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Abstract

Almost everyone agrees that gun ownership is part of the complex fabric of values and traditions that comprise American society. All sides in the gun ownership debate understand that firearms are embedded deeply in America's society and culture. But whereas for some the right to own guns is a non-negotiable promise guaranteed constitutionally, for others it is far more an element of the American experience than is desirable. This essay examines three arguments which have not usually received full treatment in analytical debates, but which may help us to reframe the sharp polarization that now characterizes the discourse. The first relies on distinctively American ideals of liberty, property rights, and the right of protection from the state. The second considers the implications of American liberty and property across contemporary culture. The final argument captures a somewhat more obscure aspiration in American life: the freedom which can be enjoyed only when society has achieved the public good of safety from deadly firearms.

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INTRODUCTION

It seems impossible to imagine a world in which issue of gun ownership no longer divides American society. The discourse as it currently exists is so polarized that we are required to analyze two deeply opposed and frequently hostile camps: gun ownership supporters against those who demand restrictions on ownership of firearms. Many Americans view gun ownership as their most cherished right of citizenship; others view it as the least desirable feature of the contemporary American life. Many Americans advocate unfettered freedom to own firearms while others desire a society entirely rid of gun violence; free, that is to say, not only of the higher rates of suicide and homicide which clearly accompany gun ownership (Stroebe 2013), but free perhaps even from the very existence of guns.

To imagine a world in which gun ownership is no longer a divisive issue is difficult indeed. The aim of this essay is to offer a set of perspectives which do not necessarily belong to either side. By explaining and defending these lines of argument, my goal is to shine new light on the dilemma; through them, I think a path can be sketched which avoids the radical polarization that obstructs progress on this issue of monumental concern.

Regardless of their position, nearly everyone involved in the gun ownership debate neglects or ignores claims which their opponents consider to be non-negotiable. Firearm ownership promoters—and this is equally true for those who would restrict gun ownership—hold tightly to their own presuppositions, even as they reject views held with equal assurance by those on the other side.

Let me provide some background in a review of the standard positions. Our purpose in surveying the positions is not to establish points of evaluation; at this stage, we want simply to get our bearings on the gun ownership discourse at the most general level, on the overall structure of arguments that distinguish the two sides.

Gun ownership supporters emphasize any number of the following arguments: (i) Second Amendment rights; (ii) responsible gun ownership; (iii) the centrality of self-defence; and (iv) the pervasiveness of gun-owning celebrities and politicians. In greater detail, they hold that the U.S. Constitution already guarantees unfettered gun ownership rights (i); that gun ownership is overwhelmingly safe in terms of the practices of a majority of gun owners (ii); that gun ownership is embedded in the fundamental right of self-defence (iii); and that experts and celebrities at all levels of contemporary society support the freedom to own guns and make that freedom part of their public lives (iv).

We can view these arguments as elements in a more or less coherent platform or position. We can imagine them being put forth in a lecture auditorium, where each argument is meant by advocates to convince a large audience; each will play a part in using rational force and moral suasion to convince informed members of the audience to endorse a specific side of the issue. The arguments are best seen as elements of a platform because none of them can be assumed to achieve universal validity by itself. Each has a role to play in a larger debate or discourse.

Against the gun ownership position, critics offer a different family of arguments, which lead to a very different platform. They focus on: (i) increasing mass shootings; (ii) patterns of irresponsible gun ownership; (iii) and expert testimony, in the form of advocacy by such professional

groups as the association of American Family Physicians.ⁱ These critics hold that horrific crimes by psychopaths and terrorists make it necessary to establish restrictions on the availability of guns (i); that even though some owners practice gun safety, others express this freedom dangerously and irresponsibly (ii); and that many experts favour greater gun restrictions and are critical of the current state of gun availability in the United States (iii).

Again, we should view these arguments as elements in a unified platform. In our large lecture hall, members of the gun-restricting camp offer these claims in an effort to convince the audience of the viability of their position. As above, none of these critical claims about gun ownership can assume universal validity; they are best seen as part of a wider effort to convince society to adopt, for their own private reasons, a view that supports gun ownership restrictions.

