

DEREK CHAUVIN VS THE STATE IN THE MURDER OF GEORGE FLOYD: THE PHILOSOPHICAL IMPLICATIONS OF THE MINNESOTA TRIALS FOR POLICING AND RACE RELATIONS

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Abstract

In modern society, policing (or police institution) has become an integral part of Criminal Justice (CJ) anywhere, including especially, the USA; CJ usually begins with police. However, the Constitution of the US delegates the powers to establish police force to the states; later the law on which police prosecution, defense and a jury become existent embodies certain legal concepts which are inseparable from its jurisdiction and which also govern its decisions. Floyd's actions at Cup Foods and his fatal encounter with police officer Chauvin between 2020 and 2021 form the background to this article. By a theoretical review of those events, the US statutes on police/policing, the law of the case vis-à-vis the prosecuting and defense statements/witnesses, the article examines those circumstances (Chauvin's trial and sentencing) and unveils the abounding philosophical-legal issues of responsibility, justice, violence, equality and race relations. It concludes that, while Chauvin's trial and sentencing indicate apparent justice, it offers no practical route out of the groveling social inequality and systemic racial injustice in the USA. It therefore suggests that better practical assurances of equality and fairness thrive in more justice in other abounding instances of the Chauvin syndrome.

Keywords Chauvin, equality, Floyd, justice, police/policing, race.

Introduction

The charge and arraignment of Derek Chauvin over the murder of George Floyd has become one celebrated case in the recent history of the United States (US). On May 25th 2020, Mr. Floyd walked into Cup Foods and gave a \$20 bill to a teenage clerk, who did not immediately recognize the bill as fake. Cup Foods is a lifeline where customers, buy cigarettes, fresh produce and more for their cellphones; people swing by to pick up cilantro and limes for tacos and adults remember spending childhood hours; but it is also a notorious place where shootings have erupted nearby. Mr. Floyd lived nearby but he often visited the store to buy cellphone credits at the market's Metro PCS counter and was familiar customer. After a machine scan determined that the bill was counterfeit; afterwards, the clerk ask Floyd to return the items he had bought, but he refused. Then Cup Foods invited the Police. Mr. Floyd was sitting in a parked car just outside the store when a white police officer responding to the call pinned Mr. Floyd's neck to the asphalt for nearly nine minutes. Floyd was a suspect and sort to be arrested; unfortunately, he died under the knee of police officer, Derek Chauvin—who was afterwards arraigned under the US Constitution.

Modern states operate on the basis of law (constitution) amid other norms and values. Law helps in the maintenance of public order, in upholding (individual, corporate, and other) rights and duties, in facilitating cooperative action, in conferring legitimacy, and in communicating and upholding moral standards (Broom and Selznick 1973: 428). Law offers a forum to which people can appeal when they feel aggrieved or victimized. In pursuance to the ideal of peaceable social order, the United States of America (USA) was formed 1776 under the democratic Constitution, and the subsequent Amendments to it. The law of the US has general principles and specific rules which guide its organizational institutions and governmental agencies, guaranteeing freedom of speech, equal protection of the laws, and due process. The validity of the provisions of the Constitution is conclusive upon all citizens and departments of the state—whether or not they have accepted their duties, including that to prosecute, defend and judge under it since they cannot point to no other law conferring them with rights; and it must be charitable to all. Such abstract phrases and constitutional promises provide a basis for assessing a particular enforcement.

Review of Literature

Our review shall include unveiling the statutory provisions for police and policing both in the State of Minnesota and the US in general—which constitute the law of the case. The opening statements of both the prosecution and the defense are also included here because each refers to some circumstance and law/precedence as existing literature as relates to this case. Accordingly, we shall concentrate this review on the following technical sub-headings.

