

Justus Hall

Senior Seminar A-3/4

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Regulation of Freedom

When attempting to grant basic rights and freedoms there are many different definitions of freedom that people may use. Some may say that freedom is the right to do whatever you want, whenever you want. Others say that freedom may just be the ability to own land or have your own opinions. I, however, would say that freedom is the ability to exercise one's agency as long as it is not conflicting with the agency of another. This is especially true in cases where religious or political differences may occur as I have seen several instances of individuals abusing their right to freedom in favor of assuaging a religious or belief-based preference. In this case I believe it is the responsibility of others to respectfully step in and either mitigate the negative consequences by way of negotiation or to alert authorities who will be able to temporarily remove them from a situation where they may neglect their duty to controlling their personal freedom. Freedom must be regulated because we have lost sight of the inseparably connected responsibilities associated with it. We can self regulate by focusing more on helping things go right instead of fixing problems when they arise, educating ourselves, and knowing our basic rights.

Outlined in the Constitution of the United States of America are several basic human rights that all people should be given. These include, but are not limited to, freedoms of speech, press, religion, petition, and assembly, as outlined by the First

Amendment. After the Revolutionary War many other nations followed suit and granted long neglected rights to the common man. However, these wonderful freedoms we enjoy today are also often taken advantage of. People take freedom of speech to mean that they are enabled to verbally abuse and assault all who disagree with them. They take freedom of religion to mean that their beliefs can supersede any laws in place. They take freedom of assembly to mean that storming the Capitol and interrupting all proceedings there is justified! What was once given to us as a means of combating monarchical tyranny is now backfiring and destroying the democratic system we have in place through the slow misuse and overuse of self-regulation. We must limit these freedoms to enable freedom for everyone, not just those that take it and abuse it.

The Declaration of Independence lists merely three rights to grant to all of the citizens of the newly created United States: life, liberty, and the pursuit of happiness. All other rights are built on these fundamental principles. By saying that life is a basic human right we can immediately condemn murder or any other actions that threaten the physical wellbeing of others. Liberty encompasses the rights of speech, religion, press, and assembly. These are all necessary freedoms as the first thing an oppressive government will do is isolate, demoralize, and dehumanize. By basing the government on the people and giving them the rights to express themselves and stay rooted in culture, we enable all to live freely and avoid the choking weeds of a tyrannical government. I find that the last basic human right, the pursuit of happiness, is actually quite interesting because I consider happiness to be a more personal business as it is completely up to the individual to determine what is happiness and how to achieve it. In

this sense, pursuit of happiness is the ultimate freedom because it is the only one we are completely in control of.

Over and over we see instances of the freedoms of life and liberty being revoked and strictly controlled by governments, militant groups, and even common people found in the wrong place at the wrong time who think they are forced to make a deciding move. However, we generally just consider these situations as facts of life. Yes, there is going to be oppression on some ridiculous basis in some far off country and no, there isn't going to be a huge uproar about it. However, what is most disconcerting is that often we do not even stop to consider how we might be impacting the freedom of others. The first responsibility of a citizen is to stop thinking solely of how they are being benefited by the government but how it impacts their community, and the effects on an even broader scale as well. I believe this principle can be taken one step further to say what I have learned in *The Anatomy of Peace* to be seeing people as people. When you look at those around you and see that they are living, breathing human beings with all the hopes, dreams, challenges, goals, beliefs, and love that you do it immediately becomes incredibly difficult to brand them in a certain stereotype or as a figurehead of a menacing ideology, and opens up the way to true communication. Consider the following scenario. In *Warriors Don't Cry* Melba, one of the first African American children to integrate into a white high school, is faced with vicious discrimination and racism on a level which she has previously never been exposed to. We can speculate, with a great deal of imagination, what it might have been had the citizens of Little Rock, Arkansas, viewed these brave children not as lesser beings to be despised and cast out, but as people, just trying to live their lives as best they can. When people think

about what consequences their actions impose and view peers as people it enables differences to be set aside and communication to happen.

A portion of the so-called “criminals” that the American Justice System puts in prison today are there largely due to the fact that this was how they were raised and that they found themselves with nowhere to go after one stint in prison. In a report by the World Population Review I learned that the national average rate of recidivism is 44% of criminals are returned to prison for a different offense within one year of being released, and the numbers just go up the more time out. Does something not sound wrong there, that these people have spent years upon years wasting away in prison because they did not have anywhere better to go? I believe this stems from the manner in which we treat lawbreakers: that the system ignores them until they commit a crime. However, I believe there is a much better way to think. By educating the general populace, both before and after incarceration, we can greatly decrease the rate of repeat offenders. We can see these principles put to good use in many European countries, most notably Portugal.

