Freedom, Firearms, and Civil Resistance

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Abstract

The claim that guns can safeguard freedom is common in US political discourse. In light of a broadly republican understanding of freedom, I evaluate this claim and its implications. The idea is usually that firearms would enable citizens to engage in revolutionary violence against a tyrannical government. I argue that some of the most common objections to this argument fail, but that the argument is fairly weak in light of other objections. I then defend a different argument for the claim that guns can safeguard freedom. I claim that firearm ownership among members of oppressed groups can hinder the use of systematic violence aimed at preventing them from exercising their basic liberties. I show how a commitment to armed self-defense is compatible with non-violent civil resistance as a tool of political change, and show how the former facilitated the latter during the Civil Rights Movement. Finally, I consider the policy implications of my argument. I don't think it vindicates lax gun control policies. However, it may vindicate some individuals acquiring guns and learning how to use them, and some organizations aiding them in doing so.

Keywords Gun control · Democracy · Civil resistance · Civil rights movement · Republicanism

1 Introduction

In 1957, the black community in Monroe, North Carolina petitioned to be allowed into the public swimming pool on one or two days a week. The local swimming holes were dangerous, and children had drowned in them. The KKK responded by running “motorcades” through black neighborhoods. When the vice-president of the local NAACP chapter, Albert Perry, was threatened, the president, Robert F. Williams, organized an armed watch to defend Perry’s house. In October, a motorcade escorted by the chief of police (who claimed the motorcades were meant to preserve

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public order) approached the house, perhaps to lynch him. But the watch fired on the motorcade, and the Klansmen fled. Looking to preserve order, the city council banned the motorcades (Johnson 2014: 20–22).

In US political discourse, it's commonly claimed that guns can somehow safeguard or promote freedom. Here, I attempt to evaluate this claim and its normative implications. In section two, I briefly sketch a view of freedom inspired by Philip Petit's republican account. This will help structure the following discussion, though much of what I say won't depend on the controversial details of the account. With that in place, I do three things. First, in section three, I evaluate what I call the "insurrectionary argument." It claims that guns safeguard freedom by allowing the populace to overthrow a tyrannical government, or to deter a government from becoming tyrannical at all. I claim that some of the most common objections fail. But I also defend some other objections, claiming they render the argument weak.

Second, in section three, I defend what is (as far as I know) a basically novel argument in the philosophical literature for the claim that guns can safeguard or promote freedom.¹ Call it the *defensive argument*. I claim that firearm ownership among members of oppressed groups can hinder the use of systematic violence aimed at preventing them from exercising their basic liberties. It did this in Monroe, and for blacks during the segregation era more broadly. I note that *self-defense* is compatible with non-violence *as a tool of political change*, crucially differentiating this from the insurrectionary argument. Armed self-defense can even facilitate non-violent political action, and did during the Civil Rights Movement.

Third, I consider the upshot of these arguments. The claim that guns can safeguard freedom is usually invoked to defend the Second Amendment or oppose gun control policies. But I distinguish questions about ideal policies, on the one hand, and whether individuals should arm themselves given that actual policies allow it, on the other. I think the defensive argument doesn't vindicate lax gun policies. However, if we *have* lax gun policies, it may vindicate some individuals' acquiring guns and learning how to use them in order to protect the freedom of themselves and their communities, and may vindicate some organizations' giving them aid in doing so, at least provided that certain other conditions aimed at minimizing the negative impact of firearms are met. So if anything, what it vindicates are the actions of some particular individuals and the work of some organizations which attempt to promote armed self-defense among oppressed groups, such as the National African American Gun Association, the Socialist Rifle Association, the John Brown Gun Club, or the Pink Pistols (an LGBTQ self-defense organization). The claim that guns can safeguard freedom is often associated with right-wing extremists. I see why. But I think my argument should be amenable to leftists, such as myself.

¹ Somewhere between the insurrectionary argument and the defensive argument as I frame it would be armed self-defense against organized, legal government assault (as in many genocides), or to resist other oppressive government measures (without necessarily *overthrowing* the government). (Wheeler 1999) discusses this. He doesn't focus on *freedom* in quite the way I do, but I think much of what he says can be appropriated to support the general form of my argument.