(i) **Police and Policing in the USA** The idea of police and policing is universally. And its role goes beyond conflicts between law-enforcers/officers and law breakers (prosecution). Amongst others, the Police prevent crime/delinquency and keep the peace; police routine patrol provides untold psychological satisfaction to civil society. Bureaucratically, policing (the activity of the police) has steadily moved from their paramilitary to military character—with chains of division of labor and a hierarchical command structure, under rules/regulations (in theory and for practice)—and, unfortunately, mindful of police personality sub-culture—to achieve responsibility and justice. Classical systems of justice include ‘*trial by ordeal*’ or the *inquisitorial*. In the modern *inquiry* form, all personnel—judge, prosecutor, defense attorney, defendant, and witnesses—are obliged to cooperate with the court in its inquiry into the crime (a uniquely British heritage/tradition), while the US prefers the *adversary* style. The adversary system thrives on the notion of *due process of law*, assertive of administration of justice without violating the sacredness of private rights (Inciardi 2000). There are many steps in the criminal justice process—the control and prevention of crime; the courts, the bureaucracies, real or suspected crime, investigation, trial, sentencing, and the network of corrections charged with the control, custody, supervision, and treatment of those convicted of crime (Inciardi 2000).

The police institution and policing are an integral part of Criminal Justice anywhere, including the USA. However, Criminal justice is both a field of study and “the methods by which a society deals with those who are accused of having committed crimes” (Garner 2009: 431). However, the Constitution of the US delegates the powers to establish police force to the states. Thus by virtue of the Tenth Amendment, the States reserve the rights and powers (not delegated to the United States central authority) to establish police department/force and enforce laws protecting the welfare, safety, and health of the public. Minnesota, where the fatal events happened, is one of US federating 50 states.

(ii) **The Police of the State of Minnesota** The laws of the state of Minnesota provides for police agency. The incidence and events of Floyd’s death fall within the jurisdiction Minneapolis Police Department, where the officers are required to swear to an oath which reflects the Department’s values, goals, and pillars of justice—believing that “public safety is not just the absence of crime but the presence of justice”. The officers take an oath when they become appointed. Each officer takes an oath that one will enforce the law courteously and appropriately, and, as it applies to this case, never employing unnecessary force or violence, and recognize the badge of one’s office as a symbol of public faith and accepted it as a public trust to be held so long as one is true to the ethics of police service.¹

(iii) **The Law of the Case, George Floyd and the Background to His Arrest/Death** There came the outcry for justice, that Chauvin betrayed the symbol of public faith, the ethics to police service, and the sanctity of life, all of which matter tremendously to this case because by his action on May 25th of 2020, Mr. Derek Chauvin betrayed his badge when he used excessive and unreasonable force upon the body of Mr. George Floyd, that he put his knees upon his neck and his back grinding and crushing him until Floyd died. Then officer Chauvin was well aware that Mr. Floyd was unarmed, that Mr. Floyd had not threatened anyone; that Mr. Floyd was in handcuffs, but was defenseless and completely in the control of the police. Chauvin was subsequently arraigned for: 1. Second-degree unintentional murder; 2. Third-degree murder; and 3. Second-degree manslaughter.

Luckily, Chauvin has a right to counsel, for adequate legal representation is virtual necessity in an adversary system of justice. It is widely recognized that “reliance upon the judge or prosecutor to protect the interest of defendants is an inadequate substitute for the advocacy of conscientious defense counsel” (President’s Commission 1967a: 52). And the Fourteenth Amendment says that no state shall “...deprive any person of life, liberty, or property without the due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Minnesota thus meets this part of due process and equal protection. Thus familiarity with legal rules and procedures is a positive part of the lawyer’s contribution; it helps the defendant to organize his thoughts. Hence the Sixth Amendment to the US Constitution says that “...in all criminal prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his defense.” Thus arraigned (with access to his Counsel), rightly or wrongly (and depending on whether or not Chauvin acted privately or on behalf of the Police institution

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and whether or not he employed the right tactic in his policing action on Floyd and whether or not he is culpable) is to be determined by some jury in apparent visibility.

A jury is a group of persons (legal experts) "...selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them" (Garner, 2009: 934). The court system allows for the appointment of experts, to make inquiries, thereby formulating an ideal, a concept of adjudication that maximizes the opportunity of the parties themselves to frame the issues that divide them, develop the facts as they see them, and offer arguments as to how the law applies. Accordingly, a 12-man jury was set up to hear the case. And the presence of counsel at all stages help increase both visibility and responsibility. Following the law on which the jury became existent embodies certain legal concepts which are inseparable from its jurisdiction and which also govern its decisions (Bierman and Gold 1970: 211-217).

