

John locke's social contract theory



**ASSIGN
BUSTER**

The rationale of the current criminal justice system will not be as humane and civil without the contributions of John Locke on the field of Social Contract.

Locke's positive view on the concept of government has created a system of principles which paved the way for one of the most efficient political ideologies in history. And because of Locke's remarkable ideology, societies across the world would have still been ruled by kings and tyrants who tend to execute the authority of the law through brutal and diabolical means. In a general context, the Social Contract Theory is a political concept encompassing an agreement between political and moral obligations granted to an individual (Curry & Goodheart, 1991). Locke however emphasizes a positive perspective of human nature by suggesting that humans have a unique ability found in reasoning. Locke furthers his argument by insinuating that humans are created equally with rights such as life, liberty and property and should not submit to a single person's will (Locke, 2003). In addition, Locke also sees the natural law as the standard in justifying the immorality of violating rights concerning a person's welfare, which includes life, liberty, health and possessions (Locke, 2003).

Locke's ideology also constitutes that individuals under the jurisdiction of a particular government surrender several of their rights in order to secure stable delectation of life, liberty, and property in order to think and act in a rational manner (Locke, 2003). However, Locke also explains how governments should have little and limited control of the people's rights and that such submission of rights should be conditional due to the countless instances wherein governments exercise tendencies to abuse power as well

as corrupt and oppress people. Therefore, the stipulations of Locke's Social Contract Theory only calls for the concept of moderation as far as governance is concerned. The premise of Locke's Social Contract Theory has proved to be a compelling force to the current criminal justice system. In the context of modern criminal justice system, property holds as the key element while the society and the government act as the factors under the social contract. In accordance to the manner of how modern individuals abuse freedom, which lead to chaotic and destructive aftermaths.

The current criminal justice system does not involve prejudice among the society and the government who will pass down the particular verdict for violations against the law. Unlike the monarchial system of justice wherein the entire prosecution the ruler's responsibility, the current criminal justice system is comprised of various factors like police, courts, lawyers, which makes due process possible. During the height of monarchies, public trials are usually held only once, and public opinion serves as the jury. In the modern concept of a Due Process, the rationality described by Locke comes in various ways.

First is Due Process wherein the criminal or the public offender goes through a series of court hearings or trials in order to find out if he or she is truly guilty or not. As such, the vile nature of prejudiced public opinion and the brutality of a monarch's irrational judgment are superseded by the court proceedings thereby giving a suspected criminal an opportunity to defend his or herself from accusations being thrown. Second is contradictory to the instant execution or damnation of a public offender in monarch ruled societies. The modern justice system offers alternative forms of punishment

such as particular number of hours for community service, house arrest, counseling sessions, and peace negotiations. Moreover, the current criminal justice system is inclined on reasoning in such a way that it implies violent methods or carnal punishments are not the only way of expressing authority and that it is of human nature to err.