itself a kind of violence; even legal forms of decision-making exert violence-external violence that attacks physically, as well as inner violence that hurts the convict's soul (Menke, 2010).

The third premise states: Law contributes in the generation and regeneration of violence when it fails to discipline violence to maintain order, so modern societies need to discipline violence to maintain order. In short, increase in lawlessness causes increase in violence (Ramos, 2003).

Youth Violence

Youth violence is defined as homicide and non-fatal attacks committed by or against a person aged 10-29 years of age (UN, & World Bank Report, 2007). The developing and developed countries are facing the problem of youth violence and crime. Most of information about the involvement of young people in crimes in our day-to-day life is provided by the media and spreads the panics about the rise of violence in youth (Maertens & Anstey, 2007). Some of the present generation believes that the behavior of the young people is worse if compared to those in the past as we are experiencing a confrontation of a generation that behaves in a very different manner (Shaw, 2001). Youth violence is thought to be the only way to command status, respect and social and personal requirements like money and knowledge. Violence is also power. Some youth consider it the only alternative to power.

When there is a limited range of alternatives, absence of observance of social norms, lack of discipline, poor supervision of behaviors then violent behavior is found to be rational (Akram et al., 2013)

Pakistan has the largest number of youth (aged 15-ia years) in the history estimated at 52 million. Youth violence and crimes in the developing countries have been increased in general but in Pakistan these have grown too rapidly. It is evident that youth make a significant portion of the population of Pakistan, so it is important to analyze the causes or factors that clearly explain youth violence and crimes in Pakistan (Akram et al., 2013)

Factors contributing to high crime and violence among the youth

Poverty and Inequality

Being raised in poverty has been found to contribute to a greater possibility of involvement in crime and violence. It is also often associated to youth aggression because of increased stress and feelings of hopelessness that may occur due to chronic unemployment and other associated factors (Maertens & Anstey, 2007). On the other hand, when law fails to address society's needs whether social, psychological and economic then indirectly it causes frustration and inequality in a society in return leads to crime and violence among people (United Nations, & World Bank Report, 2007).

Youth Unemployment and Under-employment

Youth unemployment is another major factor responsible for the rise in youth crime and violence (World Bank, 2006). In many countries, millions of young people are unable to access economic opportunities. Without access to employment or livelihood opportunities, most young people cannot afford a house or a dowry, cannot marry and their transition to adulthood is effectively blocked (Hilker & Fraser, 2009). Under-employment is also a major problem for young people. Menial jobs with little

prospect for advancement may be seen as 'dead end work' and can be a cause of youth frustration, embarrassment and social separation (Sommers, 2007).

Many be Included in the References

There are many studies that suggest that youth under-employment can cause conflict or lead to youth involvement in criminal activities - such as the drug trade, armed groups and other illegal trade – that offer livelihood opportunities. There is often a mismatch between the education the young people pursue and the nature of the job opportunities available with, young people desiring to study prestige disciplines and the restrictions of careers in labour market (Hilker, & Fraser, 2009). Coupled with a lack of options to pursue alternative employment strategies and a lack of transparency in the job search process, this can result in high levels of frustration for young people (La Cava and Michael, 2006). Evidence from Sri Lanka suggests that insufficient employment for educated youth with high aspirations led to fierce competition for posts, patronage and subsequent disillusionment and unrest and both the Tamil Tigers and Sinhalese People's Liberation Front drew their cadres from the educated and frustrated rural youth (Peiris, 2001).

When law fails to provide equal job opportunities to all people, then crime and violence prevail in the society (Hilker, & Fraser, 2009).

Poor Governance and Weak Political Participation

Participation in the formal political system often does not provide an outlet for youth to express their needs, aspirations and grievances (UNDP, 2006). In many cases, young people grow up in countries with rigid, conservative power structures, patronage networks and intergenerational hierarchies, which exclude them from decision-making and do not meet their needs (Hilker, & Fraser, 2009). Where youth feel that the existing power structures

marginalize them, violence can provide an opportunity to have a voice, lead and make an impact (Hilker, & Fraser, 2009).

Violence in Schools

An alarming number of students in the world have witnessed physically violent acts in their schools (Garner et al., 2003). A 2003 representative sample survey of school children in nine Caribbean countries found that one-fifth of the males carried weapons to school in the previous 30 days and one-tenth had been knocked unconscious in a fight. Over 40 percent reported that sometimes or most of the time they think about hurting or killing someone else (Halcon, 2003) Evidence suggests that abuse by teachers of students is common (World Bank, 2003). In the Dominican Republic, most youth (54 percent) in a survey reported that there was violence in the schools, and 42 percent indicated that they knew of violent acts committed on school grounds (ALEPH, 2006). So those students who experienced violence in schools have more chances to become indulged in violent activities in their later lives (Maertens & Anstey, 2007).