(iv) *Opening Statement for the Prosecution: A Summary*² Perhaps, it is under the law of all civilized peoples a crime for one man, with his bare knees and knuckles to strangulate and assault another to death. Convinced that Chauvin's attitudes at Cup Foods are intolerable for a society that calls itself 'the free world' and a beckon of hope for the free world; and persuaded that the events (and Chauvin's action against Floyd's body) at Cup Foods described above clearly fall within the standards of crimes not evasive under any administrative convenience set out under the US/Minnesota law on policing; and believing that Chauvin was well aware of the law and his attitude enforcing the arrest defied anything as law; he, consequently, is charged on the indictments set out in the preceding session.

On March 29, 2021, prosecution gave his opening statement during Derek Chauvin's trial for the murder of George Floyd. It argues, first, that Chauvin broke with the very motto of the Minneapolis Police Department, to protect with courage, to serve with compassion; broke with his oath that he will enforce the law courteously and appropriately, and as it applies to this case, never employing unnecessary force or violence on suspects.... Mr. Derek Chauvin betrayed his badge when he used excessive and unreasonable force upon the body of Mr. George Floyd by putting his knees upon his neck and his back grinding and crushing him until the very breath, until the very life was squeezed out of him.... Prosecution set two objectives: the first objective is to give Mr. Chauvin a fair trial...a plan to prove beyond a reasonable doubt that Mr. Chauvin was anything other than innocent on May 25th of 2020; and the second objective is to bring the

evidence against Mr. Chauvin for the excessive force that he applied onto the body of Mr. Floyd, for engaging in behavior that was eminently dangerous in the force that he applied without regard for its impact on the life of Mr. George Floyd....

“So... you will be able to hear Mr. Floyd saying, ‘Please, I can’t breathe, please, man, please.’ In this nine minutes and 29 seconds you will see that as Mr. Floyd is handcuffed there on the ground, he is verbalizing 27 times you will hear in the four minutes and 45 seconds, “I can’t breathe, please. I can’t breathe.” You will see that Mr. Chauvin is kneeling on Mr. Floyd’s neck and back. He has one knee on his neck and the knee on his back is intermittently off and on, on his back as you will be able to see for yourself in the video footage. You will hear Mr. Floyd crying out. You hear him at some point cry out for his mother when he’s being squeezed. He was very close to his mother, you will learn. You will hear him say, “Tell my kids I love them.” You will hear him say about his fear of dying, he says, “I’ll probably die this way. I’m through. I’m through. They’re going to kill me. They’re going to kill me, man.” You will hear him crying out and you will hear him cry out in pain, “My stomach hurts. My neck hurts. Everything hurts.” You will hear that for yourself, “Please. I can’t breathe. Please, your knee on my neck.” You will hear it and you’ll see at the same time, while he’s crying out, Mr. Chauvin never moves. The knee remains on his neck. Sunglasses remain undisturbed on his head and it just goes on. You will hear his final words when he says, “I can’t breathe.” Before that time, you’ll hear his voice get heavier. You will hear his words further apart. You will see that his respiration gets shallower and shallower, and finally stops when he speaks his last words, “I can’t breathe.” And once we have his final words, you’ll see that for roughly 53 seconds, he is completely silent and virtually motionless with just sporadic movements. You’re going to learn those sporadic movements matter greatly in this case, because what they reflect: that Mr. Floyd was no longer breathing making these movements; you will learn about something in this case called an anoxic seizure—the body’s automatic reflex when breathing has stopped due to oxygen deprivation. We’ll be able to point out to you when you’ll see the involuntary movements from Mr. Floyd that are part of an anoxic seizure....”