2 The Republican Account of Freedom

For Pettit and other republicans, I'm *free* (in the sense most significant for political philosophy) with respect to a choice when I'm not *dominated* with respect to that choice, where "Someone, A, will be dominated in a certain choice by another agent or agency, B, to the extent that B has a power of interfering in the choice that is not controlled by A" (2012: 50). Suppose B wants to interfere with my giving a speech. Pettit distinguishes three ways this might happen. First, B might directly prevent my giving the speech—say, by restraining me or killing me. Second, B might make giving the speech too costly to be a live option—perhaps I know that if I give the speech, B will later kill me. Third, where B won't actually interfere in one of the first two ways, B might bring it about that I am mistaken or unsure whether B will interfere, thus deterring me. For instance, perhaps others who have given similar speeches have been targeted by B: I might be deterred from giving it, even if I would actually have been fine (50–56). (This will be important in section four.)

Meanwhile, the stipulation that the power of interference is one that is "not controlled by A" is meant to handle situations like the following: I want to cut back on drinking, so I give you the key to my liquor cabinet and ask you not to give it back to me until tomorrow. You now interfere with my drinking. But Pettit thinks this doesn't make me less free, since you act under my instructions (57).

The most distinctive part of Pettit's republicanism is the claim that A is unfree when B merely has a *power* to interfere which is not controlled by A, even if B actually isn't going to interfere, and A knows this. So, for instance, subjects of a permissive slave master are unfree on this account, since, even if the master never actually interferes with them, he could do so with impunity (64–67). Republicans regard this as a plausible judgment, and think the ability to explain it is a virtue of their account. Others claim the conception of freedom involved is overly demanding (Simpson 2017). If Pettit is right, this strengthens my argument somewhat.² However, it may be possible for the argument to work with a weakened version of Pettit's account. For instance, perhaps we could rely on an account where I am unfree only when it is *sufficiently likely* that another agent will interfere. (This may even mesh with Pettit's (2012): 71) suggestion that I am sufficiently protected from interference when I have "no good reason to be anxious.") Indeed, a liberal account on which A is unfree with respect to a choice when another agent would *actually* interfere, and the interference isn't controlled by A, may also be enough for the argument. I will proceed on the assumption that Pettit's account is correct, but I want to note these options for those who are skeptical of it, even if these options also come at *some* cost to me.

Anyway, for Pettit, a society is *socially just* insofar as citizens are protected from domination by *other citizens* with respect to their basic liberties ((Pettit 2012): ch. 2), and a state is *politically legitimate* insofar as citizens are protected from being

² E.g., it strengthens my responses to the necessity objections in section three and four. For instance, a government's reaching a position where it *could* tyrannically interfere with the basic liberties of its subjects is more likely than its actually doing so.

dominated *by the state* with respect to these liberties (ch. 3). We might think it's impossible for a state to be legitimate in this sense. States interfere with our basic liberties all the time (for instance, by taxing us), and we might think they have the *power* to interfere much more than they do. But for Pettit, avoiding state domination is possible because, again, domination occurs only when *I cannot control* the other agent's interference. If the people exert the right kind of control over their government, they are not dominated any more than I'm dominated when I give you the key to the liquor cabinet. For the state to be non-dominating, access to influence over it must be equally shared among people, popular control over it must be efficacious in the sense of being reasonably effective at influencing government in the desired way, and popular control over it must be unconditioned in the sense of not depending for its efficacy on the goodwill of the state. When I participate as a citizen in such a system, I obviously don't exercise sole control over the state, but I exercise as much control as I can reasonably expect to while living on terms of equality with others. Under such conditions, the government may sometimes do some things I oppose, but I can reasonably regard this as "tough luck" rather than the imposition of an alien will (152–179). When we're dominated by neither others nor the state, and have the resources necessary to exercise our basic liberties, then we're not merely free to do various things, but are free *people*, experiencing "the freedom of a fully and openly incorporated member of a society of fully and openly incorporated citizens" (181).

There's still the problem of how people can control a government which prefers not to implement their will by respecting democratic procedures. Pettit argues that popular resistance provides this ability:

...the control of the people over the state can be grounded in a disposition of people to rise up in the face of a government abuse of legitimacy and a disposition of government to back down in response to the fact or prospect of such opposition. This is the trump card that the people are always in a position to play, relying on any of the various measures, *violent and non-violent*, direct and indirect, individual and collective, that can be used to resist a regime (173, emphasis added).

This naturally leads to the insurrectionary argument.