Inappropriate or no Education and Skills

An large econometric study by Collier (2006) found that conflict is concentrated in countries with little education. This analysis finds a relationship between low education levels and risk of youth violence. Unequal access to education can become a source for tension, which may lead to rebellions, conflict and violence. This link between lack of education and conflict is supported by recent case studies, such as Oyefusi (2008) who found that young adults with low educational attainment are more willing to join rebel groups in the oil-rich Niger Delta, than better-educated youth.

The nature and quality of education are also important, as the mismatch between the content of education and job opportunities available can be a source of frustration and school curricula can be

a powerful means of mobilization and indoctrination (Hilker, & Fraser, 2009).

Role of Police/Law

The potential role of the police in crime prevention is weakened by problems within the police force (United Nations, & World Bank Report, 2007). It is noted that even if the majority of respondents in youth are being caught committing a crime, the possibility of buying one's way out through bribes to police is always a feasible option (ALEPH, 2006).

When law making and enforcing agencies are corrupt, when there are no strict rules and regulations to control people's behaviors and when the whole legal system is loosely structured and fails to maintain fear and order among society's members then this loss of fear and unchecked freedom results in large criminal and violent acts (Hilker, & Fraser, 2009). Lack of competence and control of state security provision, abuse of state force (human rights abuses, oppressive policing etc.), presence of non-state security actors, accessibility of small arms and light weapons; existence of external threat, regional / border conflict, international military involvement, legacy of past conflicts all increase the risk of violence among the youth (Hilker, & Fraser, 2009).

Domestic violence and child abuse

International evidence suggests that children who witness domestic violence are more likely in the future to engage in antisocial and violent behavior (Smith, & Thornberry, 1995; Margolin, 1998). Child abuse is widely considered to be a powerful risk factor for youth violence. It is associated with an increased likelihood that children engage in delinquent and violent behavior, as well as increased risk of children abandoning the home (UN, & WB, 2007).

Availability of Guns and other Weapons

Youth violence is a complex problem, influenced by psychological, economic, and social factors. But the problem has worsened substantially because of easy accessibility to lethal firearms (Reich et al., 2002). Guns can cause deaths and severe injuries more effectively than knives, clubs, or fists, and with guns, even transitory violent impulses can have lethal consequences (Reich et al., 2002). Guns also are easily available to young people, even though law, with a few exceptions, prohibits young people from purchasing rifles and shotguns or possessing handguns (Hilker, & Fraser, 2009),

When the law and order situation of a country is seriously disturbed the youth would have an easy access to guns and other dangerous weapons and the ratio of violent acts and crimes could increase to an extent that it becomes problematic for the whole society (UN, & WB report, 2007).

How can we implement law to control violence and crime among youth?

After identifying the root causes, it is critical to identify the solutions to prevent, reverse, or ameliorate the circumstances that trigger violent conduct. According to Ontario Bar Association (OBA) working group, there are laws and regulations in place, which afford assistance to youths in need of protection. The effectiveness of those laws is determined by their enforcement, which also depends on adequate funding and proper human resources to carry out the statutory mandate (Hilker, & Fraser, 2009). The efficacy of that legislation is dependent upon the way in which it is enforced, the competencies of the enforcers and their commitment to fulfill the legislative mandate. Legislation can be a key tool in changing violent behavior of people. There are numerous ways through which we can effectively and efficiently implement law in order to control violence and crime among youth:

Steps to Prevent Youth from Committing Violent Acts

A state's first priority should be the development of effective laws for the contest of violence among the youth. State bodies need to ensure that law enforcing agencies should not be corrupt. Prevention must be a key element of the state's strategy on juvenile crime.

Data collection, research and evaluation are essential to understanding the trends, problems and causes of youth violence (Harvey, & Lloyd, 2006).

Poverty and inequality should be eliminated and state should offer equal employment opportunities to young people. State should provide appropriate education and skills to all young people. Fear of law should be produce among people by stating clearly that any sort of criminal behavior will not be accepted so they should have to avoid violent acts at any cost.

