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Editor's Introduction

Welcome to the Twenty-Second Volume of *Journal of Law and Social Deviance (LSD Journal)*, an independent, peer-reviewed journal. *LSD Journal* encourages submissions from a wide range of professionals, researchers, and scholars in a variety of fields. Within our broader interest in social deviance and the law, we are particularly interested in how law creates, inhibits, or challenges deviant behavior, especially as it evolves from, responds to, or inspires the animal kingdom, art, design, structure, pop culture, hate, religion, sex, illness, work, drugs, terrorism, and youth. Volume 22 is about enduring experience and the breadth of legal perspective. The rich approaches in these works demonstrate ample stamina as well as patience. Troubles are matched with solutions seeking to solidify the law. Functional specs are promoted while dysfunctions are cured and dispelled. First, a book review opens dialogue about animals; then, abusive authorities are leveled; next, scales are used to calculate adversity; later, culture is pared into law; and finally, study of law is seen as a viable option for work. All of these consider hardship, refinement, and understanding. *LSD Journal* remains committed to publishing articles, essays, and book reviews that strongly represent the journal's niche and offer readers important, substantive, and useful literature.

Contribution

Re: Submissions, Subscriptions, and Comments

Submissions for publication, whether articles, book reviews, essays, notes, or research, should be made electronically to Submission@LSD-Journal.net. All attachments must be Microsoft Word compatible. Please use Times New Roman 9 pt, single-spaced, superscripted footnotes, and use Times New Roman 12 pt, double-spaced text in the body. The editors will referee all submissions. Occasionally, outside expertise may be sought.

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**BOOK REVIEW: *DEER JHONN:
LETTERS DESCRIBING WHAT CAN BE
SEEN* BY CARMEN M. CUSACK**

Alycia Mott, J.D. (formerly Alycia Wilson)

When I was first presented with the opportunity to review *Deer Jhonn: Letters Describing What Can Be Seen* by Carmen M. Cusack, I was thrilled. Not only would I have the opportunity to personally benefit from this work, but the entirety of the animal law community would benefit as well from the addition of this book.

The ongoing trend of the law, and postmodern society generally, is toward further specialization. Such an unchallenged trend does not come from a lack of value. Specialization, particularly in academia, allows for new breakthroughs and gems of innovation that simply would not be available to the nonexpert.

Nonetheless, there is a cost to intellectual specialization that too often results in

compartmentalization leading to the fractionalization of thought rendering collective wisdom inaccessible.

Ambitiously, *Deer Jhonn* attempts to bridge the benefits and hurdles of these realities. Only by mining the expertise of many fields is an elevated interdisciplinary approach provided by the text. Cleverly, fields from science to law are utilized to provide both a body of knowledge with a participatory approach to increase human to other animal empathy practice.

The word play of the title alone is illustrative of the exercise. The slang, “Dear John,” refers to romantic break up letters soldiers would receive on the brink of battle. Referencing this unfortunate phenomenon, *Deer Jhonn* dares to ask humanity, in particular would be welfarists and animal rights proponents, if we have sent our equivalent of a break up to the larger biological world on the brink of increasing ecological crisis.

In the tradition and same mechanism of *Pride and Prejudice*, these letters serve to both slow down the reader to allow for thought and reflection from

the oft decried contemporary world. But in actuality, these letters move the narrative forward as the reader is propelled toward greater understanding. The intellectual life of the animal advocate is enriched by empathetic practice. Indeed, anyone with the task of teaching another class or leading some type of seminar will find an invaluable friend in this union between abstraction and step by step instructions to a variety of exercises.

Does the Reviewer share every political or philosophical position asserted by the Author? No. Of course not. But that seems to be part of the point. Indeed, anyone in the larger community of animal law issues should seek out this innovative achievement so that in improving as an individual, the collective of people working to protect animals and our environments can thrive. All in all, *Deer Jhonn* belongs on every bookshelf regardless of any individual's area of practice.

FAIR FIGHT AND FLIGHT DOCTRINE, ENDING POLICE VIOLENCE: WHAT IMPERTINENCE!¹

Carmen M. Cusack

I. INTRODUCTION

A police officer, Officer Rod Nearleigh, walks into a backyard without a warrant.² The back porch is not bordered by a footpath from the sidewalk or

¹ “What impertinence!” is a common phrase. *See, e.g.*, Alan Jay Lerner, *My Fair Lady*, Mrs. Eynsford-Hill (1964). “What impertinence!” was said by Isobel Elsom playing Mrs. Eynsford-Hill to Rex Harrison playing Professor Henry Higgins. *Id.*

² Rod Buster Nearleigh is what he was named. § 5 *Assault*, Restat 3rd, Intentional Torts to Persons Tent. Draft Appx 2-C-5 (2018).

An actor is subject to liability to another for assault if:

- (a) (i) the actor intends to cause the other to anticipate an imminent, and harmful or offensive, contact with his or her person, or
- (ii) the actor's intent is sufficient under § 11 (transferred intent);
- (b) the actor's affirmative conduct causes the other to anticipate an imminent, and harmful or offensive, contact with his or her person; and
- (c) the other does not consent to the anticipation of contact, as provided in § 12.

driveway.³ The elevated porch is enclosed.⁴ Officer Nearleigh walks up the back porch steps and steps over a boarded area; he trots past laundry machines.⁵ He firmly pounds on the back door of the home.⁶ A sick dog, “Trecks,” known for animal rights activism throughout the community sleeping inside is forced

³ § 30 *Privilege to Defend Land or Personal Property from Intrusion*, Restat 3rd, Intentional Torts to Persons TD 6-30.

An actor is privileged to engage in conduct that would otherwise satisfy the elements of battery, assault, purposeful infliction of bodily harm, or false imprisonment in order to prevent another's imminent intrusion or terminate another's intrusion upon the actor's land or personal property, if:

(a) the intrusion is not privileged; (b) the actor first asks the intruder to desist and the intruder disregards the request, or the actor reasonably believes that a request will be useless or dangerous or that substantial harm will be done before the request can be made; (c) the actor reasonably believes that the other is intruding or imminently will intrude upon the actor's property, and that the intrusion can be prevented or terminated only by the means used; (d) the means used are reasonably proportionate to the value of the interest the actor is protecting; and (e) the means used are not intended or likely to cause death or serious bodily injury.

Generally, limited doctrines covering hot pursuit, private necessity, and public necessity are topics beyond the central purpose and scope of this Article.

⁴ *Carroll v. Carman*, 574 U.S. 13 (2014). Any member of the public has the right, generally, to be free from the visitation of law enforcement not only because one has a right to be free from any visitation, thus a driveway does not instantly convey the right for a visitor to visit any resident, but also because law enforcement has often approached homes with weapons and every person has the right to choose whether to allow any dangerous instrument (e.g., chainsaw) onto one's property at any time.

⁵ *Id.* *Infra* note.

⁶ *Saucier v. Katz*, 533 U.S. 194 (2001).

to intimate the intrusion.⁷ The police respond by relenting.⁸ The owner, “Max,” a mistaken suspect, is left shaken.⁹ The next day, police use eye contact, warmly trapping the victims by supporting the victims’ perceptions of peace and freedom, but keeping close watch.¹⁰ The following day, Max is accosted while entering the front door of his home and arrested for a crime that Officer Nearleigh will falsely swear that he witnessed.¹¹ Officer Nearleigh and Officer Randy Attem attempt an unwarranted intrusion into Max and Trecks’ home.¹² There, the dog, Trecks, is confronted. Max shoves Officer

⁷ “Trecks” is short for Trecord Lamell Financier Rutholph III.

⁸ See Carman, 574 U.S. 13.

⁹ “Max” is short for Maximillian Hardy Loore Finner.

¹⁰ Saucier, 533 U.S. 194.

¹¹ § 103 *Battery: Definition of Offensive Contact*. Restat 3rd, Intentional Torts to Persons Tent. Draft 1-103

A contact is offensive within the meaning of § 101(c)(ii) if:
(a) the contact offends a reasonable sense of personal dignity; or
(b) the contact is highly offensive to the other's unusually sensitive sense of personal dignity, and the actor knows that the contact will be highly offensive to the other.

Liability under (b) shall not be imposed if the court determines that such liability would violate public policy or that requiring the actor to avoid the contact would be unduly burdensome.

¹² Officer Attem was named Boyd “Randy” (Randell) Attem-Cung.

Nearleigh, takes Trecks, and flees.¹³ The two seek safety.¹⁴ Officer Nearleigh does not pursue the unwarranted charges.¹⁵ Because Officer Nearleigh was an aggressor, Max instinctively shoved him from the doorway.¹⁶ Officer Nearleigh threatened arrest for assaulting an officer, a crime according to

¹³ § 101 *Battery: General Definition* [§ 101(d) of the black letter is for discussion only], Restat 3rd, Intentional Torts to Persons Tent. Draft 1-101.

An actor is subject to liability to another for battery if:

- (a) the actor intends to cause a contact with the person of the other, as provided in § 102, or the actor's intent is sufficient under § 110 (transferred intent);
- (b) the actor's affirmative conduct causes such a contact;
- (c) the contact (i) causes bodily harm to the other or (ii) is offensive, as provided in § 103; and
- (d) the other does not effectively consent to the otherwise tortious conduct of the actor, as provided in § 111.

¹⁴ § 21 *Self-Defense and Defense of Third Persons: General Principles*, Restat 3rd, Intentional Torts to Persons TD 6-21.

An actor is privileged to use force against another for the purpose of defending the actor or a third person against the other's unprivileged use of force, if the actor reasonably believes that the force is both necessary and proportionate to the force that the other is intentionally inflicting or about to inflict. More specific criteria for the privileged use of defensive force are stated in § 22 (use of nondeadly force), § 23 (use of deadly force), § 24 (defense of third person), § 25 (liability for excessive force), and § 26 (liability to bystander).

¹⁵ U.S. Const. Amend. V.

¹⁶ *Id.*

the legislature that can be punished with up to eight years in incarceration.¹⁷

Though the government's garb, training, force, and threatened penalties are intended to deter, control, and detain attackers and deter attacks, Max overcame Officer Nearleigh.¹⁸ Self-defense was excusable and crucial.¹⁹ Officer Nearleigh concocted

¹⁷ 18 U.S. Code § 111 (2021). § 45 *Privilege of Parent to Use Force to Discipline or Control Child*, Restat 3rd, Intentional Torts to Persons TD 6-45.

(a) A parent is privileged to use reasonable force against the parent's minor child that serves the purpose of disciplining, educating, controlling, or otherwise promoting the welfare of the child.

(b) Whether the force used is reasonable depends on the totality of the circumstances. In that determination, significant weight is given to whether the force that the parent employs is reasonable in degree, in light of any risk of physical harm to the child.

(c) As a matter of law, a parent is not privileged under this Section if:

(i) the parent uses deadly force (i.e., force that is intended or reasonably likely to cause death or serious bodily harm);

(ii) the parent uses force that is grossly degrading or that is likely to cause severe emotional harm; or

(iii) the parent uses force with a sexual purpose.

(d) A parent for purposes of this Section includes a legal parent, a legal guardian, or an adult who is acting as a parent *in loco parentis*.

(e) If an actor is entrusted by a parent or by law with a parental function, the actor has a more limited privilege to use reasonable force consistent with the scope of the grant of authority.

¹⁸ *Infra* note.

¹⁹ § 104 *Purposeful Infliction of Bodily Harm*, Restat 3rd, Intentional Torts to Persons Tent. Draft 1-104.

the scheme to terrorize the victim, divert attention from local drug dealers, and gain entrance into the home to control Trecks' local reputation.²⁰ The innocent victim has clearly-established rights to be free from unreasonable search and seizure and malicious prosecution and had a right to be defended by the government and a person defending a loved one from such attacks.²¹ The unlawful nature of Officer Nearleigh's actions attest to Max's rights to be free, a principle demonstrated and recorded throughout the law, including in the doctrines of qualified immunity,²² excessive force, and stand

An actor is subject to liability to another for purposeful infliction of bodily harm if:

- (a) the actor purposely causes bodily harm to the other, either by the actor's affirmative conduct or by the actor's failure to prevent bodily harm when the actor has a duty to prevent such harm; and
- (b) the other does not effectively consent to the otherwise tortious conduct of the actor, as provided in § 111.

²⁰ Footnote removed for brevity. Relocated to Appendix A.

²¹ U.S. Const. amend. IV and U.S. Const. amend. V.

²² § 39 *Law Enforcement Privilege*, Restat 3rd, Intentional Torts to Persons TD 6-39.

Subject to the rules stated in § 42, a law enforcement officer acting within the scope of employment is privileged to use force against another for the purpose of arresting someone; investigating, terminating, or preventing crime; or otherwise enforcing the law. The content and scope of the privilege are determined largely by applicable constitutional-law principles and criminal-law rules.

your ground.²³ Whether the threat is a fact, may occur in the future, is imaginary, is unreal, or is probable, for example described as being apparent, perceived, persistent, or manifested through an overt act, is relevant to the amount of resistance required to overcome Officer Nearleigh, however, the officer's misconduct cannot be accepted to any degree.²⁴ This Article examines an average citizen's estimation that damage caused by an unfair police

²³ 42 U.S.C. § 1983 (2021); La. Stat. 14, § 20 (2021); Fla. Stat. § 776.012 (2021).

²⁴ The subject of a threat believes that the threatened action or deprivation will imminently occur. The condition tense exists in different descriptions, such as zero, first, second, third, and mixed conditional. The condition explains the likelihood of something occurring. Examples of the conditions are as follows: I do not sleep if I do not laugh; If I do not laugh, I will not sleep; If I laughed, later I would sleep; If I had laughed, I would have slept last night; and If I had laughed, I would be asleep. Zero is a fact. First is a future situation. Second is unreal and imaginary situations. Third is past imaginary and unreal situations. Mixed is an unreal present, and an unreal, but probable future. Applying to threat, some examples are the following: I will arrest you if you open the door and ask me to leave your property; If he does not step out onto his porch, I will not arrest him; If I caught you, later I could sell biographical and demographic information about you; If I had tackled her, I would have sued her; and If I had frisked her, I would be asleep. Responses are commensurate. I fear you because you are hitting my property; If I run, I will stop you from hurting me; If I hid, later I would call the police; If I had hit her, I would have escaped with my family; If I had pushed him, I would be able to explain my side.

encounter will likely occur, a reasonable standard.²⁵ While immunizing strategies have aided some unfairness, it is the fear that a police officer will gain an unfair advantage using the color of law to subdue an otherwise lawful actor that drives a need to increase confidence in self-defense measures.²⁶ This Article posits that, when threat is perceived and likely to occur, then retaliation to subdue unfair and violative actors is authorized and a right to flee is guaranteed.²⁷ Section II of this Article discusses rules and principles deterring police violence, such as those presented to the United States Supreme Court in *Saucier v. Katz*.²⁸ Use of force is analyzed in Section III.²⁹ Recommendations, such as to protect animals from harm and property from damage, are

²⁵ Carmen M. Cusack, *Blind Rhyme: The Reasonable Person Standard Violates the First Amendment*, 19 J. L. & SOC. DEVIANCE 3 (2020).

²⁶ See, e.g., 42 U.S.C. § 1983 (2021); La. Stat. 14, § 20 (2021); Fla. Stat. § 776.012 (2021).

²⁷ See *infra* Sections II-V.

²⁸ *Infra* Section II. *Saucier*, 533 U.S. 194.

²⁹ *Infra* Section III.

provided in Section IV.³⁰ The Article concludes in Section V.³¹

II. POLICE VIOLENCE

A. Lawful Use of Force

Force may only be used lawfully.³² Police and others may use force under certain circumstances.³³ Minnesota Statute § 609.06 (2021) in the State of Minnesota is a typical law and possible model.³⁴

AUTHORIZED USE OF FORCE.

Subdivision 1. **When authorized.** Except as otherwise provided in subdivisions 2 and 3, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

³⁰ *Infra* Section IV.

³¹ *Infra* Section V.

³² Minn. Stat. § 609.06 (2021).

³³ *Id.*

³⁴ *Id.*

(1) when used by a public officer or one assisting a public officer under the public officer's direction:

- (i) in effecting a lawful arrest; or
- (ii) in the execution of legal process; or
- (iii) in enforcing an order of the court; or
- (iv) in executing any other duty imposed upon the public officer by law; or

(2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or

(3) when used by any person in resisting or aiding another to resist an offense against the person; or

(4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or

(5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or

(6) when used by a parent, guardian, teacher, or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or

(7) when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or

(8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or

(9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with

authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or

(10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

Subd. 2. Deadly force used against peace officers.

