

Part A

Cover cultivates the argument that law requires violence in order to enforce its words, although he doesn't acknowledge how precarious this relationship is and how there is harm in the exchange of power and trust if there isn't a proper balance regarding violence and other factors. Law needs the element of violence to administer it. Without the violence, or threat of consequence that comes as a result of disobeying the law, there would be no true incentive for people to obey the law. Lecture 10 reiterates this, without the threat of power that violence provides, law is not feared and therefore loses its ability to be impactful. Lecture 10 also provides a definition for the term "violence," how it is "an unjust or unwarranted exertion of force or power." This definition of violence will be used throughout this paper. Returning to Cover's claim, he states that for law to exercise its power at the utmost capacity, it needs the strength that violence provides. Cover's argument may be limited in the sense that it doesn't examine the power dynamics from every perspective. On a micro level, it seems that violence enacted from the legal standpoint serves as a declaration of power over the common citizen and whatever crime they may choose to commit, but Cover does not take into account that the legal system would have no power unless the individuals agree to comply. It is integrated quite deeply in our societal norms to enlist the judicial and legal systems with power over us in exchange for the legal protection that this brings. The average individual chooses to give up their power. This is the reason law has power, even with the violence factored in. Consider how violence can enhance the influence of both the individual and the legal system. A surplus in power can build anyone's arsenal to the extent that they have the control. If everyone decided to empower themselves in this manner, through violence, then what hold would the courts and legal system have over the general public? In practice, this is not an issue because we relinquish this individual power and allow the legal system to possess this power and keep every individual in society safe. The main idea to extract from this argument is the silent exchange of power and by extension, trust that occurs between the individual and the legal system. Once this exchange occurs, the legal system is granted power and uses symbolic and physical violence to execute this power and maintain order.

Cover claims that the coordination between words and the violence used to implement those words is perfectly effective. It can be argued that while there has been improvement in the relationship between law and word, it is still not perfect. There is a clarity missing. There is still a large volume of instances where excessive violence is applied under the guise of maintaining order and protecting the word of law, which could be handled better if violence wasn't the only tool being used. This enactment of unreasonably high levels of violence is what leads to the veering away from the original objective of

protecting society. In the social setting, this calls into question the legal system's ability to produce the desired result. This may lead to public distrust of law and government officials. This would likely induce societal panic and inadvertent chaos and therefore create an even more unstable and dangerous environment.

Rather than maintaining little to no connection between the word of law and violence, as that only produced confusion and more unethical behavior in the past, the current focus should strive towards building a stronger connection between control and the word of law without overdoing the violence aspect of control but by striking a balance between violence and clarity.

Part B

There is a complex relationship between police and use of violence, and it is apparent that the inability to find the appropriate balance of violence is detrimental to police officers and society. Cops exist in a unique position in that they can both exert violence and be controlled by it. Technically, the average individual can also use violence, but the majority of the population forgoes this right to use violence in exchange for judicial protection and legal rights. As illustrated in the Thin Blue Line theory introduced in lecture 11, the challenge for police is to fight criminal behavior using legal violence, but refrain from using excessive violence in the process. The Economy of Violence describes this aptly, as police are expected to use the least amount of violence to handle the task at hand. In practice however, as Lecture 10 states, police often expend unnecessary violence in the streets and in the interrogation rooms, with the reasoning that it is their duty. There is discretion involved and that factors into the violent action police may exhibit. Context is key in understanding the discretion used in ambiguous situations.

There are a host of interactions between an officer and a civilian which are difficult to justify. The case of Rodney King is one example discussed in class where police brutality was rampant. These interactions aren't exclusive to streets, there are also several encounters at the station. As seen in Central Park Five, police use the physical and psychological facets of violence to evoke confessions. Again, this requires an objective study to determine whether their discretion is actually justified or an abuse of power, and in many cases, it leans towards the latter.

It is important to note that police are pressured to find the perfect balance, which Lecture 13 encapsulates. Police seem to be held to higher standards because they are the preliminary interactors with suspects. The public is aware of their presence in day to day life. The media especially seems to focus more on reporting police misconduct, perhaps because police instigate a more simple level of the law in their work that many can comprehend.

There is a concern about police rage and racial discrimination and at the same time, police are expected to be very powerful and protective. There is also a systematic racial bias that our society promotes and even police officers are affected. Lecture 14 suggests that this may be one reason why police use more violence than a situation calls for. There is also the police culture of being almost above the law, and combined with the previously mentioned conflicting pressure and expectation, this often culminates in officers participating in questionable behavior.

This helps illustrate the consequences of any one party having too much power over another. This discussion naturally evokes how if the relationship between the people and the police is rather adversarial, and if police can't be trusted by the people, then there is an element of justice missing in a system that is actually designed to exemplify justice.

Part C

The downside in offering another party power in exchange for their protection is the possibility that they use the power as a means to cause harm, and the hyper focus that our legal system gives to retaining power detracts from their objective of protecting the society.

In most circumstances there are varying perspectives between parties. As discussed in quiz section, when we allow a judge to dictate a ruling in a dispute, they are creating a shared reality that everyone must accept. Moving forward, this unilaterally erases any alternative perspectives, only one idea is deemed accurate. Allowing this much vulnerability gives the legal system more control than a situation might call for, especially if the outcome is unfavorable.