2.1 The Insurrectionary Argument

Charles J. Dunlap Jr., now a retired Major General and Deputy Judge Advocate General for the US Air Force, frames the insurrectionary argument like this:

...perhaps the most intriguing argument supporting the right to bear arms... might be called the "insurrectionary" theory of the Second Amendment. Simply stated, the proposition holds that the possession of firearms by individuals serves as the ultimate check on the power of government... A critical corollary to the theory is the premise that masses of armed civilians could subdue any professional standing army that might support a despotic regime, or itself seize power (1995: 644–645).

I'll accept this statement of the argument, with three caveats. First, I'm concerned specifically with whether guns *really* promote freedom, not with broader legal or historical questions about the Second Amendment. Second, I'm interested in how these issues affect, not just policy questions, but also the choices of private actors. Third, I'll reject (in Sect. 2.3) the claim that the argument needs Dunlap's "crucial caveat." So the core of the insurrectionary argument, as I understand it, is that it's (to some important extent) good to have an armed populace because this would deter a tyrannical government from arising, or would allow the people to overthrow such a government if one arose. One might employ this claim in defense of judgments either about what the law should be or about what private actors should do.

This argument is widely aired: two-thirds of Americans think "the purpose of the Second Amendment is to make sure that people are able to protect themselves from tyranny" (Rasmussen Reports 2013). Philosophers, meanwhile, typically hold the argument in contempt. Two of the most common objections (both among philosophers and in popular discourse) are what I'll call the *necessity* and *effectiveness* objections. The former claims that a tyrannical government seizing power in an established liberal democracy is so unlikely that securing the means to violently oppose such a government is unnecessary. The latter claims that, given the firepower disparity, civilians with guns would be helpless against a tyrannical government, anyway. Jeff McMahan (2012) endorses both of these objections in a row:

Individuals with handguns are no match for a modern army. It's also a delusion to suppose that the government in a liberal democracy such as the United States could become so tyrannical that armed insurrection, rather than democratic procedures, would be the best means of containing it.

David DeGrazia (2016: 190) endorses the necessity objection, writing that the US government becoming tyrannical is "fairly absurd":

Although it is theoretically possible that the U.S. government, or a portion of it, might attempt a political coup and impose a tyranny, this is not a realistic possibility. One's liberty rights, including the right to freedom from tyranny, must be understood by reference to realistic threats... the most effective means of protection against a government that is attempting to amass too much power... is democratic participation.

Firmin DeBrabander (2015]: 89–90) endorses the effectiveness objection, calling the insurrectionary argument "so very preposterous":

Tyrannical governments hardly fear rifles, handguns, even assault weapons in the hands of citizens... American citizens have empowered their government to arm itself too well to be matched even by other nations. The Second Amendment hardly gives citizens any hope of balancing that power.

Dunlap (1995) treats the argument more seriously, but, after an extensive empirical discussion, endorses a version of the effectiveness objection: civilians cannot

defeat a standing army in a revolution, so his “crucial corollary” isn’t satisfied. Even philosophers (e.g., Huemer 2003; Hunt 2016) who support gun rights usually don’t stress the insurrectionary argument.

I argue that the necessity and effectiveness objections are much weaker than often thought: they certainly fail to show that the insurrectionary argument is “preposterous,” “absurd,” “delusional,” etc. But I also defend two other objections, which I call the *alternatives objection* and the *mistakes objection*. The former claims that, even in the face of an authoritarian government—one for which the “democratic procedures” and “democratic participation” mentioned by McMahan and DeGrazia are no longer possible—non-violent civil resistance is still likely to achieve better results at lower costs. The latter worries that civilian firearms, acquired for the purposes of insurrection against a tyrannical government, might hinder freedom when used under circumstances where insurrection is counterproductive.³

2.2 The Necessity Objection

The necessity objection might be supported by the phenomenon political scientists call “democratic consolidation.” Allegedly, once a prosperous democracy has survived long enough for democratic institutions and norms to become entrenched, it’s no longer vulnerable to losing its democratic character (Foa and Mounk 2016: 14). But Roberto Stefan Foa and Yascha Mounk (2016) argue that, under certain conditions, *deconsolidation*—the reintroduction of instability to liberal democracies—can occur. These conditions include decreased popular support for democracy, decreased support for the norms which allow democracy to function, and the presence of movements pushing alternate political systems. And they argue (2016, 2017) that, by these standards, deconsolidation may be occurring in many of the world’s mature liberal democracies. Their work has generated hundreds of papers in response, and I obviously can’t discuss all those. But if there is even some reasonable chance that they’re correct, this weakens the necessity objection.