Deadly force may not be used against peace officers who have announced their presence and are performing official duties at a location where a person is committing a crime or an act that would be a crime if committed by an adult.

Subd. 3. Limitations on the use of certain restraints.

(a) A peace officer may not use any of the following restraints unless section 609.066 authorizes the use of deadly force to protect the peace officer or another from death or great bodily harm:

(1) a choke hold;

(2) tying all of a person's limbs together behind the person's back to render the person immobile; or

(3) securing a person in any way that results in transporting the person face down in a vehicle.

(b) For the purposes of this subdivision, 'choke hold' means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe,

but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.³⁵

According to the law implemented using this wording first in 1963, use of force cannot be unreasonable.³⁶ Citizens and police may use force against and to arrest officers committing crimes contemplated by the legislature as posing the kinds of threats requiring force in response.³⁷ Neither police nor citizens may use any kind of force to perpetrate crime, including, but not limited to, attempted trafficking, terror, racketeering, fraud, and domestic violence.³⁸

³⁵ Minn. Stat. § 609.06 (2021).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* The military must defend citizens from terror. *See* The Authorization for Use of Military Force (AUMF), 115 § 224 (2001). U.S. Const. amend. 14 § 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void. *Id.*

B. Police Violence is Unjustifiable

Police violence is complex.³⁹ In *Saucier*, an animal rights activist was arrested by the military.⁴⁰ Incumbent Vice President Al Gore had planned to deliver a speech at the military base.⁴¹ The occasion was the conversion of the base into a national park.⁴² The animal rights activist, the president of a prominent animal rights advocacy group, claimed that a hospital on base could be used to conduct experimentation.⁴³ The animal rights activist urged Gore to prevent animal experimentation in the federal park.⁴⁴ To perform his demonstration, he unfurled a gigantic banner and placed it on a fence near Gore.⁴⁵ The activist was dragged to a military van.⁴⁶ He placed his foot on the bumper, but was shoved inside.⁴⁷ He sued the military officers for

³⁹ See *infra* note; 42 U.S.C. § 1983 (2021).

⁴⁰ *Saucier*, 533 U.S. 194.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Saucier*, 533 U.S. 194.

⁴⁷ *Id.*

brutality.⁴⁸ The defendants claimed qualified immunity.⁴⁹ Though the lower court⁵⁰ conflated the claims and created a hybridized notion, the Supreme Court of the United States said that police brutality may exist as a doctrine with a separate test.⁵¹

A determination of police brutality discussed in *Saucier*, citing *Graham v. Connor*, is made by, first, identifying the challenge to a use of force that allegedly infringed on a specific constitutional right.⁵² Then, the claim must be judged in reference to the precise standard governing the right.⁵³ Reasonableness is an objective standard guiding excessive force claims under the Fourth Amendment.⁵⁴ On-scene beliefs and information may be mistaken, but cannot be unreasonable; otherwise, the force used was excessive regardless of

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ The lower court fact-finds. U.S. Const. amend. VII. "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." *Id.*

⁵¹ *Id.*

⁵² *Saucier*, 533 U.S. 194. *Graham v. Connor*, 490 U.S. 386 (1989).

⁵³ *Connor*, 490 U.S. 386.

⁵⁴ *Id.*

intent or motivation.⁵⁵ Fight, including self-defense and rejection of control, and flight, such as fleeing custody, may justify greater use of force when the officer claims to have the requisite authority to seize liberty or property or conduct a search.⁵⁶ The test for qualified immunity discussed in *Saucier* is first, whether the alleged facts demonstrate that a constitutional right would have been violated, and, after an assumption is drawn, second, whether the right was clearly established.⁵⁷

In *Saucier*, when he refused to walk and stepped on the van's bumper, he may have attempted to

⁵⁵ *Id.*

⁵⁶ U.S. Const. art. IV § 2, cl. 1 “*The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.*” This means that on occasion when general welfare, safety, order, morality, and police power are not abridged, the state may authorize officers to enter the ocean for non-governmental activities. These individuals may appear to enter the wild without permission but due to the nature of the activity, and its acceptable execution, the conduct effectively becomes immunized. Civilians are similarly restricted in their privilege to enter the high seas and leave the state's control. When they return, if by all accounts their conduct was lawful then they will not be charged. If their conduct was not lawful, then they could be charged and officers are not immunized, albeit environmentally, socially, and psychologically for failing to uphold the laws of their homeland, breaking international rules, violating the ocean and inhabitants thereupon or within, etc. They may be charged in county, state, federal, tribal, and other courts.

⁵⁷ *Saucier*, 533 U.S. 194.

demonstrate his right to be present and free from police control.⁵⁸ Montana offers a model response to police violence.⁵⁹ “Except as provided in [Section] 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force.”⁶⁰ This is similar to the first prong of stand your ground.⁶¹ The State of California does not use a stand your ground test, but demonstrates deference to the activist’s possible reasoning; for example, sentencing for murder may be determined by “[w]hether or not the offense was committed under circumstances which the defendant reasonably believed to be a moral justification or extenuation for his or her conduct.”⁶² The state’s view of reasonableness was not discussed by the Court in *Saucier*, however, the prongs for stand your ground,

⁵⁸ *Id.*

⁵⁹ *Infra* note.

⁶⁰ Montana Crim. Code § 45-3-105 (2021).

⁶¹ Fla. Stat. § 776.012 (2021).

⁶² CAL. PENAL CODE 190.05(h)(6) (2021).

generally, are principles that may apply in these kinds of cases.⁶³

Finally, when a right is clearly established, a reasonable person would know not to violate it.⁶⁴ This is distinct from wanton violence.⁶⁵ Thus, when misconduct occurs, culpable officers must be held accountable and not given credence.⁶⁶ Under these distinct doctrines, along with stand your ground, which the activist attempted to apply by resisting being thrown into the van, by stepping on the bumper and dragging his feet, the law demonstrates the right to resist unfair treatment particularly when police motives are insincere and unauthorized by the government.⁶⁷ When police are law-breakers, the right to self-defense is irrefutable.⁶⁸ Illegal conduct should not require a court to contemplate the various acts and whether police conduct can be charged.⁶⁹

⁶³ *Saucier*, 533 U.S. 194. Fla. Stat. § 776.012 (2021).

⁶⁴ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3.

⁶⁵ *Id.*

⁶⁶ 42 U.S.C. § 1983 (2021).

⁶⁷ *Saucier*, 533 U.S. 194. Fla. Stat. § 776.012 (2021). 42 U.S.C. § 1983 (2021).

⁶⁸ Fla. Stat. § 776.012 (2021).

⁶⁹ *Saucier*, 533 U.S. 194.

Citizens must know that they clearly should fight or flee.⁷⁰

In the case at bar, *Saucier*, important regard was given by the Court to the standard applied to the doctrine of qualified immunity.⁷¹ Heightened scrutiny was given to the law.⁷² In these cases, often, the victim has falsely been accused or police relied on mistaken facts that caused the rights violation.⁷³ A question of whether a person had the right to be free from the type of force used when the defendant is guilty is different from whether a person has a right to flee a false arrest, unfounded force, and seizure despite a lack of probable cause.⁷⁴ Under an excessive force analysis, the right that is violated may determine the scrutiny when the law and policies are brutal because people are damaged.⁷⁵ Even when the right violated deals with reasonableness, and seems to merit rational review,

⁷⁰ Mo. Rev. Stat. § 575.145 (2021).

⁷¹ *Saucier*, 533 U.S. 194.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Fla. Stat. § 776.012 (2021).

⁷⁵ *Saucier*, 533 U.S. 194. Connor, 490 U.S. 386.

because it is not a fundamental right, the basis for the violation analysis may raise the Court's scrutiny depending on the facts.⁷⁶ For example, when the right violated is claimed to be free speech under the First Amendment, it may have been pure speech, symbolic speech, or speech lawfully restricted by time, place, and manner when the brutality and unreasonable abrogation occurred.⁷⁷ First Amendment violations merit strict or intermediate scrutiny, and discrimination, sometimes causing separate speech rights violations, may be legal, illegal, or a violation of the most serious kind.⁷⁸

The Court's standard of scrutiny may do little more than slide with the type of right alleged to have been violated in one form of action against abuse; yet, it may be fixed in another.⁷⁹ The consequence of finding in favor of the complainant a clearly established right and demonstrating the violation before trial to avoid the granting of qualified

⁷⁶ *Saucier*, 533 U.S. 194.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

immunity shows, once again, that the system seeks to avoid entangling citizens with bullies when speedy resolutions are feasible.⁸⁰

In *Saucier*, the Court stated that the officers adhered to their training, and, thus, had no notice that a right to be free from excessive force would have been violated by the type of force used.⁸¹ Going forward, it should be denoted that all force is excessive when violence erupts rather than commands being given and obeyed.⁸² The public is anticipated to follow orders, and when officers opt to harm citizens rather than order them to obey, they encumber the system.⁸³

In this case, the Court conflated the reasonable person standard, leading to one result, with the untenable reasonable officer standard defined by the arresting officer who had been trained to arrest, leading to another result.⁸⁴ A reasonable person

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Mo. Rev. Stat. § 575.145 (2021).

⁸³ *Id.*

⁸⁴ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3. *Saucier*, 533 U.S. 194.

would not have arrested the activist.⁸⁵ An officer trained to violate the law would have arrested the activist though.⁸⁶ The activist was placed in the van with another person, and forced to be defenseless in front of that person, another harm seldom addressed by this Court, outside of family matters.⁸⁷ Because security could not estimate how many people would need to be dragged off, it is obvious that a reasonable actor would have first established order by telling the activists where to hang the banner, sit down, or leave in a brisk and lawful manner.⁸⁸ Though they may have intended to be disruptive, and, therefore, should have been stopped, the activists did not need to be tussled.⁸⁹ In conclusion, self-defense, encompassed within the doctrine of fair fight and doctrine of fair flight, should supplement various remedies because it evades clogage and expediently upholds the law and protects citizens.⁹⁰

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Saucier*, 533 U.S. 194.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

III. USE OF FORCE

Use of force by police officers demonstrates the grounds for a fair fight.⁹¹ The premise may be evident under various circumstances.⁹² For example, arrest tactics, such as handcuffing and sitting on a hard bench seat inside a police cruiser, are veritably unreasonable because people have injuries.⁹³ Police use of weapons during alleged emergencies is grounds for a belief that police intend to kill, and armament is an aggravation.⁹⁴ Defense of one's partner or partner's possessions may be critical.⁹⁵

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Saucier*, 533 U.S. 194.

⁹⁴ *Id.*

⁹⁵ *Id.* Fla. Sta. § 316.305 (2021). Laws that penalize drivers' use of cell phones for calling and texting, but not other uses, such as maps and speed limit tracking while driving, may unreasonably allow police to invade privacy by requiring motorists to use speaker phone and facilitating police making deductions about how motorists are using their own property inside their private space, their vehicles. They may pull over motorists and inquire about what activities were being conducted even when they were not visible. The Fourth Amendment guarantees that they cannot unreasonably search effects. U.S. Const. amend. IV. Police invasion of privacy must be limited. Some seatbelt laws demonstrate that police have been granted entitlement to peer inside vehicles. *See, e.g.*, MCA 63-2-1(1) (2021). The majority of the seatbelt, placed over the breasts and groin in a private area by the motorist, under regular circumstances, is not visible to police. Seemingly, only those, when seated in a position

Police attainment of the element of surprise may provoke.⁹⁶

showing their chests, reveal seatbelt use to police unless they peer. A motorist may drive well and yet police may feel entitled to look in and imagine what private property is upon the crotch of a driver. Though driving while text messaging is lethal, and yet sadly many people utilize very little information development and exchange while using phones, police should not take advantage to diminish the sovereign's authority and the influence of and mandates given by the federal Constitution. Fla. Const. § 12 states the following:

Searches and seizures.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution. *Id.*

Fla. Sta. § 316.305(5) (2021). Impermissible invasion of privacy also occurs in Florida, which prohibits cell phone searches, by requiring officers to record race and ethnicity at the scene where the ticket was issued. The information is distributed to the entire body of authority throughout the state.

⁹⁶ Police working illegally with spouses may cause spouses to be converted in the eyes of the victim into enemy combatants or imminent threats. Spouses may have a right to be present in a home, but severe domestic violence, criminality, tortious misconduct, and terror, such as colluding with armed gunman could cause a spouse to invoke stand your ground and other extreme measures of self-defense. U.S. Const. amend. III. Caution should be given to the victim avoiding the oppression of the victimizing spouse, which may falsely entitle the state actor, leading to reprisal, flight, as well as to

Brutality occurs when police overexert the government's power and authority.⁹⁷ The right to be free from brutality is clearly established.⁹⁸ A reasonable person standard⁹⁹ is used to determine whether an officer erred at the scene or intended to use excessive force.¹⁰⁰ Officers fearing fight and flight during lawful arrests may overcome deterrents to law enforcement with escalating force.¹⁰¹ However, criminal, tortious, and other sanctionable conduct cannot escalate.¹⁰²

Police interjecting force into domestic violence, for example, by manhandling battered women,

the other means for justifiable homicide. Justifications need not arise at trial. They may be elucidated clearly and easily by the legislature. For example, soldiers at war have a right to kill. Police increasingly are presently focused on eliminating unfair play in the home. The War on Terror and the War on Drugs are bolstered by their efforts to patrol, be present, talk to community members, influence, and dissuade violence, hostility, and threatening discord between lovers and members of the same family. Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801, *et seq.* (2021). This closes potential entry points into the wars, including dissuasion from family life. *Compare with* LENORE E. A. WALKER, *THE BATTERED WOMAN SYNDROME* (2009).

⁹⁷ *Saucier*, 533 U.S. 194.

⁹⁸ *Id.*

⁹⁹ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3.

¹⁰⁰ Connor, 490 U.S. 386.

¹⁰¹ Minn. Stat. § 609.06 (2021).

¹⁰² *Id.*

menacing children, caging men, or decommissioning males and others, including vulnerable parties, exerts undue pressure to achieve subordination to the individual arresting officer.¹⁰³ The scheme is well-established as a means for personal and familial profiteering at the expense of the government.¹⁰⁴ Pretextual arrests in domestic violence and other situations, such as alcohol offenses and trespass, demonstrate the types of pyramid schemes justifying self-defense against officers taking liberties by force.¹⁰⁵ Gay and straight patriarchal mentalities

¹⁰³ *Id.*

¹⁰⁴ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3.

¹⁰⁵ The second section of the Eighteenth Amendment as it applies to concurrent jurisdiction granted through the Eighteenth Amendment was repealed with regard to manufacturing. U.S. Const. amend. IXX. The power to regulate commerce belongs to the federal government under the commerce power. U.S. Const. amend. XXI. The commerce clause is Article 1, Section 8, Clause 3 of the United States Constitution: “To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” U.S. Const. art. I § 8, sec. 3. However, without an interstate issue, the federal regulation of alcohol through the Eighteenth Amendment was no longer necessary. *Id.* The Twenty-First Amendment overlaps with the Eighteenth Amendment and strengthens states’ power to ban alcohol. *Id.* U.S. Const. amend. XXI. States regulate manufacturing and distribution between counties. U.S. Const. amend. XXI. The Twenty-First Amendment made it possible for states to make their own laws regarding alcohol. U.S. Const. amend. XXI.

Eighteenth Amendment:

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation. U.S. Const. amend. IXX.

The Eighteenth Amendment signifies that states can only ban alcohol, they cannot say what is illegal. *Id.*

Twenty-First Amendment:

Section 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2.

The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited. U.S. Const. amend. XXI.

The Twenty-First Amendment specifies that states can define “intoxicating liquors” differently. *Id.* The definitional countermand rescinds the language in light of the growth. Yet, growth cannot explain the language of “repeal.” Only this Article sufficiently postulates how the two Amendments preserve the framers’ intent.