The reader will have likely begun to evaluate and engage with one of the two platforms and their component arguments. It is natural to engage one side or the other, as informed members of society always should. How can we not look at the arguments above with a view to assessing their quality? In what follows, I want to develop a slightly different approach. I propose to draw back from engagement with specific arguments and look instead at what may have been overlooked as the debate's veteran interests pushed their points of view. I want to think about the gun discourse itself, and to decide if any arguments were swept aside which deserve further attention. Our purpose is to approach the gun ownership discourse from this wide perspective, and to trace out a few considerations which have been neglected or ignored.

At this general level, what else can be said about the American gun ownership discourse? It is an inclusive

discourse, at least in some respects. Despite its binary platforms and the influence of ideology, it reflects a society-wide conversation where the views of American citizens determine the legitimacy of a policy or political decision. It is a discourse occurring at highest political level, in which major interests are involved. Major interests are represented by large and well-funded political action groups, and also in the sense that gun control is the perennial electoral issue in American politics. A candidate's position on this single issue can decide a significant pattern of political support, not to mention campaign endorsements and contributions. Even compared to other major issues, the efficiency and mobilization of gun ownership advocacy groups has been an increasingly predominant factor at all levels of electoral politics nearly everywhere in the United States.

Moreover, although the gun ownership discourse was once strictly a national debate, focused on U.S. domestic concerns, the debate has long since internationalized. American politics carries influence far past the U.S. border, and many countries follow the lead of American democracy in unseen ways. The domestic discourse inside the United States influences the agenda in many domestic discourses around the world, and in a world of globalization and international commerce, the availability of guns in one national jurisdiction always impacts activities in many neighboring jurisdictions.

Of course, none of these considerations imply that the gun ownership discourse is without hope or remedy. But there is a truly enormous gap, both real and ideological, that places Americans in one of two exclusive camps. Researchers have demonstrated that ownership of guns is typically strongest with in certain demographics. For example, Gius (2008) shows that ownership of deadly

weapons overwhelmingly far more frequently among white men of a certain age, while Americans as a demographic whole are immensely less likely to own or possess a gun. His results confirm that “Caucasians, males and those who are married are more likely to own guns, while persons under the age of 25 years, and over the age of 65 years, as well as college-educated persons are less likely to own guns” (Gius 498). The reasons for this distribution are obviously complex, but it seems clear enough that for some Americans gun ownership becomes something much deeper than a negotiable feature of recreational preference.

The significance of guns and gun ownership is partly sociological, for gun ownership is deeply established in American culture. But gun ownership is also a distinctive and authentic American right, guaranteed in specific respects by the U.S. Constitution. And on the other side, gun ownership defenders neglect a central feature of their opponents’ platform; their vision of society as free *from* guns, in other words free from the human damage that excessive ownership of guns produces. Supporters of gun ownership fail to see how that society is for everyone’s benefit; that a society free of gun violence is an equally important fundamental right.

To be sure, there are a few fixed propositions in this discourse, as in any other. *If freedom to own guns is dangerous to public safety, gun ownership advocates can and should come to endorse whatever restrictions are deemed necessary to show sufficient concern for the public’s safety.* “Whether the social costs of gun ownership are positive or negative is arguably the most fundamental question for the regulation of firearms in the United States” (Cook and Ludwig 2006: 380). I admit that this proposition needs clarity to be fully convincing—clarity about what constitutes “sufficient concern for public safety”, and I

don't claim to resolve the question here. I only wish to point out that no one is right to disregard principles of concern for public safety. But there are few such universal propositions on offer in the American gun ownership discourse, and even this one is sometimes denied.

So let us consider an alternative approach. In other situations, much closer to home, when our personal positions are inescapably fixed, we might elect to utilize the services of a "mediator" who would be willing and able to provide the partisans with unseen but mutually beneficial alternatives. The role of mediators is always subject to restrictions, and seldom do mediators achieve admiration from either side, for partisans are disposed against moderation. But the mediator's efforts are sometimes desirable to all parties. Some disputes can never be unlocked without the mediator's advice.

