

REACTION #11

(§1) I frame my world in the simplest possible terms of understanding. John Locke is a breeze to read in this context. In the beginning of his essay concerning civil government, Locke sets forth an argument that man in nature is at perfect freedom. Adam, and Adam alone, lorded over the flora and the fauna. His having no heir apparent meant man's dominion over the world was mutually collective. Absent man binding together under a common polity which I find best defined (in paragraph 3) as his statement of what "political power" is, "a *right* of making laws with penalties of death, and ... less penalties, for the regulating and preserving of property[,] ... [and] for the public good", man exists outside of a polity in a state of either nature, or war.

(§2) The state of nature is a "state of perfect freedom ... equality ... liberty" and supposed utopian preservation of life, health, liberty and possessions. Locke states these are ideals to be enforced in defense of self and others in compliance with the "law of nature" which he says in paragraph 7 "willeth peace and preservation of all mankind" for which "every man" is accountable to obey and enforce. In cases of "violating the law" and degenerating from the "right rule of reason" (paragraph 10) the transgressor is liable to either punishment or reparation by and/or to the wronged. In paragraph 11, Locke argues for punishment and reparation to be both of satisfaction (the prescribed penalty for the evildoing) and retribution (exacting revenge as an example to deter others from the same and similar offenses). "The damnified person has this power ... *by right of self-preservation ... by the right of preserving all mankind*". Locke lays the framework for justifiable use of force to these latter ends in paragraph 19 where he states "men living together according to reason, without a common superior on earth, with authority to judge between them, is *properly the state of nature*".

(§3) My §2 Clearly describes the nature of crime and punishment in American Democracy. Punishment, whether for a tortious wrong or a criminal transgression, provides not only satisfaction but also punitive retribution to serve as a deterrent to others. The "right rule of reason" Locke speaks to is exemplified by United States law being presumed reasonable and also that only a jury of your peers may mediate if, and to a significant degree how, it prevails given any particular set of facts and circumstances. United States law is designed to do exactly what I lay forth in §1 and §2, deriving its just authority under what you, Dr. Friend, freely acknowledged is the American system of oligarchical constitutional republic government that the United States has transformed into today under the living concept of American Democracy.

(§4) The state of war to Locke is to subjugate a person to the rule of a despot. It is the use of force where man "has no right, to get me into his power, let his pretence be what it will, [because] I have no reason to suppose, that he, who would take away my liberty, would not, when he had me in his power, take away everything else" (paragraph 18). In contradiction to Locke's assertion the state of nature exists without any "common superior", Locke's paragraph

19 continues “force without right ... makes a state of war”. Only when both sides are subjugated to a fair determination of law does a state of war cease (paragraph 20). In paragraph 21, Locke states “where there is no judge on earth, the appeal lies to God in heaven”.

(§5) Locke reduces slavery to a claim of legal right to license of death over another person in the context of what I here delineate as slavery, peonage, or involuntary servitude. Freedom from involuntary servitude is “a liberty to follow my own will in all things, where the rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another *man*” (paragraph 22). Locke argues in paragraph 23 man cannot consent to murder, subsuming his own suicide or death penalty. Slavery is between a “conqueror and a captive” and it breaches Locke’s philosophy one may will his own death, as a slave may to his master. The slave has no choice but to obey or die.

(§6) I’d like to opine suicide is completely frowned upon in the Commonwealth of Pennsylvania, holding with Locke. People can be committed to psychiatric hospitals for cause of suicidality as easily as homicidality, and possibly more frequently. However, I know that in Pennsylvania one may argue for their own death at the penalty phase of a death qualified jury. Also, under the 13th Amendment to the United States Constitution, slavery is reduced to afro-American slavery, peonage to things like master silversmith Paul Revere minting master silversmiths apprenticed to him for the entirety of their minority, whose work product he owned. And involuntary servitude in case of the stereotypical illegal migrant worker working for less than minimum wage at bushel rate and being provided spartan barracks to live in with perhaps a bucket in the corner as a toilet, fed subsistence gruel, earning a dollar or two an hour with an overseer keeping them on the farm, and stashed away from the perceived threat of ICE.

Afro-American slavery is dead in the United States. Peonage is area specific and mostly found today in context of an adoption agency selling babies to ranches and farms to be raised as cheap labor, without compulsory education, fed gruel, and rarely if ever leaving the property save for trips to the crooked doctor. The crux of involuntary servitude under the 13th Amendment, which is most commonly seen, is (1) “master’s will, not mine” with (2) “coercion, however subtle” and (3) “no choice, however painful” exemplified by the framework such as an unlawfully convicted inmate faces, namely: (1) forced convict labor, (2) performed in chains at the will of the warden, (3) under real threat of murder for any escape.