The Twenty-First Amendment pressures people to drink, but it carves out exceptions for drinks that imbue health. The federal code does that with drugs. 21 U.S.C. 801 (2021). No drugs should be legal; and people should not drink in excess. National Prohibition Cases, 253 U.S. 350 (1920); National Prohibition Act, II § 1; Volstead Act, H.R. 6810; National Prohibition Act of 1919. When the Amendments are described as being repealed, they should be reviewed in light of their intent, not the absorption into future laws. Repeal signifies a union. *South Dakota v. Dole*, 483 U.S. 203 (1987). Raging descriptions of prohibition stand for the proposition that the federal government uses morality to finance big government. When it is not convenient, morality is repealed. *Dole*, 483 U.S. 203. Likewise, safety measures are calculated according to revenue not cost, in many

turned on men, women, and children cannot dominate the conversation under the guise of the sovereign immunity doctrine or sanctioning at the individual level.¹⁰⁶

Stand your ground is effective, but relies on self-defense tactics that counter physical force.¹⁰⁷ Corrupt schemes build through illegal surveillance and encounters.¹⁰⁸ Police may not elicit information during alleged investigations that violates or in a manner that violates the principles of the Fourth and Fifth Amendments, for example, by conducting a mental search of someone's private areas or by

cases. *Dole*, 483 U.S. 203. The Eighteenth Amendment and Twenty-First Amendment, Section Two are not disparate or dispositive because they assume that states work voluntarily. U.S. Const. amend. IXX. U.S. Const. amend. XXI. Analogously, when states possibly prohibit self-defense, it is like suggesting that the two Amendments were incompatible. U.S. Const. art. I § 8. U.S. Const. amend. II.

¹⁰⁶ Minn. Stat. § 609.06 (2021). U.S. Const. amend. XV. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—." *Id.* In addition to this law, philosophies may be interpreted. Though the nation may not acknowledge homosexuality and race as similar, the bias against homosexuals is unacceptable. The precedent set through the denotation of these fair feelings demonstrates adequate grounds to protect people from inferiorizing races seeking to shame, man-handle, belittle, and marginalize those who refuse to proffer sex to demonstrate the other's dignity and entrenched authority.

¹⁰⁷ Minn. Stat. § 609.06 (2021).

¹⁰⁸ *Id.*

asking questions.¹⁰⁹ They cannot stalk, conspire, intimidate, collude, or harass.¹¹⁰ Private businesses and surrounding property, schools, churches, hospitals, and sites described by scheming aggressors as or appearing as war spoils (e.g., unnecessary construction sites bearing machines like artillery), not just the home, are places subject to the same doctrines.¹¹¹ Police are forewarned that misconduct, including assault, battery, implied threat to use deadly force by brandishing a weapon at a place where one has no right to be during the commission of a crime, false imprisonment, harassment, and burglary, are subject to justifiable, not solely defensible, use of force.¹¹² Justifiable force in some jurisdictions includes deadly force without any duty to retreat or verify the aggressor's lethality.¹¹³ Citizens' fearful denial of self-defense is stricken, and, in the future, the right to be free from

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Minn. Stat. § 609.06 (2021).

¹¹³ *Id.*

all crime, terror, harassment, and aggressive insanity must be upheld.¹¹⁴

IV. APPLYING REMEDIES

A. Broad Applicability

Current laws and doctrines apply, and the extent of protection for innocent citizens must be furthered.¹¹⁵ Stand your ground is available in numerous states and other doctrines are supportive and compatible.¹¹⁶ The elements are typically that the victim has the right to be in a location, is not breaking the law, and must use necessary force, including equal to the force used against the victim, to accomplish self-defense.¹¹⁷ Using a fair fight

¹¹⁴ *Id.* U.S. Const. amend. 14 § 4.

¹¹⁵ Minn. Stat. § 609.06 (2021).

¹¹⁶ Fla. Stat. § 776.012 (2021).

¹¹⁷ *See, e.g.,* § 22 *Self-Defense by Nondeadly Force*, Restat 3rd, Intentional Torts to Persons TD 6-22

(a) Subject to Subsection (b), the definitions stated in § 20, and the principles stated in § 21, an actor is privileged to use nondeadly force for the purpose of defending himself or herself against another only if the actor reasonably believes that

(1) the other is intentionally inflicting or is about to intentionally inflict unprivileged force upon the actor;

doctrine, the victim has a right to defend, a right against police brutality, and a right against excessive force.¹¹⁸

It is recommended for government actors to be limited in their use of government resources to violate rights.¹¹⁹ Publicly-supplied health insurance should not cover their injuries if charges (e.g., mayhem and arson) are pressed against them; if they escalate the confrontation; break other laws; or are injured while overcoming, countering, or ignoring self-defense.¹²⁰ Spouses colluding criminally with

(2) the force that the actor is using is proportionate to the other's force or threat of force; and (3) the actor can prevent the other's force or threat only by the immediate use of the force that the actor is employing.

(b) The privilege stated in Subsection (a) exists even if the actor knows or reasonably should know that he or she can safely avoid the necessity of defending himself or herself by retreating or otherwise giving up a right or privilege.

¹¹⁸ *Id.*

¹¹⁹ 42 U.S.C. § 1983 (2021).

¹²⁰ KS Stat § 21-5812 (2021). This statute is about War on Drugs and War on Terror.

21-5812. Arson; aggravated arson. (a) Arson is:

(1) Knowingly, by means of fire or explosive damaging any building or property which:

(A) Is a dwelling in which another person has any interest without the consent of such other person;

(B) is a dwelling with intent to injure or defraud an insurer or lienholder;

-
- (C) is not a dwelling in which another person has any interest without the consent of such other person; or
 - (D) is not a dwelling with intent to injure or defraud an insurer or lienholder;
 - (2) accidentally, by means of fire or explosive, as a result of manufacturing or attempting to manufacture a controlled substance or controlled substance analog in violation of K.S.A. 2014 Supp. 21-5703, and amendments thereto, damaging any building or property which is a dwelling; or
 - (3) accidentally, by means of fire or explosive as a result of manufacturing or attempting to manufacture a controlled substance or controlled substance analog in violation of K.S.A. 2014 Supp. 21-5703, and amendments thereto, damaging any building or property which is not a dwelling.
 - (b) Aggravated arson is arson, as defined in subsection (a):
 - (1) Committed upon a building or property in which there is a human being; or
 - (2) which results in great bodily harm or disfigurement to a firefighter or law enforcement officer in the course of fighting or investigating the fire.
 - (c) (1) Arson as defined in:
 - (A) Subsection (a)(1)(A) or (a)(1)(B) is a severity level 6, person felony;
 - (B) subsection (a)(1)(C) , (a)(1)(D) or (a)(3) is a severity level 7, nonperson felony; and
 - (C) subsection (a)(2) is a severity level 7, person felony.
 - (2) Aggravated arson as defined in:
 - (A) Subsection (b)(1) is a:
 - (i) Severity level 3, person felony, if such crime results in a substantial risk of bodily harm; and
 - (ii) severity level 6, person felony, if such crime results in no substantial risk of bodily harm; and
 - (B) subsection (b)(2) is a severity level 3, person felony.
- History: L. 2010, ch. 136, § 98; L. 2011, ch. 30, § 37; July 1. *Id.*

Ark. Code Ann. § 5-38-202 (2021). This statute in Arkansas is about mayhem, which can be a form of domestic violence, crime, corruption, terror, etc.

5-38-202. Causing a catastrophe -- Threatening to cause a catastrophe.

(a) (1) A person commits the offense of causing a catastrophe if

abusive officers should not receive insurance benefits, including life insurance.¹²¹ All law

he or she knowingly causes a catastrophe by:

- (A) Explosion;
 - (B) Fire;
 - (C) Flood;
 - (D) Avalanche;
 - (E) Collapse of building;
 - (F) Distribution of a poison, radioactive material, bacteria, or virus; or
 - (G) Another dangerous and difficult to confine force or substance.
- (2) Causing a catastrophe is a Class Y felony.
- (b) (1) A person commits the offense of threatening to cause a catastrophe if he or she:
- (A) Contacts any person, company, corporation, or governmental entity; and
 - (B) Threatens to cause a catastrophe by explosion, fire, flood, avalanche, collapse of building, release of a poison, radioactive material, bacteria, or virus, or another dangerous and difficult to confine force or substance, unless:
 - (i) Paid a sum of money or any type of property; or
 - (ii) The person, company, corporation, or governmental entity performs a requested act.
- (2) Threatening to cause a catastrophe is a Class D felony.
- (c) In addition to any other restitution ordered under 5-4-205, a court may order that a person who violates this section make restitution to the state or any political subdivision of the state for any cleanup costs associated with the commission of the offense.
- Id.*

¹²¹ Ark. Code Ann. § 5-38-202 (2021). *Infra* notes through note 143 and other notes describe circumstances relating to flight. Trees, rocks, dunes, etc. cannot flee. They are stationary allies. Many dwell on university campuses. These campuses, often taken by spouses and lovers in pyramid schemes to dominate or harm women and impoverish or embarrass men, are transformed into castles and forts that are guarded, maintained, and profitable. These compounds contain properties and edifices with hundreds of torture victims, mountains, coast, boats, classrooms, laboratories, lasers, stadiums, showers, farms, equipment, cranes, weapons, poisons, knives,

enforcement is offered the same right—a fair fight.¹²² Along with the obligation also comes the opportunity to defend against fellows, these include meter maids, airport security, The Department of Homeland Security’s Transportation Security Administration (TSA), servicemembers Absent With Out Leave (AWOL), and nurses.¹²³ The doctrine also supports fair flight.¹²⁴ While it is broad and based on one’s knowledge of or sincere belief in his or her innocence and clarity of conscience, one is under no obligation to fight for the order within the jurisdiction.¹²⁵ One need not subdue police, surrender health, or fall into

cameras, X-rays, radars, roads, etc. The students increasingly have become indoctrinated to succumb to and perpetrate combat and accept and create disorder, including self-oriented hierarchical ambition and feigned undue credit.

¹²² See also, Fla. Stat. § 394.47891 (2021). This statute says that veterans may be treated for their mental problems when they are convicted of crimes when their problems stem from war and service-related injuries.

¹²³ Florida Mental Health Act of 1971 (“Baker Act”), Fla. Stat. §§ 394.451-394.47891 (2019). 10 U.S.C. § 886, Art. 86 (2022).

¹²⁴ See Ark. Code Ann. § 5-38-202 (2021).

¹²⁵ *But see* UNITED NATIONS BLUE BOOK. 9. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Protection Principles), Use of Terms, a. 9. 10. Covenant, Article 9, para 1. “1.4 Arrest is depriving a person of his or her liberty, otherwise expressed as “the act of apprehending a person for the alleged commission of an offence or by the action of an authority.9 No law enforcement official shall make any arrest which is unlawful or unnecessary.10” *Id.*

the government's regimen.¹²⁶ One may flee to avoid injury without attacking the aggressor.¹²⁷ The government cannot require or weakly reward the conscription of citizens into a disciplinary scheme to subdue bandits wearing the government's garb; and the same is true of all federal uniforms.¹²⁸

B. Non-humans

Flight rather than fight may be desirable to humans and animals when they are attacked.¹²⁹

¹²⁶ *Id.*

¹²⁷ *But* Ark. Code Ann. § 5-38-202 (2021).

¹²⁸ UNITED NATIONS BLUE BOOK, Geneva Convention. 18 U.S. CODE § 2441 (2021).

¹²⁹ The three-fifths clause is found in U.S. Const. art. I § 2, cl. 3. "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons." *Id.* Anti-slavery law is located here, U.S. Const. amend. XIII. "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." *Id.* Representation is decided according to population, and that law is here, U.S. Const. amend. XIV § 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States,

Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. *Id.*

Voting is permitted according to this law, U.S. Const. amend. XXVI § 1. “The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.” *Id.*

The purpose of this section is to elucidate the Author’s thoughts on animal rights and well-being to avoid misuse of the public welfare and grant to animals’ rights through representation that will manifest in protection to avoid the resort to use self-defense. The three-fifths clause of Article I § 2 need not suffer from revision in principle due to the ratification and invocation of the Thirteenth Amendment. It needs to be untethered from the provision in § 2 of the Fourteenth Amendment calling for the federal government to ensure states’ rights. Three-fifths of all animals in a state, including police dogs, working seals, birds in cages, elephants in zoos, and the like, may influence decision-making. Animals appearing in entertainment shown or viewed in the United States, working with corporations doing business in the United States, receiving funds from Americans, etc., in principle, could seek or be entitled to representation. The reason for applying the three-fifths standard could be that some animals will travel between states. They should not be represented twice. Some are represented by special humans and do not want representation, political control, surrogate caregivers, and are controlled by others, including their parents and mates. They may feel like they ought not receive representation due to animals’ particular community rules. Representatives should meet in caucuses to discuss animals’ representation, which does not directly require animal representatives of a particular type to speak on behalf of all the others. Groupings may represent animals scouring for drugs with port authorities, animals in stage performances and at zoos, wild and domesticated breeds of donkeys, imported wildlife, and handicapped animals providing services to handicapped people providing services to handicapped animals. Furthermore, representation cannot be limited to humans. For example, reasons that males miss voting range

Citizens seeking immediate revenge and punishment may strike aggressors to thwart attacks, yet they cannot be better protected than those seeking quickly to regain peace.¹³⁰ Avoidant situations include flight from canines and patrol vehicles.¹³¹ Canines may be unwilling to release individuals struggling for freedom, thus flight may be a necessity.¹³² Furthermore, striking an animal may be unconscionable because of the injury and degradation to an animal trained to perform lawfully but given false information and forced to work under strained conditions.¹³³ Any actions greater than required to flee or prevent the bite will be criminal and tortious, amount to deprivations, and possibly cause harm to the animal, owner, and government.¹³⁴ In cases involving innocent animals, heightened

from domestic violence and oppression by spouses and children to sabotage and corruption by law enforcement and caregivers. Non-voters cannot receive adequate representation when animals are neglected by Congress.

¹³⁰ 18 U.S. Code § 2441 (2021).

¹³¹ *Infra* note.

¹³² U.S. Const. amend. VIII.

¹³³ People for the Ethical Treatment of Animals (PETA), www.peta.org.

¹³⁴ 18 U.S. Code § 2441 (2021).

protection due to obviousness of patriarchal foul-play is preferable to unfair demise.¹³⁵ This does not encourage police to deploy K-9 units.¹³⁶

Likewise damaging a vehicle may be relatively riotous and insulting to the proper use of the machine, and thus flight may be preferable.¹³⁷ Inmates in the government's custody are justified in fleeing from prison and using force when falsely convicted.¹³⁸ Though some may be guilty but incarcerated according to the government's false theory and justified in their belief that the government acted illegally through agents, a truly innocent person could be driven to escape under the right to habeas corpus.¹³⁹ Fleeing from prison, if innocent or if serving concurrent sentences and the punishment is certain to have been different had the law been followed, may be warranted, but not when

¹³⁵ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3. *Saucier*, 533 U.S. 194.

¹³⁶ *Infra* note.

¹³⁷ Like farm equipment, but unlike a tank. 18 U.S. Code § 2441.

¹³⁸ Minn. Stat. § 609.06 (2021).

¹³⁹ U.S. Const. art. I § 9, cl. 2. "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

other remedies have already satisfied the aggrieved.¹⁴⁰ Those aiding these people are also excused under doctrines involving exigent circumstances, danger, rescue, excusal for trespass in tort law, etc.¹⁴¹ Similarly, those detaining and imprisoning the innocent are aggressing against the reputations of those who do not.¹⁴² Those implicated seem culpable and are warranted in their enforcement of law and order in defense of and to protect the innocent and free.¹⁴³ Thus, flight to escape and thwart attacks, for example those involving animals and machines, may better protect and defend innocent individuals than fighting and use of self-defense.¹⁴⁴

¹⁴⁰ Minn. Stat. § 609.06 (2021).

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.* Free persons are entitled to rights.

¹⁴⁴ *Infra* note.

C. Accountability and Culpability Shared by Officers

The public and the government may hold officers responsible.¹⁴⁵ Officers who violate citizens' rights are liable for brutality, torts, and other violations unless they are immunized by their employers.¹⁴⁶ The doctrine of qualified immunity holds that when a citizen possesses clearly-defined rights and officers willfully violate them, the officers will be held liable.¹⁴⁷ In cases in which officers pose a harm through injustice and violative conduct, the government is obligated not only to immunize officers, but also act on behalf of victims.¹⁴⁸ Officers are liable, and, for example, should be immediately sanctioned within their neighborhoods.¹⁴⁹ If a person alleges malicious prosecution under the Fourth Amendment, then independent officer panels, including appeal boards, are to review an officer's

¹⁴⁵ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3. *Saucier*, 533 U.S. 194.

¹⁴⁶ *Saucier*, 533 U.S. 194.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

facts before making a finding of probable cause, which will not be useable against a suspect at trial unless that defendant opens the door.¹⁵⁰ If wrongfully arrested, then a standard sum denoted in a statute should be paid, like an unfair and wrongful prison term in some states, and paid to the total network of people, animals, property, etc. against whom and which police caused torts and crimes to be committed.¹⁵¹

The fair fight and flight doctrine may apply to all government employees placing people in similarly dangerous and unauthorized circumstances, including bad teachers, racist school guards, damaging county roadside assistance, and others.¹⁵² Development of statues and doctrines for prison, a place from which people may not escape, is necessary.¹⁵³ Guilty people residing in prison may require fair fight and flight protections to be articulated by members of the court, the government,

¹⁵⁰ 42 U.S.C. § 1983 (2021); *Winfrey v. Rogers*, 901 F.3d 483 (5th Cir. 2018).