The role of mediator is not that of an objective referee. In this debate no set of rules is perfectly absolute. This is one reason why the gun ownership discourse remains divided; those rules or parameters which would facilitate debate or provide structure to the discourse are themselves subject to dispute. So again, the role of mediator is inherently restrictive. Nor can a non-partisan mediator endorse any argument with genuine commitment. There is an artificiality to how the mediator must abstractly approach arguments which the rest of us press with full conviction. But it's equally true that the mediator enjoys her own space of freedom, for it is part of her role to remain open to the unorthodox and untried point of view.

In what follows, I will attempt to assume such a role. I will offer a discussion of certain foundational issues in the gun ownership discourse; and while some of them will seem familiar, others will come across as new and unexplored.

My aim is to show that even though the common positions are profoundly divided, and misunderstanding remains the order of the day, we might still plot a few perspectives that represent a path of reconciliation in what is perhaps the most disruptive political discourse in America today.

GUN OWNERSHIP

We first need to grapple with common arguments which are thought to emerge from the U.S. Constitution's Second Amendment.ⁱⁱ On one level, we need to question the sacrosanct notion of unfettered rights created by the Second Amendment. On another, we need to reflect on the proper status of guns as *private property* of a particularly significant kind, which for many citizens is a deep manifestation of American liberty.

The essence of the challenge to unfettered Second Amendment rights is simply this: all laws are subject to revision, even long-standing constitutional amendments. Many believe that once Second Amendment the issue of gun ownership is immediately resolved. After all, the "right to bear arms" seems to admit neither restriction nor limitation on the freedom of American citizens. Against this common view, let me suggest that the U.S. Constitution may be sacrosanct, but its individual provisions are always subject to interpretation and possible revision. It's easy to forget this constitutional reality because it seems impossible to achieve the kind of necessary consensus. But the discussion doesn't end with invocations of the Second Amendment; all rights are subject to adjustment of their scope and consideration of their social impact.

To understand why, consider a situation where all citizens, all branches of government, fully supported the same

proposal with respect to the Second Amendment. If we imagine a situation of universal trust, it's not difficult to conceive of proposals for reform. (In fact, all that is required from a legal perspective to change the Amendment is a two-thirds majority in both Houses of Congress.) In such a case, difficult as it may be to conceive, it seems unquestionable that the Second Amendment could, as it should, be amended to reflect the people's consensus.

The example reminds us that supporters of gun ownership ought not to focus such attention on the legal claims enshrined in the Second Amendment. Still, a compelling line of argument is found in the linkages that exist among the values of personal liberty, private ownership and freedom from state coercion, and we can find a more convincing source of legitimacy expressed in the U.S. Constitution as a whole; while the Second Amendment is subject to modification, it would be unwise for any higher court judge, for example, to disregard the values of liberty and property that make up the core of the U.S. Constitution.

I believe that gun ownership is fixed deeply in a complex fabric of American liberty. Gun ownership was singled out early and has been constantly reinforced as not simply one kind of physical property that can be legitimately owned, but as both an instrument and a symbol of personal and political liberty. Gun ownership became a distinctive symbol and manifold instrument of the private freedom expressed in a most comprehensive way throughout the Constitution.

Keeping this view of the U.S. Constitution in the background, at least two arguments can be put forward for consideration by our mediator. The first is a historically-based argument draws directly on connections between liberty and property found throughout the Constitution. To appreciate it, we must look to philosophical arguments about property rights

associated with the John Locke (1632-18704), who was the first Western thinker to acknowledge the importance of property to individual freedom.

To speak of “ownership” and “property” is to invoke rights or entitlements set forth by law to protect citizens’ belongings. Condensing Locke’s argument slightly, Locke said that private property is one of our “natural rights”; the things we own ought to be protected for us by government; any governing authority that considers itself politically legitimate should safeguard, and should never abscond with, the rightful property of individual citizens. Locke’s major work *Two Treatises of Government* (1689) contains a sustained defence of the position that ownership of property is a privileged right; one of the non-negotiable features that form the foundation of social life according to the American social narrative.