Floyd got into agonal breathing—when the heart has stopped, when blood is no longer coursing through the veins, you will hear the body gasp as an involuntary reflex. “So we learned here that Mr. Floyd at some point is completely passed out. Mr. Chauvin continues on as he had, knee on the neck, knee on the back. You’ll see he does not let up and he does not get up for the

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remaining, as you can see three minutes and 51 seconds. During this period of time, you will learn that Mr. Chauvin is told that they can't even find the pulse of Mr. Floyd. You'll learn he's told that twice. They can't even find the pulse. You will be able to see for yourself what he does in response. You will see that he does not let up and that he does not get up. Even when Mr. Floyd does not even have a pulse, it continues on, it continues on ladies and gentlemen, even after the ambulance arrives on the scene. The ambulance is there and you'll be able to see for yourself what Mr. Chauvin is doing when the ambulance is there. You can compare. You'll be able to compare how he looks in this photograph to how he looked in the first four minutes and 45 seconds....

Mr. Chauvin continuing to remain on his body at the same time, doesn't get up even when the paramedic comes to check for a pulse and doesn't find one, Mr. Chauvin doesn't get up... the paramedics have taken the gurney out of the ambulance, have rolled it over next to the body of Mr. Floyd and you'll be able to see Mr. Chauvin still does not let up, he doesn't get up. And you will see it wasn't until such time as they start, they want to move the lifeless body of George Floyd onto the gurney only then does Mr. Chauvin let up and get up and you'll see him drag Mr. Floyd's body and unceremoniously cast it onto the gurney. And that was for a total of four minutes and 44 seconds. You can see here that for the first four minutes and 45 seconds you'll learn that Mr. Floyd was calling out crying for his life. And ladies and gentlemen, not just Mr. Floyd, you're going to hear and see that there were any number of bystanders who were there, who were also calling out to let up and get up such that Mr. Floyd would be able to breath and to maintain and to sustain his life. But then for the remaining four minutes and 44 seconds, Mr. Floyd was either unconscious, breathless or pulseless, or the compression, the squeezing, the grinding went on just the same for the total of nine minutes and 29 seconds....

There is a lot to learn about the Minneapolis Police Department's use of force policy...a lot about what is the standard for applying force against individuals; ...that employee shall only use the amount of force that is objectively reasonable in light of the facts and circumstances...the use of force must be evaluated from one moment to the next moment. From moment to moment, what may be reasonable in the first minute may not be reasonable in the second minute, the fourth minute or the ninth minute and 29 seconds, that it has to be evaluated from moment to moment. You'll also learn that the Minneapolis police are precluded, not allowed using any more force that is unnecessary to bring a person under their control. They can't use any more restraint than is necessary. Mr. Chauvin was using was lethal force. It was force that was capable

of killing a human or putting his or her life in danger...defying, as an officer, that as a suspect that is in your custody, it is your duty to care for that person.... When Mr. Floyd was in distress, Mr. Chauvin wouldn't help him, didn't help him...he stopped anybody else from being able to help him.... Mr. Chauvin had acted with cruelty and indifference unbefitting of a police officer and should be convicted of murder in George Floyd's death; and his, above all else, the culpability/culprit this jury is convened and mandated to judge/determine and punish fittingly."

(v) **Opening Statement of the Defense: A Summary** Compared with the prosecution, the defense's testimony was brief. Defense called just six witnesses, including a retired Minneapolis police officer and a retired paramedic who had interacted with Floyd during a 2019 traffic stop. The defense spent the most time emphasizing that Floyd died from a sudden cardiac event and that opioids and methamphetamine in his system and possibly carbon monoxide poisoning played a role. It disputed the claim that the manner of Floyd's death was "homicide" and said that it should have been classified as "undetermined," given the number of factors in play.

The Research Methodology

The work adopts a phenomenological and analytical tool to review existing theoretical amid evident factual material; this work espouses, via a review of those events at Cup Foods, the US statutes on police/policing, the law of the case vis-à-vis the prosecuting and defense statements/witnesses, the justice in the trial of Derek Chauvin. The article examines those circumstances (Chauvin's trial and sentencing) and logically unveils the abounding philosophical-legal issues of responsibility, justice, violence, equality and race relations—especially over the victim, a citizen of color and the accused a white man.