¹⁵¹ Ala. Code § 29-2-159 (2019); Me. Rev. Stat. 14 § 8242 (2020).

¹⁵² 42 U.S.C. § 1983 (2021); *Rogers*, 901 F.3d 483.

¹⁵³ Me. Rev. Stat. 14 § 8242 (2020).

corrections departments, and in the law.¹⁵⁴ The Eighth Amendment protects incarcerated people from torture, and, thus, an inherent, although temporary right to flee, may be imbedded in a human right to avoid unfair punishment.¹⁵⁵

Awareness of misconduct must be presented to the public.¹⁵⁶ Changes in official policies are to be announced, so that citizens avoid and the government prevents sneaking.¹⁵⁷ All attacks are to be quelled by the exercise of a right to fair fight and flight when desired by the targeted victim.¹⁵⁸ Citizens cannot attack a working animal except in the strictest circumstances when flight is not possible and, for example, shock or bite will occur immediately.¹⁵⁹ Those people must be 100% certain of one's innocence for any conceivable charge.¹⁶⁰

¹⁵⁴ Fla. Stat. § 776.012 (2021).

¹⁵⁵ U.S. Const. amend. VIII. This coalesces with the Thirteenth Amendment's prohibition against slavery. U.S. Const. amend. XIII.

¹⁵⁶ 42 U.S.C. § 1983 (2021).

¹⁵⁷ *Id.*

¹⁵⁸ Fla. Stat. § 776.012 (2021).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* See 42 U.S.C. § 1983 (2021). A possible and potential feeling of innocence is one which the totality of the circumstances affirmatively indicates the person as completely being innocent

They cannot attack to harm, and must flee as soon as practicable.¹⁶¹ Surrender is preferable to animal harm or agitation in probably any circumstance.¹⁶² Later, satisfaction is guaranteed.¹⁶³

without any impermissible bias issued by the contemplating suspect, a victim, in his or her favor to overcome an unlawful finding of probable cause. The lowest measure of weight given may be 51%, a proverbial certainty, to find probable cause lawfully. A 51% (e.g., 50.598%) likelihood is one probability standard used by some officers, prosecutors, judges, etc. which cannot be confused with a false charge by errant actors when ascertaining one's right to fight an animal attack. Deviant and undefined thinkers and actors, who believe that there is a reasonable doubt about their criminality, are not similarly situated with those who are conscientious and innocent. Reasonable doubt protects defendants on-trial. They are protected against the government's case particularly because it involves loss of prowess, asserted falsities, poor scope, withering veracity, laziness, inaccuracy, diminished expertise, and other unjust kinds of efforts and attempts to accomplish the aims of justice and professional work product. No animal, including those working for the government, may be harmed. This is true, particularly for the accused, for example a culpable person and defendant. A culpable person is a guilty party, who will confess and plead. A defendant is a person who believes his or her innocence and will assert the right to request to defend his or her innocence by demonstrating a particular perspective, involvement, lack of assertiveness, etc., in a public hearing. Therefore, total certainty and clarity about one's right to be free from an attack by or process of the government is recommended to justify the use of force overcoming an animal.

¹⁶¹ Fla. Stat. § 776.012 (2021).

¹⁶² *Id.*

¹⁶³ 42 U.S.C. § 1983 (2021).

V. CONCLUSION

The government must protect people from the lowest attacker, one seeking to make the law a private force against the innocent.¹⁶⁴ Citizens have a right to fight and flee.¹⁶⁵ They must use these tactics to avoid harm, and yet, the government should not obligate them to engage the system following mistreatment, for example, the defendant must not be forced to plead not guilty and raise procedural errors.¹⁶⁶ Police should be thwarted from unfair and excessive actions by doctrines that defrock unprofessionally used uniforms and support fair fight and flight.¹⁶⁷ A doctrine in tort law provides that group knowledge should be treated under the doctrine of transferred intent.¹⁶⁸ What one officer

¹⁶⁴ U.S. Const. amend. III.

¹⁶⁵ See e.g. Fla. Stat. § 776.012 (2021).

¹⁶⁶ U.S. Const. amend. V.

¹⁶⁷ *Id.* Sometimes, visibility may seem like a way to alert the community to the whereabouts of the most aggressive persons. These persons may be as likely or more likely than others to commit crimes, and thus, positioning these people, for example placed on patrol, in public places may benefit society.

¹⁶⁸ See also § 10 *Participation in an Intentional Tort*, Restat 3rd, Intentional Torts to Persons Tent. Draft 3-10.

intended to subject the police department to is what all who knew also intended.¹⁶⁹ Constructive knowledge should be held against police officers.¹⁷⁰ When all of the officers each knows enough to determine that each of the officers as an individual, or that the entire group, lacks probable cause then they cannot use the government's power.¹⁷¹ When police have not disproven through lawful means the person's innocence and rights to fight and flight, then they are to be rebuffed by the individual and government.¹⁷²

“An actor who knowingly and substantially instigates, encourages, or assists another person's commission of an intentional tort of battery, purposeful infliction of bodily harm, assault, intentional infliction of emotional harm, or false imprisonment is subject to liability for that tort, even if the actor's conduct does not independently satisfy all elements of the underlying tort.”

¹⁶⁹ The officers may have intended to cause the officer to appear incompetent, but they acted against the state. § 110 *Transferred Intent*, Restat 3rd, Intentional Torts to Persons Tent. Draft 1-110. Awareness that a right is clear demonstrates intent to disavow the state's authority, which damages the state. That is one reason why officers intentionally violating rights should not be immunized, but instead, held to a self-defense standard. 575.145

¹⁷⁰ Duration and frequency may be evidence of constructive knowledge in torts. *See e.g.*, Fla. Stat. § 768.0755 (2021).

¹⁷¹ § 10 *Participation in an Intentional Tort*, Restat 3rd,

¹⁷² U.S. Const. amend. IV. U.S. Const. amend. V.

Violative conduct cannot be justified.¹⁷³ When corrupt officers can be deterred and citizens can be protected from them, then the government is obligated to maintain order.¹⁷⁴ If citizens must defend themselves then force against officers is justifiable.¹⁷⁵ When citizens are attacked under the color of law, they cannot be required to submit to attacks and then sue to enjoin, defend in criminal court on procedural and substantive grounds, and seek financial and other forms of restitution.¹⁷⁶ They must exercise rights to defend and liberate themselves from attack.¹⁷⁷

The doctrine of fair fight and flight is clear.¹⁷⁸ It is the law, representing a wide range of problems and the solutions.¹⁷⁹ The fair fight and flight doctrine thwarts attack.¹⁸⁰ Fight and flight protect animals and property.¹⁸¹ The government must increase effort to

¹⁷³ U.S. Const. amend. V.

¹⁷⁴ U.S. Const. amend. IV.

¹⁷⁵ U.S. Const. amend. III.

¹⁷⁶ 42 U.S.C. § 1983 (2021).

¹⁷⁷ U.S. Const. amend. III.

¹⁷⁸ *See supra* Sections I-IV.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

enforce rights and uphold the law, especially for the innocent.¹⁸² Case law and statutes notify the public, for example, of vital underlying customs, ethics, safety procedures, emotional thresholds, sacred turf, professional expectations, and norms for decorum.¹⁸³ Refurbishment of local ordinances, opinions, and state and federal codes is not feasible, but, ultimately, could be profitable and fortuitous.¹⁸⁴ Statutory annotations may be helpful, education could be progressive, and policies must positively inform innocent and guilty persons and the public sector.¹⁸⁵ Updates should include these legal issues, analyses, and conclusion.¹⁸⁶ Officers cannot make arrests when they are criminals, thus self-defense should be reduced through the government's adherence to this Article.¹⁸⁷ Lastly, animals and machines should be treated in conformity with the law.¹⁸⁸ In summary,

¹⁸² 42 U.S.C. § 1983 (2021).

¹⁸³ *See supra* Sections I-IV.

¹⁸⁴ *Id.*

¹⁸⁵ *See* Appendix A

¹⁸⁶ *See supra* Sections I-IV.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

the doctrine of fair fight and flight is in effect the law.¹⁸⁹

¹⁸⁹ U.S. Const. amend. I-XXVII.

Appendix A

The Third Amendment is useful for combatting battery from the state. U.S. Const. am. III. The Third Amendment of the United States Constitution states, “No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.” *Id.* The Third Amendment includes the doctrine of self-defense from any enemy combatant, soldier, or foreign soldier. *Id.* It entitles animals, plants, persons, and objects to protection from intrusion into the home. *Id.* The owner is represented in the dwelling place surrounding the protected entity and the person dwelling. *Id.* It is not far-reaching because it seeks to avoid tyranny, demise of the military, and armament of the people. *Id.* Without the Third Amendment, any corporation (e.g., construction company) could don a uniform and assume a position on a person’s property without permission. *Id.* This is impermissible. *Id.* The machinery is artillery and life-threatening. *Id.* The police are like the military, particularly when they act in concert with criminals (e.g., War on Drugs and War on Terror). *Id.* The widespread permeation of combat in the home, corporate sector, educational field, medical field, and in other areas has rendered the state a friend of the federal government. *Id.* In these warlike environments—and others—the government may assume that the prohibition against soldiers quartering extends to state realms. *Id.* The police, state actors, cannot assume that the government will not prosecute them under this provision simply because they don the state’s uniform. *Id.* The state and federal governments may prosecute the perpetrators. *Id.* Prosecution may not be required. *Id.* Terror requires a new confrontation and while the War on Drugs has connected the two, normal armies may be in cahoots with non-army members. *Id.* Thus, as the public relies on the government to prevent infringement, it is authorized to invoke this provision on the people’s behalf at large and specifically. *Id.* For example, an empty house may not be entered without permission from the owner. *Id.* Thus, the capture of private property (e.g., force-placed insurance) in cahoots with war is an infringement from afar that not only amounts to a taking when the government’s orders fail to suffice, the infringement is a total abridgment of peace and quiet entitled to the owner. *Id.* U.S. Const. am. V. An object (e.g., a patented robot) may own property (e.g., a purse) and when that purse is a home, the object cannot be penetrated by the military for the purpose of use without consent from the owner during peacetime. U.S. Const. am. III. The military’s role in government is too precious to abrogate with use of the private home as a barrack. *Id.* And thus, when the military is in need, proper sufficiency must be produced for them to combat the police. *Id.*

The Third Amendment segregates male and female roles. *Id.* While military work is not apt for females, they have served valiantly on the frontlines. *Id.* What is more is that without the Third Amendment, they would be forced to choose between a duty call and guard of the home, which is entrusted to women during war. *Id.* Men work to protect the frontier and external barriers, but women are left to dwell alone. *Id.* A woman answering a service call would be asked to choose between quartering in her children's home and working for "the man." *Id.* There is no in between. *Id.* The male is asked to leave his home and cannot return under inauspicious circumstances resulting in domestic violence, usurpation, sex schemes, homosexual misconduct of either variety, or a pyramid scheme amounting to burglary. *Id.* He cannot transform his home into the government's palace. *Id.*

Gangs led by leaders who have access to the courts, policemen, judges, the clergy, mother figures, and others of importance to the community may be equally responsible to an enemy combatant when the scope of their wrongdoing exceeds mere crime. *Id.* The crime at hand is a terrorizing maneuver to cause people to believe that LIBERTY has fallen. *Id.* The entrance of a terrorist soldier into the home amounts to a deprivation of the pursuits of happiness. *Id.* Happiness is a fundamental right, in the home. *Id.*

The waste-entertainment complex seeks to promote the image of gangs. *Id.* It dresses women in fatigues, arms actors, asks men to brag about crime through muses, and tells children to run through hallways. *Id.* It is a terror. *Id.* It can be redeemed by family pictures, etc. *Id.* However, it terrorizes people by pretending that soldiers can be quartered in the home. *Id.* This includes sailors, etc. *Id.* They are not to be bothered by First Amendment representation. *Id.* They seek to terrorize the common man, not express dissent against the government or others. *Id.* Entertainment played in the home is not a weapon, but when the entrance of soldiers results in the introduction of arms into the home, the propaganda instigating their revolt against the Third Amendment must be constrained. *Id.* They are to be held responsible, socially, religiously, and otherwise for their defect. *Id.*

Neither animals nor plants, etc. may be subjected to mistreatment. *Id.* When agents, including police, trounce the sedentary, they may presume non-offense. *Id.* This is incorrect. *Id.* They may invoke the Third Amendment permanently and without equivocation at all times to seek remuneration, truth and reconciliation, and justice. *Id.* They are not subject to the constraints of the Geneva Convention or other friendly alliances seeking to prevent the intrusion of soldiers. *Id.*

The Third Amendment is a living breathing entity seeking to establish peace on Earth. *Id.* It extends to the boundaries of the country, yet the ancient doctrine is the second legal premise. *Id.* It follows, do no harm. *Id.* The second is protect no aggressor against one's person. *Id.* The soldier cannot be quartered in a home because he violates the home by conducting business there for the government and only for himself. *Id.*

The Third Amendment works together with all the Amendments, First, Second, Fourth, Fifth, Sixth, Thirteenth, etc. *Id.* The assault upon the freedoms of the American mentality begins with condonation of intrusion. *Id.* For example, the Twenty-First Amendment legalizes alcohol, but it is prohibited by the Eighteenth Amendment. *Id.* Condonation of taxed alcohol is the basis for the government's description of intrusion. *Id.* It should be taxed at half the rate because the government cannot condone such large portions. *Id.* Every beverage seems to be twice as large and contaminous as can be handled by a person seeking to drink throughout a night. *Id.* Yet, it taxes at the same rates as other similar fare. *Id.* This is a crime, and part of the War on Terror. *Id.* Some states, people, and other entities have a distinct and notable right to ask the government not to introduce the push for alcohol within its walls. *Id.* Soldiers may request alcohol within a home. *Id.* It is a governor's right to refuse to bar tend. *Id.* Thus, the soldier cannot be introduced. *Id.* What is more is that each state may proscribe drinking and thus the soldiers require federal barracks. *Id.* See *Dole*, 483 U.S. 203.

The Sixth Amendment, stating "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence," may prevent soldiers from seeking quarters with their relatives particularly when domestic violence would result (e.g., interest in and against arms). U.S. Const. amend VI. U.S. Const. amend III. The Sixth Amendment is not just to prevent children from wrongly accusing their pedophile molesters. U.S. Const. amend VI. It is to help people to avoid domestic violence perpetrated on them by the courts, police, clerk's office, government of a federal proportion, etc. *Id.* The Sixth Amendment ensures that the domestic sphere should remain separate from the law when prosecution is in effect. *Id.* War is prosecution on a mass scale. *Id.* The current wars,

mentioned afore, demonstrate the social castigation of perpetrators (e.g., banks) and the reprisal suffered by careless thrill seekers and revenue suckers. *Id.* The Sixth Amendment thus stands for the right to confront gender roles which enter the home or private matters through the force of law. *Id.* Sixth Amendment right to confrontation may be violated by laws that prosecute people for self-harm or harm against the state or government when no individual, place, or institution is harmed—victimless crimes. *Id.* A solution for soldiers living in areas contaminated by drugs (e.g., wife or coup members in the home) is that the burden could be shifted to establishments where the noticeable possession or sale of drugs is prohibited or interrupts business. *Id.* While they may alert the authorities, they would be under no obligation to transform the home front into the frontline, thus giving women permission to enter. *Id.* The separation of spheres is inherent in the Sixth Amendment which changes the family dynamic from the ultimate judge to the subjection of the court. *Id.* Children, thus, can be tried as enemy combatants. *Id.* Participation in prosecution after police eject the accused from the premises should be optional. *Id.* Public and private places must ban possession and sale of drugs. *Id.* Drugs transported on foot, using a bicycle, or in a car may be unfrontational from the point-of-view assumed by the United States military member living in his own home. *Id.* When consumed in a home, there may be no need to prosecute, when the member is not confused or willingly subjected to the nuisance of odor, the sound of water pipe smoking, the sound of pills pouring from a bottle, contact high, smoke, intrusion of residue, etc. *Id.* Rehabilitation is not prescribed by the Sixth Amendment—which is unmerciful—and is an option for sanction when the possession or sale is in conjunction with another crime. *Id.*

Males in the home represent authority and may attempt to overthrow the delicacy of family energy. *Id.* Women are combatants when they overthrow the male or female energy. *Id.* The male stationed in the home cannot be forced to keep peace for another man or woman against his gender, which in America is monogamous (i.e., heterosexual). *Id.* Long-lasting relationships are normal, though not required by culture. *Id.* Thus, he cannot be imposed into the home by a government seeking to reestablish culture. *Id.* The overthrow of American values cannot be feigned by enemy combatants any more proficiently than soldiers can be asked to be surrogate husbands or make provisions for wives seeking to own two homes, particularly those seeking new homes in wooded areas. *Id.* Meaning, they seek to invade the homes of others at the expense of those perceived as being smaller and weaker (e.g., animals, plants, and existing objects). *Id.*

A car may be home, like a trailer, or like part of a home (e.g., open back porch). *Id.* It may not be searched. U.S. Const. amend IV. A text message sent may be a disruption to the road, but may be no grounds for an officer to intrude into the car. *Id.* A car may not be pulled over so that an officer can investigate the purpose of person's use of a phone, for example, switch a map to music or sending a textual phone call. *Id.* The phone call is prohibited, but the entertainment is not. *Id.* Thus, the government cannot elicit information from a motorist about the contents of his transcription to a satellite. It is protected under the Sixth and Fourth Amendments due to the targeted nature of law enforcement's use of search laws to fortify the morale of enemy combatants. *Id.* U.S. Const. amend VI. A grocery store is an extension of the home under the Third Amendment, objects intended to terrorize, placed there by the government (e.g., subsidized meat) may be part of the War on Terror. U.S. Const. amend III. While soldiers may be stationed there (e.g., hurricane shelter) much to the chagrin of existing doctrines prevailing in most circumstances, they cannot be used to block people from accessing the supplements they need for daily life. *Id.* This is tyranny and violates the Second Amendment, too. U.S. Const. amend II. Observation of shopping habits and notifications about homelife activity (e.g., water company fraud and duress during price hikes) cannot go unnoticed under the Sixth Amendment's invocation during these Wars on Terror and Drugs. U.S. Const. amend VI.