Locke’s appeal to liberty and private property profoundly influenced America’s founding fathers. When Thomas Jefferson (1743-1826) composed the opening words of the *Declaration of Independence* (1775-6), these ideas were very much in circulation, and both the philosopher and the political leader in Jefferson were deeply moved by Locke’s view of property as the foundation of a free and legitimate government. It is not accidental that the *Declaration of Independence* follows Locke’s political philosophy in striking ways.

Whether in the form of exchangeable resources like money, or in the form of land and estates, the government of each state retains the prerogative to use force in confiscating that which is owned by individual citizens. Thinkers like Locke and Jefferson realized the threat to private property posed by governments. Their doctrines reveal a warranted

concern with the danger that the governing regime will seize the legitimate holdings of individual citizens.

Note the universal implications of Locke's argument in terms of institutionalizing socially beneficial patterns of ownership. His view underpins a society that benefits all citizens by incentivizing the active development of lands and other external resources. Locke is urging individuals to develop themselves, and their holdings, in ways that advances the value of the whole community.

The second argument relies on the value of personal liberty. Once we acknowledge, as did Locke and Jefferson, that ownership of property is a natural right, we give credence to the view that each citizen's property is fundamental to that citizen's personhood. Property is not merely a philosophical abstraction. It becomes part of the citizen and fundamental to their liberty, in the sense that no life can be lived, and no personal project executed, without access to certain protections of property. Property is fundamental to personal liberty and is a means of protecting citizen's individual plans of life. Therefore the state should protect and preserve private property; doing so is the only way to genuinely safeguard individual autonomy.

The discussion of Locke, Jefferson, and the U.S. Constitution reveals the centrality of property in American life and liberty. In short, both Locke and Jefferson realized that property becomes embedded in each citizen's social existence. In both a real and metaphorical sense, the citizen's property *becomes* the citizen. My claim is that the role of private property in actualizing one's individual plan of life, and even more importantly, the dangers involved in coercively confiscating a citizen's property, set a high threshold of justification for proposals to challenge existing (legitimately held) guns.

Consider how true these claims become when the property at issue is a firearm. There is perhaps no greater source of security than owning a gun—at least this is how many gun owners characterize their feelings. Ownership of a firearm provides the owner with unequalled capacity to protect his or her life and liberties should they face a threat from those with nefarious intent.

American liberty can be characterized in a host of terminologies. It is “republican” in the sense that American liberty is based on central documents to which all American citizens pledge allegiance. It is “democratic” in that liberty rights in the United States of America are enjoyed in the context of a society of equals. Each terminology casts a unique light on important dimensions of a highly complex political society. I have been characterizing American liberty as the embodiment of what is called *possessive individualism*; American liberty is imbued with a vision of the citizen as the sole proprietor of his or her rights; the agent, or operator, who is free, as are all other citizens, in their possession of political rights. The political theorist C.B. Macpherson defined possessive individualism in the following way. “The individual,” he said, “is free inasmuch as [she] is proprietor of [her] personal capacities. The human essence is freedom from dependence on the wills of others, and freedom is a function of possession.”ⁱⁱⁱ In each of the earlier political ideologies gun ownership can be said to give priority of place in the United States of America. But the possessive character of the U.S. Constitution underpins a kind of natural resistance to new restrictions on ownership of guns.

Neither Locke nor Jefferson directly explored the modern issue of firearms ownership. The point of the discussion above is that gun ownership, indeed, ownership of private property in general, is the fundamental legal conception

intended in Constitutional documents; consequently that this conception has continuously embedded itself in U.S. society and culture in the centuries since the founding of the Republic.