It is evident that in most interactions, the party with the power also maintains the control. It is difficult to find the optimal balance regarding violence application, but many times, there is an unproportionate amount of violence applied to uphold the law. Lecture 17 discusses the arbitrary factors that are present in capital trials, and how innocent people have been historically executed. Another form of violence takes place in that the prosecutor and public defender may be at different levels of stature, this harms the defendant. McCleskey contributes to this discussion, stating that capital trials are largely shown to be discriminatory against people of color or people of lower class. Societal systematic biases are built into our upbringing. It can be difficult to break away from these patterns and treat everyone with equity. However, it is the duty of legal officials in charge of assigning punishments, to bridge the gap between their initial prejudice and what the just mindset is. This profusive use of violence to protect the word of law unfairly targets a large portion of the population, and is ultimately not productive in protecting the people.

As discussed in lecture 16, there is a fine line between revenge and retribution. Capital punishment may appear to be a procedure that achieves justice in the name of law, and protects any victimized party's right to that justice. However, practically this often translates into a revenge driven, action fueled with the desire to demonstrate power rather than acting in the interest of safety and order.

Lecture 15 mentions how the death penalty has never been ruled unconstitutional in the US. This sheds insight on how much power we have given to the legal system. The fact that we allow the court to decide whether we are allowed to continue living, albeit as the consequence of committing a crime, is astonishing. This is an immense amount of power to grant to another party concerning and this leaves room for the legal system to exploit this exposure.

Further evidence that our legal system has a tendency to dispense violence in an attempt to maintain control is derived from the movie, Central Park Five. In quiz section we inspected the imperfect nature of

our criminal justice system and the staggering degree of racial bias integrated in our daily lives. There was an almost unimaginable magnitude of violence used against the suspects. An almost incessant need for control can likely be credited for this, combined with deeply rooted racial prejudice. The culture of interrogation and torture is another way to exercise power. People originate from an array of backgrounds, especially in terms of education and experience. Suspects who are uninformed, which is the majority of the public, are unable to engage at the same level as the interrogator who has a sound background in law. Confessions can be elicited through intense, psychologically manipulative procedures and scare tactics, and going so far as to lie and promise false outcomes to the suspect, is considered legal. Again, this begs the question, why are practices that border on unethical considered acceptable methodology? It can be argued that conserving control is considered the priority, not public justice and safety. There's also the violence present in prisons, we discussed in quiz section how police guards and wardens often get carried away with power. As demonstrated in the Stanford Prison experiment, it is easy for an average individual to get absolutely carried away with power. It's human nature, and therefore only logical that people in positions of power may be susceptible to this phenomenon. It seems that the legal system has a higher regard for retaining their power, even at the expense of the individual, and this disrupts the balance in power without delivering on the promise of safety.

Part D

The behavior and mindset of the legal system and the police force teaches a valuable lesson in the concept that too much of anything is an attractive idea in theory but not in execution. In this case, the violence used to empower the law is only productive to an extent. Once the point of diminishing returns is reached, violence is actually harmful to society and this is the opposite of the intended objective.

The excerpt from *The Violence and the Word* implies that there should be a willingness for the establishment of a strong link between “judicial utterance and violent deed.” This is true to an extent, because without this legal control there is a threat to society’s safety. This relationship is delicate, but by enacting violence from the judicial standpoint, our legal system is able to enforce the legal word and control the occurrence of violent crimes.

As stated in the excerpt, there was not a strong enough link between judicial declarations and crimes in the past. In response, the legal system increased how much violence it enforces to strengthen this link, however, violence is not the only way to empower the word of law. The relinquishment of individual power in exchange for protection does play a huge role, but this leaves the individual in a very vulnerable position because the legal system will exploit this endlessly, applying excessive violence when unnecessary.

Instead, the legal system should attempt to find other factors to reinforce the word of law in conjunction with the violence aspect. This would be more effective than relying solely on violence, to an extent where there is more harm being done than good. Increasing the clarity of the word would be a well thought out, moral way to decrease the saturation of violence tactics and work with the public rather than against it. Our current system falls short from almost every angle.

It is fairly obvious that the law was not written for the common person to understand seamlessly. As discussed in Lecture 10, it is inaccessible and difficult to understand. This creates a disconnect between the legal system and the individual, and a lack of communication between these groups is the biggest factor standing in between them. How can anyone follow the law if they are not clear on what it is? How can anyone enforce the law to people when there is no common language being spoken? These are valid criticisms of the way the law is written and executed but can easily be improved with reform, but cannot be changed with a never stopping application of violence.

The power and trust exchange between the citizen and the legal system only works successfully when the legal system prioritizes the citizen’s safety and doesn’t jeopardize the trust. In fact, the excerpt shows how without clarity, the citizen’s power and safety were both at risk. The current method of excessive violence

seems to only help the legal system, while disregarding public safety and putting police in extremely difficult positions. Violence is not the only answer to maintaining order and control. Violence is not sustainable and the discord happening in our present day is proof of that. A more viable approach is in order, and opening up lines of communication is vital. Perhaps including clarity to law, and balancing that with the violence employed will be beneficial to everyone in society and create a peaceful relationship of coexistence, as it will demand less vulnerability from citizens and less violence from the legal system while still opting for control.