In the society we have today a major issue we are facing is substance abuse. In a couple of severely sobering reports from the National Institute on Drug Abuse and the European Monitoring Centre for Drugs and Drug Addiction we can see that while the whole of the European Union’s drug overdose deaths barely scratched 6,000, the United States of America was sitting at a whopping 91,000. The population of the European Union was far above that of the United States, being 447 million to 329 million, yet they had one fifteenth of the overdose deaths. The worst part of all was that these were 29 separate countries in Europe compared to one single giant of a nation:

America. We are truly enabling freedom if you are free to explore all that this world has to offer i.e. drugs. However, in this situation it is not the freedom to take drugs that is making all the difference, as we are certainly not lax on the criminalization of dangerous substances. No, in this case it is the very punishment that keeps people from becoming successful and therefore keeps them reliant on drugs. You are free to get stuck in a never ending system that keeps bringing you back to drugs, and, generally, the prison system. This needs to stop as there are much more effective ways to deal with drug addiction.

In 2001, Portugal enacted a new policy decriminalizing drugs for recreational and medical purposes, meaning that while getting caught with drugs is still an infraction it does not come with a jail sentence and an addition to the perpetrator's criminal record, but generally comes with a fine and an optional appointment with health specialists. While this does not completely mitigate the spread of cannabis and other drugs, it does, debatably, significantly lower the rates of overdose and lifetime returning use.

Let us think about a few different methods of parenting. In the first example, a parent does not set any ground rules and enables their children to learn by experience and experiment with everything that life has to offer. In this situation the all-knowing parent is not quick to give reward or punishment but to let the natural consequences of the actions direct change. In the second, the parents have some rules, but prefer to let their child guide their own decisions. This method could very quickly go downhill as an independent child may think they are very close to absolute freedom with the small set of rules being the only obstacle keeping them from their goal. Thirdly, there is a strong foundation of what is expected but also a measure of freedom involved to enable

learning. Lastly, the fourth type of parent governs everything through rules, and whenever something happens that goes against those underlying regulations, they are quick to punish. These parental attributes can also be applied to systems of government and there is always a clear view of which type works.

When comparing these types of parental control against the systems of government we have today it is easy to see which type of parent Uncle Sam is, and that may not be a good thing. The judiciary force we have often overreacts to small instances of protest, and many people have been hurt. However, we have also seen how mobs and individuals can become violent and out of control, voiding their rights to freedom. Is it so difficult to see the cause of these reactions when viewed from the eyes of the authorities? We have tens of thousands on the government's payroll, and they are human, just like us.

On January 6, 2020, the United States Capitol Building was flooded by dozens of so-called "patriots" who believed they were fighting to protect democracy by preventing the ratification of the voting results, which they thought were rigged. While they may have claimed they were using their First Amendment right of assembly to show their view on the election, they lost that right to assemble when they used violence to enforce their idea. More than seventy-five people were charged with using a deadly or dangerous weapon or causing serious bodily injury to an officer. Although we should always be willing to defend our rights, freedoms, and the opportunity for democracy, fighting is not the first or the best option. These people show that although we may have a right to peacefully protest and assemble, we are not entitled to display force to achieve our own agenda. I believe that in this scenario we have been given too much

free-will, and proper education is necessary to prevent further aggression and misunderstanding. Change for the good can be brought about by teaching people the value of honesty and how their voice can make a difference.

One extremely dangerous mentality is that freedom is not granted by the government and that they have no right to restrict it which, while I am not fully opposed to the idea, poses several problems in our society. The first of which is that these ideas can lead to more extreme ideologies and even domestic terrorist groups. This may have been what happened to Chase Allan. According to *The Deseret News*, on March 1, 2023, police officers conducted a traffic stop due to an illegitimate license plate which resulted in the death of Chase Allan after he refused to cooperate, and allegedly attempted to turn a gun on the officers on duty. This all stemmed from the license plate which denoted Allan was what is known as a “sovereign citizen.” Individuals who conformed to this demographic believed that they were not obligated to follow Federal or State Laws. As you might have suspected, this had the potential for some very heated encounters with authorities. Part of these beliefs included not being required to get a driver’s license or register their car, nor following the orders of State or Federal officials, meaning police, military, government, and it can even be extended through the Second Amendment Right to Bear Arms to mean that they are free to openly carry around dangerous weaponry and exercise it at their will. To some this may not seem like an issue. Who would not want the freedom to bypass the law? However, with everyone establishing their own personal government we would soon fall into anarchy as there is no higher law to govern the masses.