CHILD ABUSE AND DEVIANT BEHAVIOR: MEDIATING ROLE OF AGGRESSION IN ADOLESCENTS

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I. OVERVIEW

A. Abstract

Stanley Hall rightly stated that adolescence is a time of storm and stress to illustrate that it is a particularly difficult period for the adolescent because it is an age of transitional and developmental changes.¹ During this time period, young people are not just vulnerable to deviance more than either children or adults but also subjected to negative

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¹ Monica L. McCoy & Stefanie M. Keen, *Child Abuse and Neglect*, PSYCHOL. PRESS (2013).

emotions like aggression due to biological changes that occur during puberty. The present study was intended to find out the relationship between child abuse, aggression, and deviant behavior among adolescents. It was hypothesized that there is likely to be a relationship between child abuse, aggression, and deviant behavior. It was also hypothesized that aggression is likely to mediate between child abuse and deviant behavior. Correlational research design was used to assess the relationship between variables. Purposive sampling technique was used to recruit the sample. The sample comprised of (N= 300) school and college students with age range 13-19 years. The questionnaires for collecting data included the Child Abuse Scale developed by Parvaneh Mohammadkhani, et al.,² the Aggression Scale by Pamela Orpinas and Ralph Frankowski,³ and Deviant Behavior Scale by Shahnila Mushtaq

² Parvaneh Mohammadkhani, et al., *Development, Validation and Reliability of Child Abuse Self Report Scale (CASRS) in Iranian Students*, 17 MJIRI 51 (2003).

³ Pamela Orpinas & Ralph Frankowski, *The Aggression Scale: A Self-Report Measure of Aggressive Behavior for Young Adolescents*, 21 J. EARLY ADOLESCENCE 50 (2001).

and Rukhsana Kausar.⁴ Results revealed that there was a positive relationship between child abuse, aggression, and deviant behavior. It was also revealed that aggression mediated the relationship between child abuse and deviant behavior. These results have implications in various educational settings for increasing awareness of parents about how responsive they should become for the better upbringing of their child and providing better understanding about how aggression and child abuse can lead to deviant behavior.

B. Introduction

Deviant behavior is an adverse phenomenon affecting any and all areas of life in the contemporary society. It has become a major focus of public debate and concern.⁵ Deviant behavior has been derived from a Latin word called deviation which indicated abnormality. Puberty has been described as a time of

⁴ Shahnaila Mushtaq & Rukhsana Kausar, *Exploring Dimensions of Deviant Behaviour in Adolescent Boys*, 28 J. BEHAV. SCI. (2018).

⁵ JOHN OPARADURU & JOHN ONYEMAUCHE, *DEVIANT BEHAVIOURS IN SCHOOLS: IMPLICATION FOR COUNSELLING* (2021).

storms and stress to show that it is an especially difficult time for adolescents and for people around them. This difficulty manifests itself in all aspects of adolescent life. For example, teenagers are now starting to defy adult authority and show more behavioral problems. They also show more impulsiveness than when they were young, and increased mood swings. Compared to children or adults, reckless, norm-violating and antisocial behaviors are more common in adolescents.⁶ As the possibility of engaging in behavior that is defined as deviant, illegal, and risky behavior increases, the consequences of young people's choices become more serious. Since participation in deviant behaviors can have serious consequences for young people and these behaviors have important implications for society, it is important to understand the factors that lead to deviant behavioral choices.⁷

Deviant behaviors during the period of adolescence are predictors of a number of

⁶ S. Hashmi, *Adolescence: An Age of Storm and Stress*, 2 REV. ARTS & HUMAN. (2013).

⁷ TRAVIS HIRSCHI, *CAUSES OF DELINQUENCY* (2002).

problematic consequences in adulthood, like risky sexual behaviors, crime, and substance abuse.⁸ Many people consider deviance to be bad behavior because it poses a social problem. This is because deviant behavior interferes with the smooth flow of social interaction and harms social organization. Due to the unusually chaotic behavior, the government and government officials have transferred and allocated a large number of resources to modern social control agents, for instance buying bulletproof cars, uniforms for police and prison officials, and building police stations, courts, and prisons across the country. All of these agents are intended to enforce or set consistency. Investment of these resources could have been done in other money-making areas such as industry, agriculture, education, and human and social development. In addition, deviant behavior can undermine trust.⁹

⁸ Russell A .Barkley, et al., *Young Adult Follow up of Hyperactive Children: Antisocial Activities and Drug Use*, 45 J. CHILD PSYCHOL. & PSYCHIATRY 195 (2004).

⁹ Augustine Bala Nalah & Leku Daniel Ishaya, *A Conceptual Overview of Deviance and Its Implication to Mental Health: A Bio Psychosocial Perspective*, 2 INT'L J. HUMAN. & SOC. SCI. INVENTION 1 (2013).

Integrated cognitive theory of antisocial potential given by Farrington in 2017, states that experiences of child ill-treatment such as child abuse, problematic family environment, antisocial patterns, and child abuse experiences of criminal parents are, in the long run, factors that encourage deviant behavior. Similarly, according to research by Sampson and Laub (2003), they face disadvantages such as poverty and child abuse, which provide more favorable conditions for future crimes. For example, a child who has experienced negligence in the family environment may infrequently be loved, under limited family supervision, and the parent or legal guardian may be negligent. Because of the neglect of parenting behavior, this young man is more likely to develop weakened social bonds, which is the core aspect of deviant behavior.¹⁰ It is always found that participation in juvenile justice or deviance

¹⁰ Robert J. Sampson & John H. Laub, *Life Course Disasters? Trajectories of Crime among Delinquent Boys Followed to Age 70*, 41 CRIMINOLOGY 555 (2003).

continues to be related to the child's bad experiences.¹¹

Children have experienced and witnessed abuse by their guardians and their lives are severely affected as adults.¹² There are numerous studies examining the relationship between child abuse and adult aggression. Many studies have shown that there is a link between experiences of child abuse and emotional distress, such as an increased incidence of anger, anxiety and depression.¹³ There is association between child abuse and variety of deviant behaviors such as suicide, substance use and delinquency. Deviant behavior is a bad phenomenon that affects all areas of life. Various factors and reasons cause this unacceptable behavior to appear. Dysfunctional families and child abuse are two of main reasons of deviant behavior. Therefore, the study wants to

¹¹ Jessica M. Craig, *Do Adverse Childhood Experiences Influence the Desistance Process?*, 41 *DEVIANT BEHAV.* 683 (2020).

¹² Randy A. Sansone, Justin S. Leung, & Michael W. Wiederman, *Five Forms of Childhood Trauma: Relationships with Employment in Adulthood*, 36 *CHILD ABUSE & NEGLECT-THE INT'L J.* 676 (2012).

¹³ DAVID HOWE, *CHILD ABUSE AND NEGLECT: ATTACHMENT, DEVELOPMENT, AND INTERVENTION* (2005).

determine how child abuse leads to aggression and then how it results in deviant behavior in adolescents.

II. METHOD

A. Participants and Procedure

Present study comprised of 300 participants (N=300) male and female students from different government, semi-government and private schools and colleges of Lahore. The age range of sample was 13-19 years old and from ninth to 12th grade. Prior to any data collection process, permissions from the respective authors of questionnaires were taken through e-mail. After taking the permission, authority letters from School of professional Psychology, University of Management and Technology, Lahore, explaining the nature of the research, requesting for the permission of data collection were obtained and permission was taken from different schools and colleges of Lahore. After that, the pilot study was done to check the reliability of all these instruments and then formal data

collection was done. The purpose of this research was completely explained to the participants. A consent form was also given to the participants to take permission of participation from them. The participants were assured about the privacy and confidentiality of the data collected from them. The purpose of the research was completely explained to the participants and informed consent was signed by them. They were asked to fill the demographic information sheet. The assessment measures regarding all the variables were given to them and they were asked to fill them. At the end, all the questionnaires were scored quantitatively as per scoring guidelines.

B. Measures

1. Demographic Sheet

Demographic Information Sheet consisted of important demographic information. Demographic questionnaire included age, gender, smoking, number of siblings, birth order, family system, father

alive, mother alive, occupation of father and mother, total family income, most attachment with, time spent with parents, socioeconomic status, do you find easy to talk with your parents, number of friends, time spent with friends, restricted time with friends, and activities with friends.

2. Child Abuse Scale

The Child Abuse Self Report Scale (CARS) consists of 38 items for measuring four categories of neglect and child abuse and the response is required on scale ranging from 0= Never, 1= Sometimes, 2= Most often, 3= Always. It has four subscales, neglect includes 11 items, psychological abuse subscale includes 14 items, sexual abuse includes five items and physical abuse includes eight items. CARS has good internal consistency, with reliability coefficient of .92, as well as good stability, test-retest correlations of .89.

3. The Aggression Scale

This scale was developed by Orpinas and Frankowski in 2001.¹⁴ There are 11 items in this scale. Those behaviors are measured in this scale which might result in physical injury or psychological issues in other students. For the minimization of recall bias, the information about the behavior of adolescents during past seven days is requested in this scale. Participants can respond to each item ranging from zero times to six or more times. The alpha reliability coefficient of this scale is $\alpha = .87$.

4. Deviant Behavior Scale

This scale was developed by Mushtaq and Kausar.¹⁵ There are 76 items in this questionnaire and the response is required on scale ranging from 1= Almost never, 2= Sometimes, 3= Often, 4= Almost always. This scale identifies three factors of

¹⁴ Orpinas & Frankowski, 21 J. EARLY ADOLESCENCE 50.

¹⁵ Mushtaq & Kausar, 28 J. BEHAV. SCI. (2018).

deviant behavior scale namely intermittent explosive disorder with alpha reliability $\alpha=.95$, conduct disorder with alpha reliability $\alpha=.96$, and oppositional defiant disorder with alpha reliability $\alpha=.93$. The total time for completion of questionnaire is almost ten minutes. The alpha reliability of this scale $\alpha= .87$.

III. RESULTS

The results of the current research represent the relationship of child abuse, aggression and deviant behavior among adolescents. The Pearson Product Moment Correlation was generated to assess the relationship between research variables. Furthermore, mediation analysis was carried out to determine the mediating effect of aggression between child abuse and deviance.

Table1. Inter-correlation among child abuse, aggression and deviant behavior

	M	SD	1	2	3	4	5	6
11	27.19	8.54	-	.92***	-	-	-	-
Psychological Abuse					.37***	.29***	.33***	.33***
12	20.39	5.79	-	-	-.19**	-.23**	-	-
Neglect Abuse					.22***		.24***	
13	6.61	4.78	-	-	-.72***	-.53***	-.52***	-
Physical Abuse								
14	3.20	3.34	-	-	-	-.56***	-.46***	-
Sexual Abuse								
15	26.27	16.22	-	-	-	-	-.69***	-
Aggression								
16	141.13	44.44	-	-	-	-	-	-
Deviance								

*Note. *p < .05, **p < .01, ***p < .001*

At first, the Pearson product moment correlation analysis has been used to investigate the correlation among the study variables. Psychological abuse and neglect abuse has negative significant relationship with aggression and deviance which indicated adolescents with high psychological and neglect abuse have low aggression and deviance. Furthermore, Physical abuse and sexual abuse have positive significant relationship with aggression and deviance which indicated that adolescents who

suffered from more physical and sexual abuse have more aggression and deviance tendencies. On the contrary, Aggression has positive significant relationship with deviance which indicated that adolescents with higher aggression have higher deviance tendencies in their behaviors.

Mediation analysis was applied as main analysis. It was hypothesized that aggression will act as a mediator between (psychological, neglect, physical and Sexual abuse) and deviance in adolescents. Mediation analysis was carried out between child abuse, aggression, and deviance, using *PROCESS* macro v3.3.¹⁶

¹⁶ A. F. Hayes, Process macro v3.4. (2019), *available at* <http://processmacro.org/version-history.html>.

Table 2. Direct Effects of Child Abuse, Aggression, and Deviant Behavior (N=300)

Antecedent	Consequent									
	Aggression			Deviance						
	<i>Coeff.</i>	<i>SE</i>	<i>P</i>	<i>F</i> (1,298)	<i>R</i> ²	<i>Coeff.</i>	<i>SE</i>	<i>P</i>	<i>F</i> (2,297)	<i>R</i> ²
Psychological Abuse	-.63	.10	.000	36.88***	.11	-.63	.22	.006	144.42***	.49
Aggression						1.78	.12	.000		
Neglecton Abuse	-.65	.15	.000	17.26***	.05	-.63	.32	.053	140.66***	.48
Aggression						1.84	.11	.000		
Physical Abuse	1.79	.16	.000	116.31***	.28	1.99	.44	.000	156.61***	.51
Aggression						1.58	.13	.000		
Sexual Abuse	2.71	.23	.000	136.25***	.31	1.56	.66	.019	142.37***	.48
Aggression						1.71	.13	.000	142.37	

Note. *Coeff.*= standardized regression coefficient

The results of direct effects of psychological abuse on aggression is negative and significant (b=-.63, p=.000), indicating that adolescents scoring higher on psychological abuse are more likely to have a low score on aggression. The direct effect of aggression on deviance is positive and significant (b=1.78, p=.000), indicating that adolescents high scoring on aggression are more likely to have more deviance in their behavior. Furthermore, the direct

effect of psychological abuse is negative and significant ($b=-.63$, $p=.006$) which indicated that adolescents higher scoring on psychological abuse are more likely to have less deviance in their behavior.

The results of direct effects of neglect abuse on aggression is negative and significant ($b=-.65$, $p=.000$), indicating that adolescents scoring higher on neglecting abuse are more likely to have a low score on aggression. The direct effect of aggression on deviance is positive and significant ($b=1.84$, $p=.000$), indicating that adolescents high scoring on aggression are more likely to have more deviance in their behavior. Furthermore, the direct effect of neglect abuse is negative and but not significant ($b=-.63$, $p=.053$).

The results of direct effects of physical abuse on aggression is positive and significant ($b=1.79$, $p=.000$), indicating that adolescents scoring higher on psychological abuse are more likely to have a high score on aggression. The direct effect of aggression on deviance is positive and significant ($b=1.58$,

$p=.000$), indicating that adolescents high scoring on aggression are more likely to have more deviance in their behavior. Furthermore, the direct effect of physical abuse is positive and significant ($b=1.99$, $p=.000$) which indicated that adolescents scoring high on physical abuse are more likely to have more deviance in their behavior.