Results and Discussion

There are four platforms which form the findings of this research: Witnesses' report, prosecution and defense closing/legal arguments, and the jury's judgement. While the first three count as results, the jury's judgement represents the platform for the final analysis of the emergent philosophical issues.

(i) Witnesses: Direct (Eye) and Expert

Every platform for legal justice, in the form of prosecution, adjudication and defense, requires evidence. Every conclusion/inference must be based on some consistent premise(s); otherwise, such would be invalid. Evidence could be human, pictorial, or other circumstantial proof(s). References to existing statutes, principles, precedencies, could also be admissible. Hence relevant witnesses in Chauvin's trial were invited, examined and cross-examined. Eye witnesses (from

Cup Foods and other by-standers) corroborated one another's account. All the witnesses thus invited fall under some expert, refuting or corroborating category. And relevant recorded video of the scenes and sounds were also tendered in corroboration beyond reasonable doubt—the reliability of which could be so instructive, just like the VAR does in modern game-referring/judgment in sport (Asekhauno 2014). A lung and critical care specialist testified for the prosecution that any healthy person subjected to this restraint would have died under similar Chauvin's actions; a use-of-force instructor testified that officers are trained to "stay away from the neck when possible." Prosecution tried to show that what Chauvin did is not what he was trained to do and that the reason they don't train people to do that is because it's eminently dangerous. Prosecutors had to show that Chauvin caused Floyd's death through culpable negligence that created an unreasonable risk, and that he consciously took the chance of causing severe injury or death. Corroborating Testifiers that revealed Chauvin should have known to put Floyd in a side recovery position, that he should have provided medical care before paramedics arrived and that he stayed in his position after he was told Floyd didn't have a pulse could all point to negligence.

The testimony ranged from complex medical and forensic pathology topics to discussion of police training and officers' use of force. There were moments of deep emotion. Homicide was established despite defense claim that "Mr. George Floyd died from a cardiopulmonary arrest. It was caused by low oxygen levels. And those low oxygen levels were induced by the prone restraint and positional asphyxiation that he was subjected to.

(ii) Closing Statement for the Prosecution: A Summary

Prosecution summarized its evidence and tried to raise doubt about the evidence offered by Mr. Chauvin's lawyer, peppering his arguments with portions of the jury instructions and the law. It was Mr. Chauvin's knee on Mr. Floyd's neck for more than nine minutes that killed him on May 25, not any heart condition or drug overdose. "George Floyd struggled, desperate to breathe, to make enough room in his chest to breathe, but the force was too much.... He was trapped. He was trapped with the unyielding pavement underneath him, as unyielding as the men who held him down." Prosecution averred that rather than being an anti-police, it was a pro-police prosecution.

The prosecutor also sought to humanize Mr. Floyd, showing photographs from his childhood and describing a loving family. And Mr. Schleicher also referenced Mr. Floyd's struggles with drug addiction and the accusation that he had used a fake \$20 bill to buy cigarettes before the police arrived, saying jurors should remember that Mr. Floyd is not the man on trial. Throughout the trial,

prosecutors have tried to get ahead of arguments from the defense that Mr. Floyd had resisted arrest and could have overdosed on the fentanyl and methamphetamine that were found in his system. The prosecution argued that Floyd died as a direct result of Chauvin's actions: that due to Chauvin's weight on Floyd's neck and back while holding him in the prone position, Floyd died of low oxygen levels that caused a brain injury and arrhythmia, causing his heart to stop. So Chauvin did what he did on purpose, and it killed George Floyd. Consequently, the prosecution asserted: "...that wasn't policing, this was murder...the defendant is guilty of all three counts, all of them. And there's no excuse."