The most veritable and effective tool to arrest youth violence is to provide youths with a positive nurturing and caring home environment, where there is love, respect, trust, communication, common vision and values, cooperation and a sense of purpose (OBA working group). Strategies may be evaluable using existing youth serving organizations to increase capacity for home visitation and parental training to reduce levels of violence in the home (UN, &WB, 2007). Positive environment be created in school to meet the needs of children (OBA working group).

Effective programs should be started by the state in order to raise awareness among young people about the legal rules and regulations on a regular basis. Youth should not have an easy access to guns and other dangerous weapons. Provision of weapons to youth should be banned and considered a serious crime. The new legislation requiring the registration of guns should be strictly enforced (UN, & WB report, 2007).

Legislation should name a state body responsible for implementing the domestic violence law and a separate state body responsible for monitoring the law. State should actively cooperate and collaborate with the non-State sector to implement a wider range of facilities and programs to prevent youth from violent acts (Harvey, & Lloyd, 2006).

Steps to Control Re-occurrence of Violent Acts among Youth

State must ensure that their laws, policies and practices support international minimum standards on juvenile justice. A review of all significant laws, policies and practices should be undertaken in order to identify gaps, shortcoming and violations in the system for children and young people in conflict with the law. State bodies need to coordinate their activities and programs to ensure the implementation of the widest possible range of services for children and young people in conflict with the law. In order to inform the development of juvenile justice strategies, States need to establish an effective system of data collection and collation to monitor the trends, problems and causes of young offending and assess the impact of different responses to youth crime (Harvey, & Lloyd, 2006).

The State should endeavor to set up a separate juvenile justice system, so that all under-18-year-olds are dealt with under separate laws and procedures and by separate institutions and/or personnel, e.g. there should be specialist prosecution offices, staffed with or cooperating with social workers and psychologists, so that cases involving children as perpetrators, victims and witnesses in criminal and child protection cases can be dealt with effectively and appropriately. There should be separate juvenile courts, presided over by specially trained judges where decisions should be based on the principle of 'equality' (Harvey, & Lloyd, 2006).

All young people who come into conflict with the law, regardless of whether they live in rural or urban environments, should benefit from being dealt with by professionals trained in children's rights and welfare. Efforts need to be made to raise awareness and deliver training on children's rights and welfare to all law enforcement personnel who come into contact with young people (Harvey, & Lloyd, 2006).

Provide "second chances" for youth at risk to complete their formal education, obtain relevant job skills, and/or learn relevant life skills (United Nations, & World Bank Report, 2007).

NGOs and community organizations should be aware of the role that they can play, not only in campaigning for reform, but also in plugging the gaps in the prevention, rehabilitation and reintegration services for children and young people, both in terms of the range of programs and the geographical coverage, and should coordinate their activities in order to provide joined up, complementary services (Harvey, & Lloyd, 2006).

There is a need for the police to receive training on children's rights, welfare, interview techniques and codes of conduct in dealing with children and young people. Guidelines/regulations should be developed to govern the handling of young offenders. The State should provide defense lawyers, who should be trained to handle cases involving children. Police stations should be independently monitored to ensure that the rights of children and young people are being upheld. Pre-trial detention must not be imposed on under-18s unless absolutely necessary and domestic legislation needs to reflect this standard (Harvey, & Lloyd, 2006).

A range of alternatives needs to be available for the body making the sentencing decision. Legislation must not allow life imprisonment of young offenders. The reintegration process should start many months before the young person is released. Regular evaluation of the young person's progress needs to take

place to ensure that his needs are being met and that he can be released as early as possible. State agencies and institutions should cooperate with NGOs and community organizations to ensure that support is provided both while the young people are detained and when they are returned to their communities (Harvey, & Lloyd, 2006).

In this paper, & pares are quoted/produced from Harvey & Lloyd 2006, 5 para, from the UN-WB Report 2007, 4 paras from Hilker Frazer 2009, and so on. However, the opening paras and the conclusion come from the authors of this paper.

Conclusion

The phenomena of sociology of law in the contact of youth behavior especially related to violence and crime how its relevance. Our daily life matters which is deeply influenced by the law and the associated rules and regulations. In cultural, political, social, economic, religious in short every aspect of life is influenced by the phenomenon of law in norms, the society. It is the based on the terms and conditions and the foundations of constitutions. Sociology of law is about securing the human rights which also covers the youth right to. Rules and rights are not just for one sector or one community but, these are it universally applicable. The connection between law and development and awareness among youth would improve with the passage of time and under the influence of globalization which promotes the basic rights of youth more effectively.

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