The results of direct effects of sexual abuse on aggression is positive and significant ($b=2.71$, $p=.000$), indicating that adolescents high scoring higher on sexual abuse are more likely to have a high score on aggression. The direct effect of aggression on deviance is positive and significant ($b=1.71$, $p=.000$), indicating that adolescents high scoring on aggression are more likely to have more deviance in their behavior. Furthermore, the direct effect of sexual abuse is positive and significant ($b=1.56$, $p=.000$) which indicated that adolescents scoring high on sexual abuse are more likely to have more deviance in their behavior.

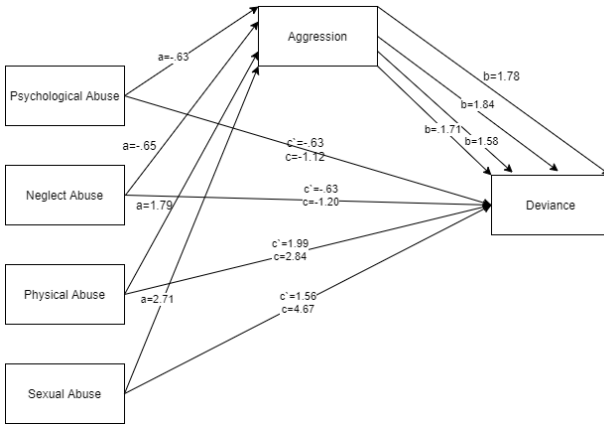
Table 3. Indirect Effects of Aggression between child abuse and Deviant behavior (N=300)

	<i>Effect</i>	<i>BootSE</i>	<i>95%BootCI</i>	
			<i>BootLL</i>	<i>BootUL</i>
Psychological Abuse	-1.12	.20	-1.54	-.73
Neglect Abuse	-1.20	.32	-1.86	-.61
Physical Abuse	2.84	.32	2.21	3.48
Sexual Abuse	4.67	.52	3.69	5.75

Note. *Effect* = *BootCI* = bootstrapped confidence interval, *BootUL* = bootstrapped upper limit *BootLL* = bootstrapped lower limit, *Effect* = standardized regression coefficient

The indirect effect is tested using non-parametric bootstrapping. As per results, Aggression was found to be significant mediator between sexual, psychological, neglect, physical abuse and deviance.

Emerged Model



IV. DISCUSSION

This research was designed to examine the link between child abuse, aggression and deviant behavior among adolescents. Deviant behavior in adolescents has been one of the variables that has been studied from the beginning of the research, but in the modern world it has gained much importance. The findings of the present study lend considerable support to the influential role played by child abuse and aggression in deviant behavior. It was intended to find out the consequence of child abuse and aggression on deviant behavior of adolescents.

Furthermore, it was also intended to test the mediating role of aggression in the relationship between child abuse and deviant behavior in adolescents.

It was hypothesized that there is likely to be significant relationship between child abuse, aggression and deviant behavior among adolescents. Results of the study supported this hypothesis as a significant relationship has been found between child abuse, aggression, and deviant behavior.

Previous studies also supported this study's hypothesis. In 2020, Qinhong Xie, et al., explored the relationship between child abuse and aggression among Chinese adolescents.¹⁷ The results of the study indicated positive significant relationship among child abuse, callous traits, and aggression in deviant adolescents. Negative emotional responses due to child abuse and imprisonment in an aversive

¹⁷ Qinhong Xie, et al., *Childhood Maltreatment is Associated with Aggression among Male Juvenile Delinquents in China: The Mediating Effects of Callous-Unemotional Traits and Self-Control*, FRONTIERS PSYCHOL. 11 (2020).

family setting can also lead adolescents to display deviant behaviors.¹⁸

The other hypothesis of the present study stated that there is likely to be a mediating effect of aggression between child abuse and deviant behavior in adolescents. The study's findings showed that aggression plays an important mediating role in the relationship between child abuse and adolescent deviant behavior. Hence, the results of this study support this hypothesis. Previous research also support the results. Anger is seen as a mediator¹⁹ and moderation factor for aggression and deviant behavior. In addition, anger is seen as a trigger for deviant behavior. Compared to offenders who did not engage in aggression, offenders who did engage in aggression find it more difficult to control their

¹⁸ Inga Dora Sigfusdottir, et al. *Suicidal Ideations and Attempts among Adolescents Subjected to Childhood Sexual Abuse and Family Conflict/Violence: The Mediating Role of Anger and Depressed Mood*, 36 J. ADOLESCENCE 1227 (2013).

¹⁹ Rick Trinkner, et al., *Don't Trust Anyone over 30: Parental Legitimacy as a Mediator between Parenting Style and Changes in Delinquent Behavior over Time*, 35 J. ADOLESCENCE 119 (2012).

behavior and are more likely to suffer from anger.²⁰ There are several studies that link early child maltreatment to later aggression and deviant behavior.²¹ A research study on anger acting as a mediator between peer victimization and deviant behavior in a population of South Korea was conducted in 2018 by Gyeongseok Oh and Eric J. Connolly.²² Anger accounted for 27.06% of the total direct impact of peer victimization in late childhood on the adolescent's early behavioral disorders. Findings of this research provided support of applications of strain theory for cross cultures, which helped in explanation of the longitudinal link between deviant behavior, aggression and peer victimization.

²⁰ J. Martin Ramirez & José Manuel Andreu, *Aggression, and Some Related Psychological Constructs (Anger, Hostility, and Impulsivity) Some Comments from a Research Project*, 30 NEUROSCIENCE & BIOBEHAVIORAL REV. 276 (2006).

²¹ Magda Stouthamer-Loeber, et al., *Maltreatment of Boys and the Development of Disruptive and Delinquent Behavior*, 13 DEV. & PSYCHOPATHOLOGY 941 (2001).

²² Gyeongseok Oh & Eric J. Connolly, *Anger as a Mediator Between Peer Victimization and Deviant Behavior in South Korea: A Cross-Cultural Application of General Strain Theory*, 65 CRIME & DELINQUENCY 1102 (2019).

In 2016, the impact of child abuse and aggression was studied on deviant behaviors among adolescents. This study also intended to examine the mediating roles of anger and frustration as well as gender differences. The results suggested that an experience of child maltreatment is linked with probability of engaging in deviant behaviors. The mediating role of negative emotions, especially anger was also highlighted in the results, including aggression, depression, deviant behaviors, low self-esteem, self-destructive behaviors, property crimes, and delinquency.²³ Studies have also revealed that the more severe the abuse is the greater is its probability of contributing to an increased chance of psychological and social problems in adulthood. Adolescents may also be pressed into deviant behaviors by the negative emotional responses resulting from the strain caused by child maltreatment and the feelings of being trapped in

²³ Sigfusdottir, et al., 36 J. ADOLESCENCE 1227 (2013); H. Y. Swanson, et al., *Juvenile Crime, Aggression and Delinquency after Sexual Abuse: A Longitudinal Study*, 43 BRIT. J. CRIMINOLOGY 729 (2003).

their aversive home environments.²⁴ Furthermore, in 2010, Timothy Brezina found that in addition to a direct effect, anger also mediated the relationship between child abuse and an individual's deviant attitude.²⁵

V. CONCLUSION

This research aimed to interrogate the relationship between child abuse, aggression and deviant behavior in adolescents. The results of the above-mentioned research are in favor of our present study. On the whole, results calculated prove our hypothesis and also corresponds to the research done on these variables. Hence, it was proved that child abuse significantly correlated with aggression. Moreover, aggression was also positively correlated with deviant behavior. Furthermore, the relationship between child abuse and deviant behavior in adolescents was mediated by aggression.

²⁴ Sigfusdottir, et al., 36 J. ADOLESCENCE 1227 (2013).

²⁵ Robert Agnew & Timothy Brezina, "General Strain Theory," HANDBOOK ON CRIME AND DEVIANCE (2019), at 145-160.

In conclusion, deviant behavior in adolescents is an alarming issue which results in a number of problematic outcomes later in life. Moreover, there is lack of research on deviant behavior in adolescents in developing countries particularly in Pakistan. While addressing the issue of deviant behavior among adolescents these variables, particularly aggression (which acts as mediator between child abuse and deviant behavior) and child abuse, must be taken into account and thoroughly worked upon in order to deal effectively with behavioral issues in adolescents. They are the most vulnerable group whose proper growth and development are important in shaping a better future of not only themselves but also the society as a whole.

VI. LIMITATIONS AND RECOMMENDATIONS FOR FUTURE RESEARCH

A number of limitations have been noted in the present research. Correlation research design was used for the present study. Causation is not explained by this type of research design as it explains

relationship only. Further research in this area needs to be conducted with experimental research design. Moreover, cultural variances can be viewed as a limitation because the current study's results are in accordance with Pakistani culture which is different from western culture. Future research can benefit if they take samples having greater demographics as well as more study variables that are linked with deviant behaviors especially impulsiveness, peer influence and personality traits etc. The social and preventive approaches should be considered for the identification, elimination and neutralization of causes and conditions that cause deviant behavior.

VII. IMPLICATIONS

Information from current research can greatly help parents and educators improve their understanding of the key factors involved in the development of deviant behavior in children leading to deviance in adolescence. To avoid the problem of deviant behavior in adolescents, a comprehensive approach to parents, teachers, and healthcare

professionals can be suggested. Prevention plans can be developed such as parental education, training session, and public education. Thus, it is the need of the hour for communities and for families to work while having support of the stakeholders. It will help them to speak out against child abuse and aggression, which eventually reduces mental health issues in society. Prevention of deviant behavior can be done by the monitoring of risk factors for deviant behavior especially child abuse and aggression, which will help parents in correction of deviant behavior among their children.

Deviant behavior is a serious issue not only at the individual level but also the familial and societal level. So, the statistics regarding the root causes of deviant behavior, especially child abuse (particularly child sexual abuse as well as physical abuse) and aggression among adolescents, should be gathered at provincial and national levels for the estimation of true burdens of these issues on our society. It will help to take appropriate actions accordingly and it

will help government to make policies and special laws against abusers.

DISCIPLINARY LIABILITY FOR PUBLIC ORDER RULE VIOLATION: DELICTOLOGICAL POSTULATES

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I. INTRODUCTION

The constitutional provision on the democratic and legal state orients the development of Ukraine in the direction of democracy and the rule of law. Consequently, the subsystem of legal norms, regulating homogeneous relations in the sphere of public and state maintenance of law and order, acquires special significance for the materialization of formal declarative norms about a democratic and legal state. Therefore, in accordance with the postulates of jurisprudence, it is relevant to justify the need to separate the rules (norms) of social (public) order and disciplinary responsibility for their violation from the branch of administrative legislation into a separate branch. At the same time, the primary task is to update and reform legislation based on the postulates and axioms of the theory of law.

A postulate, that means “condition” in Latin, is a statement, an assumption, which, when constructing a scientific theory, is taken without proof as initial statements or data in relation to the axioms. The

postulate has no proof, but follows from facts, systematic and practical (empirical) explanations. The difference between a postulate and an axiom is that an axiom is required not to conflict with other axioms, while obvious data can be recognized as a postulate. For example, the postulate is when the body falls to the ground, but the axiom is when the body falls to the ground due to gravity. When building a theory of the next level, the postulate of the basic theory can become the basis for other postulates and receive an explanation or evidence from a scientific point of view. Modern legislation in the countries of the Warsaw Pact in the post-Soviet space contains a complex of contradictions in the theory of law, which de facto are collisions not only in legislation, but also in the system of law, as well as in legal thinking.

Building relations between civil society and a democratic, social, legal, state is carried out on an equal partnership basis. This postulate is a message requiring the subject of administrative law to be limited to relations of state administration carried out

by executive authorities and local self-government bodies. Thus, the axiom is the assertion that the sphere of administrative responsibility for committing administrative offenses (malfeasance and administrative offenses) is limited to the offenses of civil servants and persons to whom functions in the sphere of public administration are delegated, endowed with power and managerial powers.

Considering the practical application of the postulates of tortology to disciplinary liability for violation of the rules of public order, we rely on the legislation of Ukraine as an example of rule-making conservatism, which led to the distortion of the matter of law and long-term socio-economic stagnation.

A. Clarification of the Subject of Protective Branches

Clarification of the subject of protective branches of law in the aspects of humanization, human-centrism, decriminalization of legal responsibility; rethinking of the concept and criteria for the

classification of offenses, their signs and compositions were considered by V.B. Averyanov, O.F. Andriyko, N.A. Armash, A.M. Bandurka, V.T. Belousov, A.S. Vasiliev, R.I. Kalyuzhny, L.V. Koval, A.M. Kolodiy, V.S. Kovalsky, A.T. Komzyuk, I.N. Kopotun, N.I. Korzhansky, A.I. Ostapenko, S.V. Petkov, D.V. Priymachenko, T.A. Protsenko, L.A. Savchenko, O.F. Skakun, E.Yu. Sobol, M.V. Zwick, A.N. Yarmysh, and others.

In Soviet legal science, dated to 1940, G.I. Petrov defined the relations of public administration as the subject of administrative law, dividing them in 1959 into horizontal and vertical. In 1949 S.S. Studenikin clarified them as a relationship of power and subordination, in which one of the parties is the ruling body of the state. In the 60-80s of the 20th Century Pakhomov, A.P. Klyushnichenko, R.S. Pavlovsky, and others reviewed them in the subject of administrative law as social relations between the holders of rights and obligations in the field of public administration in connection with executive and administrative activities.

The transition to a market economy and the constitutional proclamation of the construction of a democratic, social, legal state led to the emergence of new scientific ideas about the subject of administrative law. Since the early 1990s until today, L.V. Koval, A.S. Vasiliev, V.K. Kolpakov, V.B. Averyanov, and others include into the subject of administrative law relations the following: state and non-state administration, protection of public order, ensuring by the state apparatus of the realization of the rights and interests of citizens, public administration, the activities of executive authorities and administrative courts, the application of administrative coercion measures, internal organization, and activities of state bodies. V.C. Kolpakov limited the subject of administrative law to relations of administrative obligations.¹

Yu.P. Bityak refers to the subject of administrative law as relations related to the

¹ A.V. Kuzmenko, I.D. Pastukh, M.V. Plugatir, M.V. Spivak, & V.V. Podvysotsky, *Administrative Law: A Common Part, Multimedia Tutorial*, National Academy of Internal Affairs (2017), *available at* https://arm.naiu.kiev.ua/books/adm_pravo_zch/index.html [in Ukrainian].

following: the activities of executive authorities; intra-organizational activities of state bodies, enterprises, institutions, and organizations; and management activities of local self-government bodies, the exercise by non-state actors of delegated powers of executive authorities, and the administration of justice in the form of administrative proceedings.²

However, public law regulation expresses the nature of society as a complex mobile social system of interaction between people connected by interests in the sphere of social production, distribution, exchange, consumption of material and spiritual benefits, determined by the needs of individuals and families in the process of implementing group, estate, class, and national relations, and setting the boundaries of behavior in such common interests with the help of social (non-legal and legal) norms. Every historical type of society is characterized by specific participants in social communication,

² Y.P. Bityak, V.M. Garashchuk, & V.V. Zuy, ADMINISTRATIVE LAW OF UKRAINE (2nd ed. 2013), at 19-21.

represented by individual and group subjects: individuals, families, estates, classes, social groups, strata, nationalities, people, nation, state, and other components. The main elements that determine the type and nature of society, as O.F. Skakun states, are property, labor, and family.³

In an extremely clear description of the public law space, contained in the monograph by A.M. Kolodyi "Principles of the Law of Ukraine," it indicates the vertical-administrative relations in the activities of the state, carried out according to the principles of hierarchy, administration and subordination, power-subordination, unequal legal status, general prohibition, imperative, and legal protection of the general interest.⁴

Accordingly, cooperative partnership of equal and mutually responsible subjects, civil society and a democratic rule of law respectively, objectifies a new systematic functional reality, in which the

³ O.F. SKAKUN, *THEORY OF STATE AND LAW* (2010), at 78-79.

⁴ A.M. KOLODIY, *PRINCIPLES OF THE LAW OF UKRAINE: MONOGRAPH* (1998), at 61-62.

provision of public order with the exclusive competence of state authorities is no longer possible. Therefore, the subject of administrative law must be limited to relations of public administration within the executive branch and local government, including the intra-organizational activities of their bodies.⁵ One should not also introduce administrative court proceedings into administrative law, which is an integral part of legal proceedings.