(iii) Closing Statement of the Defense: A Summary

In closing, the defense argued that the former Chauvin had acted reasonably when he knelt on George Floyd for more than nine minutes, imploring jurors to also consider the moments before officers took Mr. Floyd to the ground as they begin to debate whether to convict or acquit Mr. Chauvin. It claims that there was much more to the case than the moments that had been captured on a cellphone video and seen by the world. They argued that there was at least reasonable doubt about two vital issues: whether Mr. Chauvin's actions were allowed under Minneapolis Police Department policies and whether Mr. Chauvin had caused Mr. Floyd's death. Jurors must believe that prosecutors have proved their case beyond a reasonable doubt in order to convict. It emphasized that the jury instructions require that no crime has been committed if a police officer was justified in using reasonable force and that jurors should determine what is justified by considering what "a reasonable police officer in the same situation would believe to be necessary", which requires paying close attention to the moments before officers put Mr. Floyd face down on the ground, when they tried to get a handcuffed Mr. Floyd into the back of a police car, which he resisted, saying he was claustrophobic. Prosecutors have repeatedly noted the exact amount of time: nine minutes and 29 seconds that Mr. Chauvin knelt on Mr. Floyd, but defense said that was but one piece of evidence; that throughout the trial that a group of bystanders who were yelling for officers to get off Mr. Floyd and check his pulse had actually taken officers' attention away from Mr. Floyd's declining health. Above all, the defense strove to inject doubt into the state's case. He framed Chauvin's actions as those of a "reasonable police officer" doing his job under stressful and chaotic circumstances. It therefore requests the jury not to "...let yourselves be misled by a single still frame image...but put the evidence in its proper context...that the state has failed to prove its case beyond a reasonable doubt, and therefore Mr. Chauvin should be found not guilty of all counts."

(iv) Jury Judgement/Sentencing

At the end of the closing arguments of both the Prosecution and Defense, the Jury was sequestered and swung into deliberations on the issues. For all three charges, prosecutors did prove that Chauvin caused Floyd's death and that his use of force was unreasonable (they didn't have to prove Chauvin's restraint was the sole cause of Floyd's death, but only that his conduct was a substantial causal factor). However, the jurors found that Chauvin used a level of force that was considered unreasonable to an objective officer in his position. Hindsight couldn't be a factor. Coming to Chauvin's state of mind, with second-degree murder requiring some level of intent, Chauvin intended to apply unlawful force to Floyd—all the way down to manslaughter, which requires proof of culpable negligence. It's also called felony murder. Chauvin killed Floyd while committing or trying to commit a felony, in this case, third-degree assault (Prosecution didn't have to prove Chauvin intended to kill Floyd, only that he intended to apply unlawful force that caused bodily harm). Prosecutors called several medical experts who testified that Floyd died from a lack of oxygen because of the way he was restrained. For the third-degree murder count, jurors found Chauvin caused Floyd's death through an action that was "eminently dangerous" and carried out with a reckless disregard for and conscious indifference to the loss of life. Consequently, the 12 member jury found former Minneapolis police officer Derek Chauvin guilty on all the counts (unintentional second-degree murder, third-degree murder and second-degree manslaughter) he faced over the death of George Floyd.

Each count carries a different maximum sentence: 40 years for second-degree unintentional murder, 25 years for third-degree murder, and 10 years for second-degree manslaughter. But under Minnesota sentencing guidelines, for a person with no criminal history, each murder charge carries a presumptive sentence of 12 and half years in prison; while manslaughter has a presumptive sentence of four years. In Minnesota, defendants typically serve two-thirds of their penalty in prison, with the rest on parole. And the prosecution sought stiffer penalty for aggravating factors. However, Chauvin, who declined to testify—which could imply 'guilt-pea' (Asekhauno 2017)), watched as the verdict was returned and was remanded into custody as the jury was dismissed; later, as required, he was sentenced to twenty-two (22) years in prison.³

Some Philosophical Issues Arising

Floyd's death on Memorial Day 2020 sparked protests in Minneapolis, across the United States and around the world. It prompted calls for police reform and soul-searching on issues of racial injustice. All the events, from the encounter at Cup Foods, the fatal arrest, the protests/riots, to the sentencing (against which Chauvin's Appeal fails) raise serious philosophical concerns. That Floyd is a black raises the issue of equality and race; Chauvin's arrest tactic, the issue of violence and responsibility; and all the circumstances of the case plus the jury's judgement, the question of justice.