But we can nevertheless trace out the view that gun ownership, like other forms of ownership, comes to be part of owners' lives. Here, my claim is that the view of property espoused by Locke goes to the very heart of the distinctively American sense of individual liberty; that it is an essential feature of the American "social contract"; and that it therefore deserves an honoured place in consideration of legal rights of ownership. To put the point in slightly different terms, the truly compelling legal argument available to gun ownership supporters is found in the view that gun ownership belongs in the realm of "privileged rights", which, like other such rights, enjoy non-negotiable status in the American social contract.

We began the section with a discussion of Second Amendment rights, which are viewed by many as carved in stone. I suggested that the Second Amendment is subject to constitutional revision, hence the rights enshrined there are normal subjects of debate and deliberation by Americans. But this barely scratches the surface of a much more substantive view of gun ownership as part of American politics and law. I claimed that the central idea of liberty on which the American social contract depends is tied up with ownership of property, and that because of the physical capabilities they bring into being guns have become both a beacon of liberty for many Americans and an indispensable tool for its protection.

The right to own guns is not simply weak rhetoric that advocates of guns cling to without scrutiny. It is a feature of the sense of American citizenship that many have come

to accept as legitimate. In a way that is not usually appreciated, American liberty includes the right to own deadly firearms.

GUN CULTURE

If we acknowledge that gun ownership is embedded in American politics, we next must consider how this form of politics manifests itself in culture and myth. The case above asserted that private property is foundational; that gun ownership is enshrined constitutionally based on a certain interpretation of American values of liberty and property. Here our claim is that over many decades these values have embedded themselves culturally, artistically and in the universal narratives through which Americans understand themselves, their fellow citizens, and the rest of the world.

The term “culture” refers to the totality of norms and practices that comprise a given people’s traditions. Culture describes what is distinctive about a people’s shared existence; thus it is wider in scope than the earlier line of argument about individual ownership. “Culture” encompasses a collective way of life, those practices and institutions a people have created by processes largely of their own making. In speaking about culture, we are able to explore how gun ownership fits into the mosaic of language, religion, society and the arts that are basic features of American life. From that perspective, a cultural argument might conclude that current practices should be continued because people have legitimately come to identify with them; they have shaped peoples’ lives and become features of their personal identities. It seems obvious that gun ownership is an element of “American culture,” however construed. What is less obvious is what this implies in terms of peoples’ legitimate expectations. I

want to the fascinating way in which guns are fixed into the American political experience.

The philosopher Charles Taylor uses the term “social imaginaries” to emphasize the features of that make each culture (or nation) distinctive. We are bound by culture because we are bound into “imaginary” cultural practices that surround us. Examples are easy to imagine. The mythology of the colonial frontiersman is never far from the surface, nor is the mythology of the cowboy in a hostile territory. Indeed, one finds a recurring evolution of characters and roles that highlight ownership of guns in connection with founding ideals of American society.

It may be easy to dismiss these cultural models as “merely symbolic” or to respond by stating that cultural values shift over time; policies to constrain them go against the natural flow of history. But cultural arguments go deeper than they initially seem. It is not simply the occasional media representation, but a constant host of significant and influential roles—from Daniel Boone and John Wayne to Colonel Kurtz and Sargent Barnes—carry home the message that guns are beacons of basic liberty.

Of course, these are not always the best role models for American citizens. But few would deny that they bring striking legitimacy to the cause of gun freedom. It is obvious that not all such narratives are socially beneficial. Subcultures of antisocial “gangsterism” are too common, and their rise implies a dangerous new evolution of guns in American culture. The prevalence of *fear* is likely the most significant rationale for gun ownership. Will Hauser and Gary Kleck have determined that guns and fear are related “asymmetrically”; in other words, “higher fear among nonowners encourages them to become gun owners, but lower fear among gun owners does not encourage gun

relinquishment” (Hauser and Kleck 2013: 271). Indeed, numerous studies confirm that victimization and perceived risk of victimization increase the likelihood of a person owning a gun for self-protection (see Kleck, Kovandzic, Saber and Hauser 2011).

