

Gun Control

PPE Capstone

Michael Huemer, "Is There a Right to Own a Gun?" *Social Theory and Practice*, Vol. 29, No. 2 (April 2003), pp. 297-324.

The Libertarian Case Against Banning Guns

Is there a right to own a gun?

1. *Some Distinctions:*

- (a) Fundamental vs. derivative rights
- (b) Absolute vs. prima facie rights
- (c) Overriding a right vs. an exception to a right

2. *The Weight of a Right:*

- (a) The weight of a *fundamental* right increases with the importance of that right to an individual's plans for their own life.
- (b) The weight of a *derivative* right is proportional to the importance of the more fundamental right that it subserves.
- (c) The weight of a *derivative* right depends on how important it is to the more fundamental right it subserves.

3. *We lack even a prima facie right to engage in activities that ...*

- (i) harm others, treat others as mere means, or use others without their consent.

- Owning a gun *in itself* does not do any of these things (although it might make it easier for one to do so if one chooses to).

- (ii) impose a high *risk* on others (even if that risk does not eventuate).

- The risks associated with normal gun ownership are minimal. "While approximately 77 million Americans now own guns, the accidental death rate for firearms has fallen dramatically during the last century, and is now about .3 per 100,000 population." Furthermore, "normal people are extremely unlikely to commit a murder, even if they have the means available. So gun ownership does not typically impose excessive risks on others."

- (iii) *reasonably appear* to evince an intention to harm or impose unacceptable risk on others.

- "This principle does not apply here, as it is acknowledged on all sides that only a tiny fraction of America's 77 million gun owners plan to commit crimes with guns."

As the saying goes, "Guns don't harm people, treat people as mere means, or use people without their consent; people do."

You are fifty times more likely to die in an automobile accident than as a result of a firearm accident.

Is Huemer correct about this? Why does it matter how many gun owners *plan* to commit crimes with guns?

The Total Social Costs Is Too High: The total social cost of private gun ownership is very high, and the only viable method of reducing the social cost is to ban them.

Is the right to own a gun *significant*? Huemer thinks so, and argues that it's weightiness derives from two distinct sources:

1. *The Recreational Value of Guns.* Recreation is a major source of enjoyment, and enjoyment is a major part of what gives life value. Very many people derive enormous satisfaction from the recreational use of firearms.
2. *The Value of Self-Defense.* The right to own a gun derives its significance in part from its relationship to the right to self-defense.

Huemer points out, though, that this is not an argument against the *existence* of the right; it's an argument that the right is *overridden* by concerns about social welfare.

HUEMER'S SELF-DEFENSE ARGUMENT

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| <p>P1 The right of self-defense is an important right.</p> <p>P2 A firearms prohibition would be a significant violation of the right of self-defense.</p> <hr/> <p>C A firearms prohibition would be a serious rights-violation.</p> |
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Is this a valid argument? Is it sound? Do you find it convincing?

Huemer thinks that by banning guns the state would be doing something that predictably would amount to *preventing the prevention of death*. And that violates one's right to self-defense.

Is he right?

Jeff McMahan responds to Huemer's Self-Defense Argument as follows:

Gun advocates sometimes argue that a prohibition would violate individuals' rights of self-defense. Imposing a ban on guns, they argue, would be tantamount to taking a person's gun from her just as someone is about to kill her. But this is a defective analogy. **Although a prohibition would deprive people of one effective means of self-defense, it would also ensure that there would be far fewer occasions on which a gun would be necessary or even useful for self-defense.** For guns would be forbidden not just to those who would use them for defense but also to those who would use them for aggression. Guns are only one means of self-defense and self-defense is only one means of achieving security against attack. It is the right to security against attack that is fundamental. **A policy that unavoidably deprives a person of one means of self-defense but on balance substantially reduces her vulnerability to attack is therefore respectful of the more fundamental right from which the right of self-defense is derived.**

Would a ban on guns substantially reduce one's vulnerability to attack? (Empirical question)

If it would, how does it (according to McMahan) respond to Huemer's argument?

Consider the power relations that would hold between individuals in the following scenarios: *Prohibition, Unequal Ownership, Equal Ownership*. Which is better or worse? Are you concerned about *mutual domination*?

What point is he making? How could Huemer respond?