The issue of equality For centuries now, the USA is one of inequality—especially as it concerns race relations. The condition is exacerbated judging from the fact that the word, *equality* is used in many senses. Hence, even though we may compare relative sizes, weights or colors of two categories, yet we do not simply refer to such things as the same. But equality, in political thought is more often prescriptive than descriptive. Thus, equalitarianism would argue that justice consists in treating men equally because there is something peculiar to all human beings without distinction by class, race, color or sex. The emphatic point is about human nature—that all men have certain basic needs: food, shelter, clothing, security and self-preservation, which must be satisfied if suffering is to be avoided. Nevertheless, it has become feasible and tenable to talk of equality of proportion, equality of opportunity, fairness in distribution, equality of consideration, social equality, and equality before the law. One use of equality in the distributive sense is to deny that a certain characteristic be taken as a base for treating people differently.

The American Constitution upholds “equality and freedom” as the overall social objective(s) of the US. Despite this constitutional stipulation, inequalities pervade modern American social atmosphere. Social inequality and discrimination is the acme or apogee of injustice. The mist surrounding the idea of equality perhaps introduces some pedestal for systemic injustice and racial identity (especially in the USA). The central question would be: How could one be a citizen as others without being co-equal in the possession of rights with those ‘other); does it not amount to some contradiction? However, Chauvin's trial and sentencing indicates a reconstruction of this *status quo* in the USA with much implication for un-savoring race relations therein and beyond.

The issue of race relations The background to the fatal arrest of Floyd re-ignites the issue of race relations. Generally, humans ought to be one, “belonging to a single species, *homo sapiens*, and are derived from a common stock...”

(UNESCO 1964). In this way, pure races, in the form of genetically homogenous populations, do not exist in human species; what exist are arbitrary social distinctions based on secondary qualities (usually color). Race is color. Justice consists in treating men equally because there is something peculiar to all human beings without distinction by class, race, color or sex. Racial discrimination ignores the emphatic point that all men have certain basic needs: food, shelter, clothing, security and self-preservation, which must be satisfied if suffering is to be avoided. But here and there exist distinctions on the bases of social and inherited characteristics such as class, gender, and race (and it is worse where several of these at once roll in one). In the US racial population was in fact a numerical minority in the whole country; so, initially, minority/race was comparative.

Minority in the US could also be a social condition, not necessarily a quantitative fact: from negro to black; and now colored; whichever the label, race demeans and is stereotypical. Today, what is prevalent terminology in the guise of racism is ‘people of color’, ‘systemic injustice’ and ‘police brutality’. The rich history of race relations in the USA reveals this development a product of immigration and the slave trade. However, there is abundant evidence that in the US, the poor and especially racial minorities are more likely than middle class whites to be arrested and to be treated with disrespect or worse. Could the US Constitution still uphold that “...we hold these truths to be self-evident, that all men are created equal”? (King 1963); or is the Mr. Pig of George Orwell right in claiming that, however, “some men are more equal than the others”? (Orwell 1957). Positively, Chauvin’s trial and sentencing reassures hope in human’s quest and stride towards elimination of *race*—which may not entirely eliminate the violence in the USA or elsewhere.

The idea of police violence and brutality The entire scenario and circumstance at the Cup Foods and “nine minutes and twenty-nine (929) seconds revolve around the idea of violence. To ‘violate’, the (intention) is to inflict injury or damage on an object or a subject. ‘Violence’ can be physical or psychological. Remarkably, ‘violence’ is somehow a ‘violation’ of something; “force” against something implies, in one way or another, a ‘violation’ of it (Garver 1970). ‘Violence’ is a “severe, using or showing great force” (Watson 1978). This further implies that it is possible to violate (even kill them) persons, principles, nature, things, or objects, by either inflicting physical harm on them, or infringe on their rights or freedom. So, violence can be usefully classified into four kinds based on two criteria: whether the violence is personal or institutional; whether it is overt or covert: 1. overt, direct or physical violence; 2. covert, indirect or

psychological violence; 3. personal versus institutional violence; 4. overt–personal versus overt-institutional violence; 5. covert-personal versus covert-institutional violence.