But we can and should draw the right conclusions from our values of fairness and legitimate expectations. If gun ownership is elemental to the American national ideal, then the sense of gun ownership (outlined above) will have been continuously internalized by successive generations of Americans. Countless citizens had their own valid reasons to pattern their lives in accordance with accepted social aspirations. Therefore, restrictions on gun ownership should be judged against a presumption against newly-imposed restrictions.

GUN FREEDOM AND THE PUBLIC GOOD

To summarize the previous discussion, I put forward two lines of argument which gun ownership restrictors tend to neglect. For somewhat obvious reasons, they underestimate the centrality of gun ownership and the role it plays in American life. But there is a third line of argument that advocates of gun ownership neglect. Although it seems more complex and demanding than those identified above, we will benefit from drawing out and elaborating the vision of society it derives from.

Those who would restrict gun ownership envision society through the lens of public safety. It is not freedom *to own* guns, but freedom *from* guns, that marks this side of the debate. To clarify the vision, we can describe gun safety in the terminology of “public goods.” I will suggest below that safety from gun violence is a public good which, although somewhat obscure and difficult to defend, lends

credence to the gun-restricting platform. Ultimately it is rooted in a proposition mentioned previously: If freedom to own guns is dangerous to public safety, gun ownership should be regulated to a degree that effectively affirms public safety. Again, the social costs of gun ownership become the central issue in the regulation of deadly weapons” (Cook and Ludwig 2006).

The notion of “public good” is wide enough to include both natural and human-created resources: clean air and water; public services like electricity; minerals and topsoil; high literacy; democratic competence and national feeling. All such goods are valuable to the community as a whole and their cultivation is itself a public good justified by its benefit the community as a whole. One can find countless public goods distributed unevenly across the world’s existing regions, and one can envision many other public goods which have yet to be achieved.

A parallel way to think about public goods is to think in terms of “common resources”. Public spaces like parks and wildlife preserves can be conceptualized as common resources and so can clean air and water, which are among the most essential global resources still remaining but not yet owned. Access to natural resources, on this view, is conceived as a trust wherein the authorities are tasked to manage and maintain them for the benefit of the community. We can think of others in terms of the creation and development of common public resources.

Of course, as American ecologist Garrett Hardin (1915-2003) once argued,^{iv} common resources are susceptible to private exploitation. Hardin’s famous example of a small community of shepherds reveals a dangerous social tendency; in any such community, individual shepherds see the obvious benefit of increasing their private herds while

the community as a whole fails to foresee the threat posed by over-exploitation of their essential grazing pasture. Indeed, Hardin claimed, even the existence of the shepherd community is in jeopardy due to the individual decisions of so many shepherds.

Public goods are concerned with common resources, and they are effectively managed only when they bring about positive social outcomes. It is part of our notion of common resources and public goods that restrictions will be necessary to protect the resource from excessive use. But the restrictions need not be onerous, and their benefit is shared universally. Public goods require a degree of state control, but in many instances such control is justifiable and to the advantage of all. A few might prefer unlimited freedom of action, but we undeniably benefit as a whole from the restrictions imposed by coercive governing authorities.

It seems clear that Hardin's example exaggerates the necessity of this social dynamic. He simply accepts that communities are doomed to fall into the same self-interested pattern of behaviour. But as we know, many successful communities have learned to manage the dynamic; promoting and protecting a common resource depends on mutual trust and bonds of social affection, and where these virtues are present, the value of the public good is seen as outweighing the problematic constraints.

Thinking specifically about the public good of safety from gun violence, we can develop three related lines of argument. (1) First, high levels of gun ownership are empirically related to high gun mortality. Such an argument would draw upon from scientific and social-scientific studies of American society, several of which point decisively to grave and unintended consequences force us

to re-think rates of production of at least of new firearms. “Gun ownership is positively related to gun-related suicides and homicides; there is evidence that guns do not merely serve as substitutes for other means of killing, but increase the overall rates of suicide and homicide” (Stroebe 2013: 1). Similarly, Cook and Ludwig focus on the “negative externalities of gun ownership”. Their study is designed to show that “under certain reasonable assumptions, the average annual marginal social cost of household gun ownership is in the range of \$100 to \$1800” (Cook and Ludwig 2006: 379).

