

# Informative essay on social contract theory of john locke

[Law](#), [Contract Law](#)



**ASSIGN  
BUSTER**

Social Contract Theory of John Locke Lisa Moore University of Phoenix Ethics in Justice and Security CJA 530 February 29, 2010 Roger Long, JD Social Contract Theory of John Locke According to John Locke (1690), “ the people give up some freedoms to the government or other authority in order to receive or maintain social order through the rule of law. ” When the people surrender some freedoms and the government agreed to work together towards a common goal, to promote equal protection for both the people and the government. Based on the agreement a government was created.

Therefore the government of the United States, has the powers to prosecute and punish individuals for criminal acts, and bears the responsibilities of providing public safety to the people through the police, court systems. We the people agree to obey civil and criminal law enforced by the government, and pays our taxes and the government agrees to treat us fairly and protect us and protects the country and our freedoms by uphold the Constitution. John Locke influenced Thomas Jefferson and our Founding Fathers while writing “ the Declaration of Independence and the U.

S. Constitution, Locke’s Social Contract Theory on America’s political and governmental system is undeniable” (Moll, 2006). While writing the Declaration of Independence, Thomas Jefferson, drew heavily from the writings of John Locke, and placed them in the Constitution. The social contract theory infuses both these documents. Thomas Jefferson adopted Locke's ideas people had rights to life, liberty, equality, and pursuit of happiness, the responsibility of government must protect those rights, and put them in the Constitution.

The government was established from the consent of the people and therefore the power of government should be distributed among different institution. The words “ we the people” in the Preamble to the Constitution, illustrates the people have agreed to work in partnership with government to establish justice, insure domestic tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of liberty to ourselves and our posterity” (Schwartz, n. d. illustrates that both the American people and government agree to work together to ensure the rights of the people will be protected at all times. “ The Constitution is a flexible, lawful document of rights and restrictions. The Articles of the Constitution affirm the shape of government, divided into three branches, which are given powers to keep the others in check to balance government. The amendments grant certain civil liberties, but like the articles, also assert specific rules and restrictions on those who are not granted civil rights.

The philosophic beliefs of natural rights to life, liberty, and property of John Locke are expanded into the Constitution, specifically the Bill of Rights” (Raborg, 2008). By using the Bill of Rights from the U. S. Constitution as a foundation for police ethics training is better than using state ethics law, because officers have taken an oath to uphold the principles of the Constitution. The major justification for corrective (criminal) law is prevention of harm.

The social contract theory explains that law is a contract each individual gives up some liberties and, in return, is protected from others who have their liberties restricted as well. The interference of law in natural liberties

kept to a minimum and should step in only when the liberty in question injures or impinges on the interests of another. The “ Social Contract Theory gives legitimacy to the American criminal justice system and the role of police in our society.

The authority of police is derived from the people through the social contract, which holds that the purpose of government is to better protect the rights that people already naturally possess: those of life, liberty and property” (Moll, 2006). The social contract theory is the foundation which our criminal justice system is based upon. The government exists to serve the people, and to maintain the political power. Locke’s “ ideas are the fundamentals of American government today, Americans are free and have civil rights but when decisions are made in Congress, majority rules, but minority rights are protected” (Raborg, 2008).

The U. S. Constitution establishes the form of government the people have agreed to abide by in turn the government agrees to protect the people, was built on the beliefs of John Locke. When the Founding Fathers drafted the Constitution they left room for the Constitution to be modified to protect the people as society changes to ensure that the rights of the people are still being protected, and the government can provide more protection to the people without violating their given rights.

Without the philosophical influence of John Locke on our Founding Fathers, I wonder what our criminal justice system would be like. References Locke, John (1690) “ Two Treatises Government” Project Gutenberg (10th

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