Chauvin’s case allays that, invariably, persons, as well as institutions commit violence—directly or indirectly. On the one hand, personal violence is when individuals are involved as individual, violence done on a private capacity: overt or covert. But, to establish culpability, where do we draw the line between “when we act on a private capacity” and “on institutional capacity?” Under personal violence, it is noteworthy that the individual acts on his own volition and then responsibility. On the other hand, institutional violence is where social institutions are seen as responsible for the violence done by its members. The individual person’s initiative and responsibility is subsumed as a member of a group now seen to be responsible for the violence. But the question is further raised: ‘does a group have a soul’? Can a group act except through the agency of individual men? Hence Chauvin’s case becomes aggravated.

Direct-personal violence is beyond mere threat, but the actual physical result of a direct violent action on another person or property, without his consent. As noted earlier on, whenever something is done to another person’s body or property without his consent, not just a physical entity is attacked, but a ‘person’, a ‘self’. It is done to him by force, willy-nilly. So the violence in this case is something that is easily recognizable as overt-personal violence, as in Chauvin’s and other instances of police brutality. But overt institutional violence is the direct violence committed as a member of a social institution. (The post-World War II Nuremberg trials brought this complexity into popularity.) Unfortunately, In Floyd’s case no doubt, violence was done at different stages. Chauvin’s tactic might have been defensible on self-help; but there was no aggression against him; he applied violent tactic on even an unarmed suspect (defying the law meant to give form to, restrain, and limit self-help).

However, in legal, social and administrative order, as elsewhere, there is always a persistent conflict between the need of systems and the need of persons, between institutional ideals and institutional systems vis-à-vis citizens’ rights and responsibilities. Here, one discovers that in arraigning Chauvin, administrative need did gain priority over individual interest, raising questions over vicarious liability and the appropriateness of the justice. The law recognizes individual responsibility on the part of those who commit acts defined by it as rimes. Institutional liability is a fiction. Crimes always are committed only by persons. Corporate or institutional liability may be relative tenable but such legalism should not be a basis for individual immunity over heinous crime as the present

under prosecution. The law speaks for the police institution; its execution rests with the individual officer. Chauvin had the great power of the law amid a broad discretion which, unfortunately, he chose to use criminally. The principle of individual responsibility and accountability is as necessary as well as logical since the US commit to rendering real justice.

The question of justice Suit for justice implies dealing with according to existing standards. Yet the term *justice* is an eclectic concept. To Aristotle, justice is the human good; to St. Augustine, justice is that ordering of the soul. Plato mentioned a long time ago that every man is to be given what is due to him; injustice is when something belonging to one is taken away from or denied him (Munoz 1996: 70). Despite its many conceptions, we shall however employ the term in this project to mean the ultimate telling/determination of truth, fair or correct application of rules, distribution of goods/services, allocation of roles/duties, rewards and punishments; that is, C or D could be justified in (or in not) receiving A and/or B; and a belief in the need for accountability; on the finality of God's ultimate judgement and reward of heaven (Asekhauno and Asia 2021). This sense of justice may suppress the very essence of human divine nature, morality and ethics. Surprisingly, Chauvin's trial and justice points otherwise.

Conclusion

The case at point inherently recognizes two faces of law and justice: the judgement of the authority (the law and prosecutors), and the protection/defense of rights. And if law offers a forum to which people can appeal when they feel aggrieved or victimized, then demand for justice may be a victim's demand that someone be punished because he has violated a rule and intruded on the rights of other(s). The US believed that the law long has afforded standards by which juridical hearing could be conducted to make sure that only the right men for the right reasons are punished. In the US, many similar crimes by overzealous police officers had gone without justice; but justice for Chauvin indicates an assurance of (and as real) the American creed of equality and freedom; hence the riots in the US and huge global outcry for justice. Chauvin's arrest and arraignment was the first justice; the jury's judgement and its wide acceptability, the second—indicating the US beginning to live up to the true meaning of its creed: that all men matter and are accountable. Thus the values of the trial are monumental in

several pedestals of human relations; the sentencing would not be as important as the reassurances of that positive trajectory.

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