Others claim to have found “positive externalities” of gun ownership. It is claimed, for example, that “one million times each year homeowners and storekeepers protect their property and lives using firearms; often this occurs without a shot being fired. The mere sight of a gun often is enough to send a robber running.” “The peace that arises from this disinclination or inability to commit another crime is a positive externality of gun ownership” (Kell 1991). In other words, one should not presume that gun safety is only or necessarily brought about by restrictions, other than protections, around gun ownership.

(2) Secondly, by drawing on a comparison with Canadian society we can begin to understand why the public good of gun safety can be achieved with little sacrifice to personal liberty. It must be acknowledged that the Canadian comparison is sometime misleading; the two jurisdictions have different legal traditions and different regimes of regulation. But one assertion can be asserted with utmost confidence: Canada’s consistently enforced regulation of the firearms industry, and of the practices of hunters and collectors, have promoted the public good of gun safety without appreciably diminishing the right to own firearms.

In Canada, restrictions on gun ownership have been set in a balance; gun safety is protected from overuse by restrictions balanced with benefits shared universally. If I speak as a Canadian citizen, one who takes pride in the level of gun safety we have managed to collectively achieve, it may become clear why I consider gun safety to be a public good *par excellence*. Although statistics suggest that Canadian society is increasingly adopting a permissive set of policies with respect to gun ownership, and although many gun owners argue passionately for greater gun freedom, it must be said that gun violence in Canada is regulated in ways that benefit all Canadians. Canadian citizens enjoy the public good of safety from deadly firearms because we have accepted minor restrictions on gun freedom as individuals.

Despite the comparison, the gun-restricting camp has neither expressed nor defended it in a manner that emphasizes the importance of this public good. In order to be successful, a vision of gun freedom must be exposed to public authorization among the American people. Bringing this vision of American society into being calls for unified activism over time, perhaps over multiple generations.

(3) A third line of argument expands the reasoning of the American political philosopher John Rawls (1921-2002). In his *Theory of Justice*,^v Rawls developed a series of now-famous arguments about political justice which together provide a powerful method for reasoning about public dilemmas in a democratic state. In effect, Rawls offers a test of legitimacy in which a group of imaginary citizens deliberates and ultimately determines the governing institutions of the society they would later inhabit.

The key constraint is what Rawls calls the “veil of ignorance.” Those who are chosen to determine society’s

social institutions are barred from reasoning from a biased position. They are required to reason about social institutions as neutral citizens—that is, citizens unaware of personal markers such as gender, age, class, race and religion. Passing Rawls’s test allows us to say that a policy is *legitimate*; that it receives decisive sanction, not by the citizenry as a whole, but by an imaginary jury whose reasoning parallels as much as possible the mentality of the “perfect citizen.”

Rawls’s argument reveals something unique about the American social contract; it seeks to penetrate the rhetoric and partisanship that too often hinders political discourse. At the deepest and most fundamental level, Rawls’s argument suggests that the expectations of individual citizens can be anticipated through the lens of a few central questions about the relationship between states and citizens.

The most important conclusion according to Rawls is that those constrained by the veil of ignorance would insist on basic political rights and basic provision of resources for society’s disadvantaged members. Those behind the veil of ignorance would demand that all positions in society—even those of lower ranks on the social hierarchy—remain safe and dignified. Each of us has but one life to live, Rawls argued, and thus we are unlikely to expose ourselves to serious risks.

Rawls’s conclusion may be debatable, but his rationale has inescapable implications. If it is true that perfectly neutral citizens would strongly favour a given policy, the policy is presumptively legitimate. When the issue of gun ownership is our application, we need simply to ask; would those behind Rawls’s veil of ignorance be convinced by the platform of the gun supporters, or would they instead endorse the arguments of gun ownership restrictors? Answers to this question bring

us to the centre of the gun ownership dilemma, and if a decisive answer is be found, from here we might begin to see the path towards future reconciliation.

