

Consensus vs. conflict

Law



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It seems this view completely ignores things, such as the overwhelming privileged inherent in attending law school, or that becoming a judge requires significant political acumen. While it acknowledges that there are diverse and competing interests within a cultural framework, it assumes that the social structure exists outside of them, created through some metaphysical objectivity; this is logically inconsistent, as it fails to take into account that the very people who constructed the legal system were influenced by these same pernicious motivations. Even so, most citizens and scholars recognize some truth to the consensus model. While the Supreme Court structure in American society is understood to be highly reliant on the personal backgrounds of the individual justices, society has objectively accounted for this and openly negotiates how personal bias will be used towards equitable means. While this may be a highly reductionist take on the process of law, as a conflicting argument would be that even the democratic voting process is indicative of oppressive power structures, in these instances, there is at least the social movement towards equitable democratic consensus.

Conversely, the conflict paradigm aligns the social structure as a means for powerful entities to continue their social domination, and it is this perspective that is most predominant in the United States. Whereas the consensus perspective seems somewhat idealized, the conflict perspective is in contains a healthy amount of realism. One need only recognize the overwhelming influence of lobbyists when discussing this theory, and indeed recent concerns with campaign finance reform indicate that there is a substantial truth at the core of the conflict paradigm. While a thorough understanding of the validity of this perspective requires an in-depth analysis <https://assignbuster.com/consensus-vs-conflict/>

of concepts of justice, even a cursory analysis of major social occurrences stands as a testament to its validity. For instance, the original O. J. Simpson trial was seen by many to have been greatly influenced by the defendant's fame and wealth.

In conclusion, while the United States seems to be most aligned with the conflict perspective, it's important to remember that these paradigms often interact in harmonizing ways. Just as the legal system was vulnerable to the wealth and fame of Simpson, it was also malleable enough to convict him of a lesser charge a number of years later. This indicates that the formal structure of society functions in great parts through organic means of social consensus and responsibility. While settling on a single perspective indicates a tremendously naïve understanding of the social structure, only when one realizes the confluence and interdependence of the perspectives due they gain true insight into the nature of America.