The second and final problem I found with the mentality previously given is that if there is no higher power to restrict freedom then there would be no higher power to maintain and preserve it as well. If all were free to choose to do however they like then if there happened to be a few people who wanted to take away freedom from others there would be no centralized force to stop it. In fact, one would have to rely on the good grace of one's neighbors, and, seeing as how humans are a complicated bunch whose self interests rarely align, that may prove difficult in a sticky situation. The point I am trying to make is that people should not be free enough that they can make every single decision on their own or someone is going to get hurt. It is bad enough when we have a set of rules to follow and consequences to motivate us, but when all of that is thrown out the window it would be a war of one individual's morals against another's.

In *Uncle Tom's Cabin* by Harriet Beecher Stowe we follow the path of Uncle Tom as he is herded from one slave owner to another. Through it all we can see how a few select persons, the slave owners, exhibited their will over a large group of people, the slaves. Today we know this to be unconstitutional and completely bogus. By controlling slaves the owners immediately passed their own personal rights and started infringing on the rights of others. If we have rightfully discerned that freedom is only available to be wielded when not directly influencing or harming others then they have crossed the line. Even though there were some kind slave owners they still did have the right to own slaves because the very act of dictating how man is spending his life is overreaching the right to freedom.

The root of the problem of freedom and interfering with another's freedom is always based in lack of respect and entitlement. If those slave owners had only realized

that their vassals were actual people and deserved to be treated as such then none of the abuse and mistreatment would have happened. I believe that the owners were not inherently bad, but they were taught to believe that some people were property and they would always stay that way. However, this mindset was extremely unhealthy and was a large reason why it took so long to abolish slavery. With some education on the basic principles of interaction between people there could have been many issues avoided. Unfortunately, as is still prevalent today, there were many problems with how people, African Americans especially, were treated.

To sum it all up there have been a good deal of issues with our society on the topic of respecting one another's boundaries and freedoms, and there will most likely continue to be issues for a long time. However, that does not mean that we cannot do our part to change it. While we must have our freedom regulated, that does not necessarily entail government regulation but we can start to control our own individual freedom. This comes with education: that of the law and of basic respect for our fellow human beings. When we are educated we can begin to govern ourselves and begin to act civilly. Only then will we be able to truly have personal freedom.

Works Cited

- Arbinger Institute. *The Anatomy of Peace: Resolving the Heart of Conflict*. Berrett-Koehler Publishers, 2015.
- Beals, Melba. *Warriors Don't Cry: The Searing Memoir of the Battle to Integrate Little Rock's Central High*. Washington Square Press, 1995.
- CRUZ, Olga S. "20 years of Portuguese drug policy - developments, challenges and the quest for human rights - Substance Abuse Treatment, Prevention, and Policy." *Substance Abuse Treatment, Prevention, and Policy*, 17 July 2021, <https://substanceabusepolicy.biomedcentral.com/articles/10.1186/s13011-021-00394-7>. Accessed 3 April 2023.
- "Drug decriminalisation in Portugal: setting the record straight. | Transform." *Transform Drug Policy Foundation*, 13 May 2021, <https://transformdrugs.org/blog/drug-decriminalisation-in-portugal-setting-the-record-straight>. Accessed 3 April 2023.
- "Drug Decriminalization in Portugal: Challenges and Limitations | The White House." *Obama White House Archives*, <https://obamawhitehouse.archives.gov/ondcp/ondcp-fact-sheets/drug-decriminalization-in-portugal-challenges-and-limitations>. Accessed 3 April 2023.
- "Drug Overdose Death Rates." *National Institute on Drug Abuse*, 9 February 2023, <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>. Accessed 3 April 2023.
- Dunphey, Kyle. "What is a sovereign citizen? Utah police shooting highlights group." *Deseret News*, 10 March 2023,

<https://www.deseret.com/utah/2023/3/10/23632303/what-is-a-sovereign-citizen-farmington-police-shooting>. Accessed 3 April 2023.

“Frequently asked questions (FAQ): drug overdose deaths in Europe.” *emcdda*,
https://www.emcdda.europa.eu/publications/topic-overviews/content/faq-drug-overdose-deaths-in-europe_en#question2. Accessed 3 April 2023.

“One Year Since the Jan. 6 Attack on the Capitol.” *Department of Justice*,
<https://www.justice.gov/usao-dc/one-year-jan-6-attack-capitol>. Accessed 5 April 2023.

“Recidivism Rates by State 2023.” *World Population Review*,
<https://worldpopulationreview.com/state-rankings/recidivism-rates-by-state>.
Accessed 8 May 2023.

Stowe, Harriet Beecher, and Frederick Douglass. *Uncle Tom's cabin*. Edited by C. W. E. Bigsby, Everyman, 1993.