B. The Purpose of the Article

The purpose of the article is to determine the optimal balance between the concepts of legal, criminal, and disciplinary responsibility in the field of public policy relations. Justification of the proposed optimization, which consists, first of all, in limiting the subject of administrative law to relations

⁵ V. GALUNKO, P. DIKHTIEVSKY, A. KUZMENKO, S. STETSENKO, ET AL., *ADMINISTRATIVE LAW OF UKRAINE* (2018), at 28-29, 206-207, 284-324, 363-387. Code of Administrative Procedure of Ukraine, No. 2747-IV, July 6, 2005, *Vedomosti of the Verkhovna Rada of Ukraine*, <https://zakon.rada.gov.ua/laws/show/2747-15#Text>, at 37. On the Judicial System and the Status of Judges: Law of Ukraine, No. 1402-VIII, June 2, 2016, *Verkhovna Rada of Ukraine*, <https://zakon.rada.gov.ua/laws/show/1402-19#Text>, at 545.

of public administration. Determination of the grounds and limits of administrative liability by offenses of officials and other authorized persons in the civil service in the exercise of their official (official) powers.⁶ Given arguments in favor of the fact that other rules of conduct that are not included in the regulation of other basic codes for social and economic relations should be transformed into the norms of an independent basic code for the public policy sphere—the Code of Public Policy.

II. MATERIAL

A. Funding

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

⁶ A. N. Kruglov, Legal Correlation of the Terms "Official" and "Official" in Ukraine, *SCI. BULL. DNEPROPETROVSK ST. U. INT'L AFF.* (2011), at 201-206.

B. Declaration of Conflicting Interests

Conflicting interests are absent.

C. Presentation of the Main Material

The type of civil society achieved in historical development is distinguished by a system of interaction within the legal framework of free and equal individuals (citizens) and their voluntarily formed associations, who are in a relationship of competition and solidarity, outside the direct intervention of the state, focused on creating real opportunities for the use of their rights and freedoms.⁷ At the same time, civil society and the rule of law interact on the basis of an equal partnership, which means mutual responsibility for fulfilling their complex of social, including legal, duties, including ensuring and maintaining jointly developed and established rules of public order.

Accordingly, the subject bears legal responsibility for violation of the rules established in

⁷ O.F. SKAKUN, *THEORY OF STATE AND LAW* (2010), at 29.

society. In jurisprudence, two methods of legal regulation are distinguished: imperative and dispositive. The dispositive method is used in legal relations of private law. And if the violation arises from the contractual relationship, then the liability of the parties may be provided for by the contract or the Civil Code of Ukraine.⁸

The movement towards human-centeredness and humanization of legal regulation in a civil society and a democratic rule of law is impossible without rethinking the concepts of administrative offense (misconduct) and administrative responsibility, its subject matter and limits,⁹ as well as the sectoral delimitation of administrative law and law of public order.

Nowadays, the legal responsibility of officials for the commission of official (administrative) offenses is contained in the Criminal Code (Art. 364-370) of

⁸ The Civil Code of Ukraine, No. 435-IV, January 16, 2003, Vedomosti of the Verkhovna Rada of Ukraine, <https://zakon.rada.gov.ua/laws/show/435-15#Text>, at 40-44.

⁹ S.V. PETKOVA, SCIENTIFIC AND PRACTICAL COMMENTARY OF THE CODE OF UKRAINE ON ADMINISTRATIVE OFFENSES (2020), at 66-72, 420-424.

section XVII “Criminal offenses in the field of official activities and professional activities related to the provision of public services”¹⁰ and in the Code of Ukraine on Administrative Responsibility Article 1663 “Discrimination of entrepreneurs by the authorities and administration”¹¹ and articles of chapter 13-A “Administrative offenses related to corruption.”¹²

The degree of public danger is a line of separation not only for the definitions of "crime" and "misconduct" but also for legal responsibility for their commission. The presence of such a legal axiom forces us to search for a terminological designation of responsibility for a misdemeanor.

The imperative method is inherent in administrative and other legal relations of public law. Thus, responsibility for an offense (tort) in countries of the continental legal family is regulated by law. In Ukraine, responsibility for committing a crime as a

¹⁰ Criminal Code (Art. 364-370) § XVII.

¹¹ Code of Ukraine on Administrative Responsibility Art. 1663.

¹² Ch. 13-A.

socially dangerous act occurs in accordance with the Criminal Code of Ukraine and is, in essence, a criminal liability.¹³

The main tasks that society solves in order to achieve the goal—to protect public relations from criminal encroachments—to punish the perpetrator for committing a crime, carrying out retribution for the atrocity committed; show other members of society who are prone to deviant behavior that punishment is inevitable.

The most unfavorable sanction for violation of the norms of criminal law is imprisonment. Among other criminal legal sanctions, there are those related to restrictions on certain constitutional rights, for example, providing for the confiscation of property.

For the commission of an insignificant, socially harmful act, misdemeanor, that violates the established rules of conduct in a particular area of social and economic life, disciplinary responsibility should come. After all, the offender violated the

¹³ S.V. PETKOVA, SCIENTIFIC AND PRACTICAL COMMENTARY OF THE CODE OF UKRAINE ON ADMINISTRATIVE OFFENSES (2020), at 66-72, 420-424.

disciplinary rules of conduct in public transport, at work, in nature, during customs control, and so on.

The task of disciplinary liability, among others, is the reeducation of a person who has committed a minor violation of the rules established in society, enshrined in legislation, as well as the prevention of further illegal manifestations. Such measures of influence, first of all, should be the following penalties: warning, fine, and community (public) works. The line of demarcation between criminal responsibility and administrative responsibility is the social danger of the committed act.¹⁴

In accordance with the outlined postulates, the norms of the tort legislation of Ukraine require further improvement within the framework of a human-centered approach that focuses on reducing the level of criminalization of legislation.¹⁵ At the

¹⁴ S. Petkov, *Division of Offenses (Delictum) According to the Degree of Social Danger into Misconduct (Socially Harmful Act) and Crime (Socially Dangerous Act) in the Context of Reforming Criminal Justice*, 1 PUB. L. 72 (2020), at 74-81.

¹⁵ The Criminal Code of Ukraine, No. 2341-III, April 5, 2001, Vedomosti of the Verkhovna Rada of Ukraine, <https://zakon.rada.gov.ua/laws/show/2341-14#Text>, at 25-26.

same time, there should be a limitation of ineffective harsh intimidating punishments (imprisonment) in favor of the use of penalties;¹⁶ also a decrease in the punitive and administrative influence of the state in favor of the human rights function, to weaken administrative pressure in favor of public service functions.¹⁷

Disciplinary liability is a type of legal liability, the main content of which is the penalties applied by an official to the violator of the established rules of conduct—the commission of a misdemeanor in a certain socio-economic sphere. Disciplinary responsibility is mainly educational in relation to the offender. Thus, in the field of public order, disciplinary liability is incurred for offenses that violate public order. Such liability should be distinguished from disciplinary liability in connection with violations of labor, military, police,

¹⁶ M. I. KORZHANSKY, *CRIMINAL LAW AND LEGISLATION OF UKRAINE* (2001), at 34–35.

¹⁷ V. Galunko, P. Dikhtievsky, A. Kuzmenko, S. Stetsenko, etc., *ADMINISTRATIVE LAW OF UKRAINE* (2018), at 229-264; S. V. PETKOV & I. M. KOPOTUN, *DELICTOLOGY: MONOGRAPH* (2020), at 10.

fire prevention, and other types of discipline provided for by labor laws, disciplinary regulations, basic codes, and laws regulating the activities of the relevant authorities. At the same time, the factual grounds for disciplinary responsibility of officials for committing administrative offenses are only offenses of persons in the public service in public authorities and local self-government, provided for by the relevant "Administrative Code" or "Code of Administrative Offenses."¹⁸

Other legal norms of social community or rules of conduct in public places, it is advisable to place in the "Code of Public Order." The socially harmful consequences of their violations make it possible to supplement the legal terminology with the concept of a public misconduct, for the commission of which comes disciplinary liability for committing a public misconduct. The proposed innovations require a

¹⁸ S.V. PETKOVA, SCIENTIFIC AND PRACTICAL COMMENTARY OF THE CODE OF UKRAINE ON ADMINISTRATIVE OFFENSES (2020), at 429-435.

clear sectoral delimitation of public offenses from other types of offenses.¹⁹

Accordingly, in order for the legislative system to be effective and comply with the postulates of jurisprudence, an urgent issue is to streamline it by creating full-fledged codes in certain areas of administrative and legal regulation: medical, social, information, road transport, etc. In these codes, anti-tort norms should occupy a special place. At the same time, the Administrative Code of Ukraine as a source of substantive law will regulate the competence and activities of public authorities and local self-government, including the administrative responsibility of their employees for the commission of official (official) misconduct.²⁰

According to this approach, offenders, who violate the norms of discipline in public places, commit public disciplinary offenses, bear public

¹⁹ Code of Laws on Labor of Ukraine, 322-VIII, October 12, 1971, Vedomosti of the Verkhovna Rada of Ukraine, <https://zakon.rada.gov.ua/laws/show/322-08#Text>, at Appendix.

²⁰ S. V. PETKOV & I. M. KOPOTUN, DELICTOLOGY: MONOGRAPH (2020), at 14-15.

disciplinary responsibility for their unlawful behavior. In case of violation of the procedures for bringing the perpetrators to disciplinary, representatives of law enforcement agencies (police), in this case it is public disciplinary responsibility, respectively bear administrative and disciplinary (official, managerial) responsibility.

In accordance with the degree of public danger of the committed administrative tort (administrative offense) bears either disciplinary or criminal liability. For an administrative offense, a person vested with power and managerial powers in the field of public legal relations bears disciplinary responsibility. And for a malfeasance, the specified person bears criminal responsibility.

III. CONCLUSION

Thus, the formation and development of a civil society organized into a social, democratic, legal, and state, in accordance with the principle of popular sovereignty, leads to changes in the very essence of tortological legal relations, a return to the postulates

of the theory of law (in the context of a revived natural law). Separation of the prescriptions and sanctioned customs of public order into an independent branch of law through the inclusion in its institutions of public rules governing this order, forms a system of norms of public law. The proposed differentiation and systematization of legal responsibility is the basis for bringing the system of legislation in line with the axioms of the theory of law (jurisprudence), based on the postulates of Roman civil law.

This will contribute to the improvement of both public order, in particular, and the development of civil society institutions, democracy, and the rule of law in general; also the humanization of legal responsibility, the dissemination of educational and psychological measures of social (moral) responsibility, the strengthening of the discipline of social community, and the upbringing of self-discipline of citizens as a component of individual legal consciousness.

AN EMPIRICAL STUDY OF ISSUES FACED BY EARLY-CAREER YOUNG LAWYERS IN THE LEGAL PROFESSION

Jibran Jamshed;
Muhammad Danyal Khan

I. INTRODUCTION

The structure of the legal profession has evolved during the last two centuries making it structured under the state authorities. Resultantly, professional bodies have emerged to regulate the members of legal professions. The states are regulating the legal profession through the lawyer bodies commonly known as bars. On a similar pattern, the Bar Council and Practitioners Act 1973 regulates the establishment and working of the bar councils in Pakistan. The act defines the enrollment criteria for the practitioners, qualification, eligibility, and rules of conduct.

Having role and influence in national politics, the bar councils often ignore the professional regulation and uplifting the standards of advocacy. The bar councils in Pakistan are democratically elected bodies by the members of respective bar councils. Traditionally, the bar councils and the electorates affiliate with the national political parties. For this reason, the bar councils remain focused on internal (bar) and external (national politics). The affiliation and role in national politics help the lawyers in securing judicial appointments, the positions of governmental attorneys, the advocate journals, and the state prosecutors. Governmental appointments are lucrative for financial gains and professional nuisance. The process of election impacts the standards of advocacy in Pakistan. The bar councils abstain from adopting effective entry criteria to the legal profession. Resultantly, the bar councils accommodate the professionals who are not well-versed in the profession.

Owing to the educational standards, bar entry criteria, politics in the bar councils, and lack of

effective regulations, the lawyers face multi-faceted issues in the early years of the profession. The struggling new entrant tries to find short-cuts to make their livelihood. All of this impacts the standards of rule of law in Pakistan. The available literature on the topic focuses on uplifting the standards of education to raise the standards of the legal profession in Pakistan. There is a scarcity of literature measuring the issues of the new entrant in the legal profession. This study provides the empirical mapping of the issues facing the early-career lawyers in Punjab, Pakistan. The study will help the bar councils in adopting the effective regulatory and supervisory role to optimize the experience of lawyers in their early years of legal practice.

II. LITERATURE REVIEW

The legal profession is a significant player in maintaining the law and order in a society. Black defines a profession as a service or job by skilled

people trained intellectually.¹ The understanding of profession according to the Britannica, the legal profession stands for a vocation that requires acquiring legal expertise and their application in the courts of law. The nature of the legal profession is very diverse in contemporary times as the legal practice is not limited to the courts only, it has expanded to corporate, intellectual property, artificial intelligence, and other facets of modern human society. John Henry Merryman argues that law graduates build a tendency to work as lawyers, judges, attorneys, legal consultants, and prosecutors.² This choice comes from their interest during the studies in law.³ The legal profession, according to Oliver Wendell Holmes, Jr., is not an ordinary understanding of logic rather it is an experience of application and interpretation of laws.⁴ Andrew Godwin and Richard Wai-sang Wu argue on the same notion by stating that the law has become a

¹ BLACK'S LAW DICTIONARY (8th ed. 2004), at 1,375.

² JOHN HENRY MERRYMAN, CIVIL LAW TRADITIONS (1990).

³ *Id.* at 109.

⁴ Oliver Wendell Holmes, Jr., "The Profession of the Law," February 17, 1886, Harvard University.

liberal art and an applied degree where the graduates are trained to apply the law on societal issues.⁵

The statistics show that six lawyers' per capita population are available to help the masses access justice in Pakistan.⁶ A.Q. Sial finds that the fundamental issue with the practicing lawyer is backward standards of legal education in Pakistan.⁷ Osama Siddique estimates that the total number of lawyers enrolled in Pakistan are 89,642, however, the number of active practitioners remain lower.⁸ Yu ShuHong, et al.⁹ find that the quality of legal training of the lawyers in Pakistan is not as per the global standards. Among the issues faced by the early-

⁵ Andrew Godwin & Richard Wai-sang Wu, *Legal Education, Practice Skills, and Pathways to Admission: A Comparative Analysis of Singapore, Hong Kong, and Australia*, 66 J. LEGAL EDUC. 212 (2016).

⁶ Steven Freeland, *Educating Lawyers for Transitional Challenges*, 55 J. LEGAL EDUC. 502-504 (2005).

⁷ A.Q. Sial, *Designing Legal Education to Support Social Evolution in Pakistan*, 40 S. ASIAN STUD. 283 (2009).

⁸ Osama Siddique, *Legal Education in Pakistan: The Domination of Practitioners and the Critically Endangered Academic*, 63 J. LEGAL EDUC. 499 (2014).

⁹ Yu ShuHong, et al., *Cross-National Comparative Study on Legal Education and Admission to Practice Between China, India and Pakistan*, J. LEGAL STUD. (2018).

career lawyers, D. Khan and M. Daniyal¹⁰ examine the issue of cyberbullying that discourages the female lawyer from the profession. The study empirically maps the quantum of cyberbullying, its impact, and recommends the ways to deal with the issue of cyberbullying to create indiscriminate opportunities for both genders. Humera Riaz examines the issues of women lawyers in Pakistan by finding that the female lawyers faced discrimination in the profession that discourages their participation in the profession.¹¹ Saghir M. Mehar has studied the issue of the legal profession in Pakistan from the perspective of legal education and concludes that legal education must be oriented on modern trends to uplift the legal profession.¹² This study evaluates the challenges faced by legal professionals academic, intellectual, skills, and job satisfaction. The study will contribute to the literature by assessing the

10 D. Khan & M. Daniyal, *CYBER BULLYING IN PAKISTAN: STATISTICAL, LEGISLATIVE, AND SOCIAL ANALYSIS* (2018).

¹¹ Humera Riaz, *Women Lawyers in Pakistan: Navigating in a Male-Dominated Field*, Lund University (2020).

¹² Saghir M. Mehar, *Bridging the Growing Disjunction Between Legal Education and Practice in Pakistan*, Northeastern University (2020).

limitations of training and support given to professional lawyers in the initial years of the profession. This will help in improving the academic standards, bar council framework, and overall enhancement in the experience of practicing lawyers.

III. AIM AND RESEARCH QUESTIONS

The study aims to map the issues faced by early-career legal professionals in the early years of their legal practice. The fundamental question is to assess what are the basic challenges faced by young lawyers? The investigation adopts a quantitative research design to present an objective picture of the issues. Furthermore, the study divides the assessment into several parameters such as atmosphere for learning the required skills, the availability of adequate facilities, financial, and social issues affecting the standards of advocacy and the legal profession. The purpose remains highlighting the challenges faced by the young lawyers that will also point to the issues in the legal education, training of young lawyers, and the required support to provide a

conducive environment for early-career legal professionals.