All the lines of argument canvassed above would be reasonable threads for Rawls's imaginary jurors to contemplate. Each would be "on the table", as it were; permitted within the constraints of Rawls's veil of ignorance. One can visualize, for example, Rawls's hypothetical jurors contemplating in an unbiased way the capacity of guns as instruments of personal liberty, and the importance to citizens' identity of pervasive social roles. But we must also consider how they would insist on restrictions for reasons of public safety.

Regarding the pivotal question about whether those behind Rawls's veil of ignorance would affirm or deny substantive rights of gun ownership, I don't believe it is absolutely clear how we should answer. One thing we should acknowledge is that Rawls's jurors would be disposed to prefer gun safety—that is, freedom *from* guns, as that argument was spelled out above. Rawls himself maintained that those behind the veil of ignorance have only one life to live; their reasoning on public matters would tend towards prudence, caution and conservatism in relation to the risks of maximum social freedom.

CONCLUSIONS

It is clearly the case that the above reflections about gun freedom are more philosophical than they are practical. In comparison to much of the commentary we encounter in journalism and media discussions, the arguments above rely on a normative or ethical analysis of justice and social issues. They require a greater commitment to philosophical engagement than is normally expected.

I have offered arguments which may strike the reader as modest and uncontroversial. Gun ownership has a place in American society that connects it with values of personal liberty and freedom from state interference, and this constellation of values, through two centuries of social development, has rooted itself in the public and private lives of countless American citizens. Largescale modification of citizens' rights to own firearms threatens to betray this basic promise. And yet, on the opposite side, widespread patterns of gun ownership endanger the safety of citizens. Therefore ownership rights should be restricted, or at least regulated, to precisely that level which provides citizens with appropriate protection from preventable violence.

More than enough studies have determined that rising gun ownership relates inversely to public safety; and from that proposition several conclusions may be drawn. Minor restrictions on ownership of firearms are warranted if and when they advance public safety; such restrictions are imposed in the interest of protecting Americans' freedom against pervasive weapons and the threat they pose to the safety of citizens and to the United States as a national community.

Gun ownership is something greater than a 'mere' constitutional right. It is not completely inaccurate to say that Americans view it as a "natural" right, or more precisely, as a right which anchors the American social contract. It is not the Second Amendment of the U.S. Constitution that gives gun ownership social legitimacy; it is a deeper model of liberty and personal freedom, within which firearms always played a fundamental role. In two centuries since the founding of the U.S. Government, gun ownership has secured its own place in American society and culture through permeating messages and role models that valorize guns and those who own them.

Nevertheless, what I have called the public good of freedom *from* guns gives us a vision of the social and political situation that restrictors of gun ownership wish to bring into reality. That vision is always undercut by obstacles. Not only is it difficult to pin down or express in reasonably clear terms whether the vision is desirable to all, nor how it could be brought about. The paradigms of gun ownership are embedded culturally and socially in a way that proponents seem unwilling to appreciate.

I would suggest that all the lines of argument discussed above have gone largely unnoticed by dominant voices in the gun ownership discourse. Although our discussion of values and deep social narratives assumes a broader philosophical scope than one usually expects, thinking in such terms, even if unfamiliar, might prove immensely helpful as we recast a democratic debate which shows little other cause for optimism. Broadening our scope in this way may help us to avoid the fixed patterns of argument which have become great impediments to progress on this urgent issue, and many others.

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NOTES

ⁱ *Doctors for America's* work on gun violence reduction and *Doctors for Responsible Gun Ownership* are two examples of this opposition.

ⁱⁱ The U.S. Constitution's Second Amendment reads as follows; "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed".

ⁱⁱⁱ See C.B. Macpherson. 1962. Oxford: Oxford University Press. *The Political Theory of Possessive Individualism*. Page 3.

^{iv} See Garrett Hardin. 1968. "Tragedy of the Commons." *Science* 162: 1243-48.

^v See John Rawls. 1971. Cambridge, MA: Harvard University Press. *A Theory of Justice*.