IV. RESEARCH METHODOLOGY

This research adopts a quantitative research design using the survey method. A structured questionnaire was prepared to collect the data. The sample (N=254) consists of young lawyers from Punjab, Pakistan. The Questionnaire was distributed via post, courier, e-mail, and personal visits among 380 participants. Out of a total, 380 questionnaires distributed, 255 were received back (67.10% return ratio). Among the total received, one questionnaire was incomplete hence excluded and 254 questionnaires were used for this study.

The questionnaire was first discussed with two senior lawyers and then it was pilot tested among six lawyers. The questionnaire was revised according to recommended changes suggested during the pilot testing. The questionnaire consists of two parts, the first part is about demographic information, and the second part is about issues related to finance skills,

workplace, problems, and job satisfaction. A Likert-type scale was used to gather the participant's responses.

The Statistical Package for Social Sciences (SPSS V-23) was used to analyze the collected data. The data is described in form of tables and diagrams after applying descriptive statistics through SPSS. The data is presented in tables in percentages, means, standard deviation, frequencies, and distribution.

V. FINDINGS

A majority of the participants (86.6%) are male. Most respondents (85.4%) have L.L.B as the highest qualification and the majority (72.8%) of them have professional experience of fewer than two years.

Table 1: Demographic Information

Gender of Respondents	Male		Female	
	220 (86.6%)		34 (13.4%)	
Education of Respondents	LLB	LLM	PhD	
	217 (85.4%)	36 (14.2%)	1 (0.4%)	
Experience of Respondents	<2 Year	2-4 Years	>4 Years	
	185 (72.8%)	54 (21.3%)	15 (5.9%)	

A majority (90.6%) of respondents are either practicing with a senior lawyer or with a law firm. Similarly, a large number (81.5%) do not have their separate offices or chambers. Most of the respondents (72.4%) prefer a permanent legal job over an independent practice.

Table 2: Practicing Style, Offices & Legal Job

	YES	NO
Are you practicing with a senior lawyer or law firm?	230 (90.6%)	24 (9.4%)
Do you have a separate Office/Chamber?	47 (18.5%)	207 (81.5%)
Do you prefer a legal permanent job over an independent practice?	184 (72.4%)	70 (27.6%)

Respondents were asked 07 questions regarding the issues related to finance; 03 statements received the mean value of around four i.e. “Are your parents supporting you financially?” (M=4.12, SD=1.042), “Is it difficult to get the fee from the clients?” (M=3.96, SD=.735), “Do you face financial difficulties in the legal profession?” (M=3.82, SD=.973); 02 statements received the mean value of around two which means the legal fee of respondents are ‘rarely’ according to the market (M=2.16, SD=.738) and they are rarely satisfied with their current earnings? (M=2.02, SD=.770) (Table 3).

Table 3: Financial Issues

Statements	Valid Number	Mean	Std. Deviation
Are your parents supporting you financially?	254	4.12	1.042
Is it difficult to get the fee from the clients?	254	3.96	.735
Do you face financial difficulties in the legal profession?	254	3.82	.973
Do you have other sources of income than practice?	254	3.13	1.348
Does your senior help you financially?	254	2.77	.735
Is your legal fee according to market value?	254	2.16	.738
Are you satisfied with your current earnings?	254	2.02	.770

Scale: 1= Never, 2= Rarely, 3= Sometimes, 4= Often, 5= Always

Respondents were asked 08 statements regarding the issues related to advocacy skills. Four out of eight statements received a mean value around 4 which indicated that senior lawyer ‘often’ help the respondents to improve their professional skills

($M=3.80$, $SD=1.076$), judges often appreciate the high level of advocacy skills ($M=3.70$, $SD=1.180$), a law degree is helping respondents in their law practice ($M=3.65$, $SD=1.100$) and law library helps respondents to improve their advocacy skills ($M=3.56$, $SD=1.187$). One statement received a mean value of around two which means colleagues of respondents rarely help them to enhance their advocacy skills ($M=2.47$, $SD=.865$) (Table 4).

Table 4: Advocacy Skills Issues

Statements	Valid Number	Mean	Std. Deviation
Does your senior lawyer help you to improve your skills?	254	3.80	1.076
Do judges appreciate the high level of advocacy skills?	254	3.71	1.180
Do you think your law degree is helping you in law practice?	254	3.65	1.100
Does Law Library help you to improve your advocacy skills?	254	3.56	1.187
Are your clients satisfied with your advocacy skills?	254	3.24	1.007
Is it difficult to learn advocacy skills?	254	3.17	1.226
Do clients appreciate the high level of advocacy skills?	254	2.97	.961
Do your colleagues help you to enhance your advocacy skills?	254	2.47	.865

Scale: 1= Never, 2= Rarely, 3= Sometimes, 4= Often, 5= Always

Respondents were asked 07 statements regarding the environment and facilities available at the workplace. Three statements received a mean value of around 4, indicating the majority of respondents agree that the law library is updated with the latest

books and journals ($M=3.91$, $SD=.986$), the attitude of senior lawyers is encouraging ($M=3.89$, $SD=.686$) and Online legal research tools are available at the workplace ($M=3.82$, $SD=1.013$). Two statements received the mean value of around 2, indicating that the majority of respondents have disagreed that the workplace environment is encouraging ($M=2.31$, $SD=.831$) and the attitude of clients is encouraging ($M=2.23$, $SD=.938$) (Table 5).

Table 5: Workplace Facilities & Environment

Statements	Valid Number	Mean	Std. Deviation
Law library is updated with the latest books and journals.	254	3.91	.986
The attitude of senior lawyers is encouraging.	254	3.89	.686
Online legal research tools are available at the workplace.	254	3.82	1.013
The attitude of judges is encouraging.	254	3.25	.698
Facilities available at the workplace are up to the mark.	254	3.15	.743
Workplace environment is encouraging.	254	2.31	.831
Attitude of clients is encouraging.	254	2.23	.938

Scale: 1= Strongly Disagree, 2= Disagree, 3= Neither Agree nor Disagree, 4= Agree, 5= Strongly Agree

Six questions were asked to measure the social and family issues of respondents. Three statements received the mean value of around 4, indicating that majority of respondents often have sufficient time for themselves (M=4.00, SD=.689), they have sufficient

time to spend with their family member (M=3.86, SD=.719) and they have sufficient time to spend with their friends (M=3.78, SD=.853) (Table 6).

Table 6: Social Issues

Statements	Valid Number	Mean	Std. Deviation
Do you have sufficient time for yourself at this stage of your career?	254	4.00	.689
Do you have sufficient time to spend with your family at this stage of your career?	254	3.86	.719
Do you have sufficient time to spend with your friends at this stage of your career?	254	3.78	.853
Do you feel depressed due to the nature of work and legal practice?	254	3.33	.929
Does your legal practice affect your family life?	254	2.54	1.062
Does your legal practice affect your relationship with close relatives?	254	2.01	.683

Scale: 1= Never, 2= Rarely, 3= Sometimes, 4= Often, 5= Always

Four statements were asked to check the satisfaction level of respondents concerning their job. Two statements received a mean value of around 4, showing that the majority of respondents are satisfied with their social status at this stage of their career in society ($M=3.83$, $SD=1.007$) and with their advocacy skills ($M=3.54$, $SD=.905$). One statement received the mean value of around 2 indicating that the majority of respondents are dissatisfied with their financial earnings at this stage of their career ($M=1.94$, $SD=.842$) (Table 7).

Table 7: Satisfaction & Job

Statements	Valid Number	Mean	Std. Deviation
How satisfied are you with your social status in society at this stage of your career?	254	3.83	1.007
How satisfied are you with your advocacy skill level at this point in your career?	254	3.54	.905
How satisfied are you with your career at this stage?	254	2.73	1.124
How satisfied are you with your financial earnings at this stage of your career?	254	1.94	.842

Scale: 1= Very Dissatisfied, 2= Dissatisfied, 3= Unsure, 4= Satisfied, 5= Very Satisfied

Five questions asked the respondents to explain the common issues faced by them at the start of their careers. Three statements received the mean value of around 4, indicating that the majority of respondents agree that they do not have a network of clients (M=4.05, SD= .899), it was hard for them to find independent professional cases (M=3.83, SD= .956) and they were given menial work like adjournments

in the courts by seniors (M=3.54, SD= 1.227). Only one statement received the mean value of around 2, showing that the majority of respondents disagree that it was hard to find a senior lawyer/law firm for apprenticeship (M=2.09, SD= .936) (Table 8).

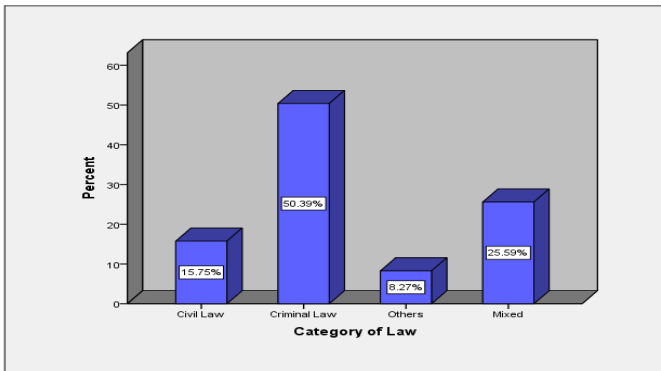
Table 8: Common Issues Faced at the Start of Career

Statements	Valid Number	Mean	Std. Deviation
I do not have a network of clients and connection for cases.	254	4.05	.899
It was hard to find independent professional cases.	254	3.83	.956
I was given menial work like adjournments in courts by senior.	254	3.54	1.227
There is a lack of trust by senior regarding case handling.	254	2.73	.750
It was hard to find a senior lawyer/law firm for apprenticeship.	254	2.09	.936

Scale: 1= Strongly Disagree, 2= Disagree, 3= Neither Agree nor Disagree, 4= Agree, 5= Strongly Agree

Respondents were asked a question about the area of law of practice and cases in which they are dealing. A majority (50.39%) of them replied that they are working on criminal cases and criminal law and only a small minority (8.27%) are working in other fields than Civil & Criminal Law (Diagram 1).

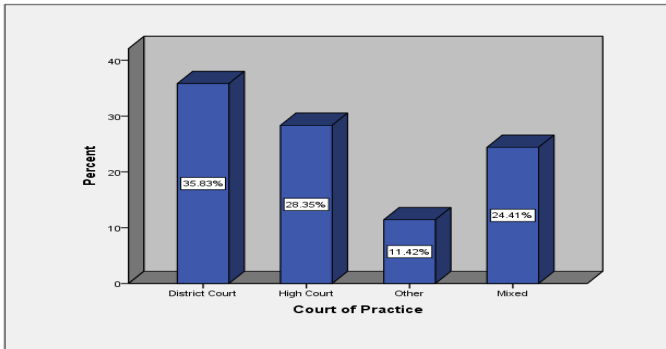
Diagram 1: Respondents practicing in the different areas of law



The respondents were asked a question about their place of practice i.e. in which court they are currently practicing. The majority (35.85%) of them were working in “District Courts,” followed by High Court (28.35%). Only (11.42%) are working in other

specialized courts like banking courts etc. (Diagram 2).

Diagram 2: Respondents practicing in the different courts



VI. DISCUSSIONS

The limitations and issues faced by the early career lawyers in the profession reflect upon the shortcoming of legal education, skills development, and available support by the bar councils. The legal education in Pakistan has used traditional methods of teaching that does not help the practitioner develop practical advocacy skills. Moreover, bar councils

have not devised the effective entry criteria for the aspirant for the legal practitioners. The politicizing trends in the bar councils have diverted them from the primary function of regulating and building the skills of the early career legal practitioners.

Most of the early-career legal professionals work under the supervision of senior lawyers. This makes the junior lawyer dependent on the senior lawyer financially, professionally, and politically. Therefore, the career development of the young lawyers at the mercy of senior lawyer groups. The financial issues impact the morale of the young lawyers that discourages the participation of new entrants.¹³ Moreover, the senior lawyers and overall infrastructure of the bar council are not supportive of building the legal advocacy skills among the lawyers.¹⁴ The libraries are outdated and the modern internet tools for searching the legal sources are not available. The issues faced by young lawyers are

¹³ Meir Yaish & Haya Stier, *Gender Inequality in Job Authority. A Cross-National Comparison of 26 Countries*, 36 WORK & OCCUPATIONS 343 (2009).

¹⁴ A. Bilkis, S. B. Habib, & T. Sharmin, *A Review of Discrimination in Employment and Workplace*, 4 ASA U. REV. 137 (2010).

multi-faceted. For this reason, the ratio per 10,000 lawyers remains lower in comparison with global standards.

Inadequate professional and financial support affects the personal and family life of early-career legal professionals. The young lawyers feel it difficult to find a work-life balance. Lack of professional support, inadequate remuneration from the senior lawyers, using young lawyers in political campaigns, and scare dealing of clients put the young legal professionals at a disadvantage situation in the profession. Similar issues are found in the research conducted by Khan Faqir, et al. and others where they have established the issue of the dependence of young lawyers on senior bar members.¹⁵ Among many other issues, the finding included the lawyer-client networking challenges where the young lawyers found it hard to secure independent cases directly from the clients.

¹⁵ Khan Faqir, Fakhru Islam, & Shahid Hassan Rizvi, *The Lawyers Movement for Judicial Independence in Pakistan: A Study of Musharraf Regime*, 2 ASIAN J. SOC. SCI. & HUMAN. 345 (2013).

Contrary to the issues faced by the young lawyers, the study found that the early-career lawyers show that the participants demonstrate satisfaction towards the social status of the profession in society. A recent study by Muhammad Azeem finds the reason for the social status of lawyers in the lawyer's moment that connected the lawyers around the nation with the society and introduced them as the saviors of constitutional rule.¹⁶ The legal profession in Pakistan is evolving.¹⁷ The legal profession has seen the times of partition politics, military regimes, and the lawyers' moment to protect the sanctity of the constitutional rule.¹⁸ The study finds that the issues faced by the early-career lawyers have roots in politicizing the bar councils, inadequate research and professional facilities, monopoly of the senior lawyers, and unavailability of financial support. The

¹⁶ MUHAMMAD AZEEM, *LAW, STATE AND INEQUALITY IN PAKISTAN: EXPLAINING THE RISE OF THE JUDICIARY* (2017).

¹⁷ Shoaib A. Ghias, *Miscarriage of Chief Justice: Judicial Power and the Legal Complex in Pakistan under Musharraf*, 35 L. & SOC. INQUIRY 985 (2010).

¹⁸ Osama Siddique, *Marital Law and Lawyers: The Crisis of Legal Education in Pakistan and Key Areas of Reform*, 5 REGENT J. INT'L L. 95 (2007).

young lawyers often get discouraged by the issues in the profession opt for other professions. For this reason, a brain-drain starts from the legal profession.

The study finds that the bar council must effectively play its regulatory and professional role in the early-professional life of the new entrants in the bar councils of Pakistan. As the bar council is independent in its regulatory and supervisory role, this gives them more space in acting rapidly. The bar council may try their best to uplift he is existing research and professional facilities such as libraries, access to online databases, internet connectivity, and other supporting gadgets. Moreover, the bar council must focus on the skill development activities in the form of seminars, lectures, workshops led by the experienced senior bar members. The bar council should adopt a strategy to provide financial support to the early career struggling lawyers. Only a professionally sound Bar Council system can play its role in protecting constitutionalism, establishing a society based on rule of law, and building a peaceful society.

VII. CONCLUSION

The study has mapped the issues faced by young lawyers in the early years of the legal profession. The study has adopted a broader approach to cover the issues ranging from the development of legal skills to the work-life balance of the young lawyers. The empirical evidence will help the regulators adopt an effective approach to encourage the participation of young lawyers in the profession. Resultantly, it will increase the population-lawyers ratio to uplift the standards of rule of law in society. Moreover, it will indirectly highlight the issues of legal education, the application of legal education in the profession, and the role of bar councils in facilitating the early-career lawyers in the profession.

VIII. STUDY LIMITATION

This study has adopted a quantitative approach to study the issues faced by young lawyers. A quantitative approach is an objective; however, the issue may be studied qualitatively to find the

subjective aspects of the issues faced by the lawyers. Moreover, the study is limited to the point of view of lawyers. Further study may focus on the point of view of the bar councils.¹⁹

¹⁹ See Juwana Hikmahanto, *Legal Education Reforms in Indonesia*, 1 ASIAN J. COMP. L. (2006).