Further, even if the specifics of their theory are incorrect, it does seem clear that there’s a real anti-democratic trend. The watchdog group Freedom (House 2020) reports that, as measured by their index, political and civil liberties worldwide have declined every year for fourteen years, with mature liberal democracies driving much of the decline. They specifically describe US politics like this in their 2019–2020 report:

Democratic processes in the United States are under threat... [amidst] rule changes that weakened the rights of asylum seekers, new evidence of electoral interference, and escalating clashes between the executive branch and Congress over their respective powers. Defiance of congressional authority lay at

³ Firmin DeBrander (2015) offers a different objection, which is (more or less) that guns undermine freedom by undermining civil society and democratic culture. I can’t engage here with this argument, which is book-length. I’ll cite DeBrabander on some points where what he says accords with what I say. But my argument in sections four and five will (in some ways) be in tension with his thesis.

the heart of the impeachment process against President Donald Trump, who ordered current and former officials to defy [congressional subpoenas]... At the same time, the administration has sent contradictory messages about the deterioration of democratic institutions and respect for human rights abroad.

Since that was written, new concerns have since been raised by, among other issues, Trump's handling of the widespread unrest following the killing of George Floyd. Yet Trump's approval rating among Republican voters has remained overwhelmingly high (Gallup, "Presidential...") And the defeat of the impeachment effort against Trump by Senate Republicans suggests that politicians within a party are unlikely to abandon a leader with support among the party's voters (cf., e.g., Drutman 2019). The point here isn't about Trump himself so much as what this reveals about US politics: the tolerance of at least some voters and political elites for undemocratic actions may be much greater than one would have expected a few years ago.

It's still possible that an undemocratic government arising in a context like the US is *very unlikely*. But I have two points. First, such a government could have *catastrophic* consequences, so even a small chance is worth worrying about (cf. Wheeler 1999). Second, as Wheeler stresses (123), the question is not whether an authoritarian government is *imminent*. By the time it is, the populace arming itself may not be feasible, since the government might prevent that. What the objector needs to dismiss is not just the possibility that an authoritarian government might arise tomorrow, but that one might arise *at some point*, which is harder. So I don't think the necessity objection defeats the argument.

2.3 The Effectiveness Objection

I'll make two criticisms of the effectiveness objection. Here's one. The objection usually presupposes that the insurrectionary argument requires something like Dunlap's "crucial corollary," namely, "that masses of armed civilians could subdue any professional standing army that might support a despotic regime, or itself seize power." This might seem obvious. One might reason that if the military sides with the government, you'll need to fight them, while if the military turns on the government, it can overthrow it without civilian help. But the real possibilities are more complicated. The military may be unwilling to intervene in domestic politics, or may be sympathetic to the government but unwilling to massacre civilians. Even if the military is willing to act, the government may be unwilling to deploy it. They may be under international pressure, or worried that responding with military force will escalate into a destructive civil war. Even if the leader is willing to do whatever is necessary to stay in power, other government elites may decide it's in their interest to support a transition rather than risk the consequences of a massacre.

Under these conditions, dissidents may face police or other domestic security forces, rather than the military. And they may only need to be able to inflict more casualties than the security forces are willing to bear. Clearly, civilian firearms can

sometimes do this.⁴ Consider the Ukrainian revolution in 2014. Attempts to involve the military were met with pushback from within its ranks: the deputy army chief resigned, saying that “Today the army is being involved in the civil conflict, which could lead to the mass deaths of civilians and soldiers” (“EuroMaidan Rallies...”, 2014). Whether for this or some other reason, the demonstrations in Kiev weren’t crushed with military force. They were instead met with internal police units. However, after several days of violence in which dozens of protesters were killed, the security services abruptly abandoned Kiev. Dissidents took the capital, collapsing the government. The security services were driven largely by the fear that firearms seized from government armories in the city of Lviv were being transported into Kiev for use by the protesters (Higgins et al. 2014; Higgins and Kramer 2015). They were unwilling to absorb the casualties that might result.

We might wonder how common such situations are. I’m not aware of any quantitative work specifically on this question. But I don’t think they’re *wildly* uncommon. Consider the unrest in the US following the death of George Floyd. There were many instances of police violence, including against peaceful protesters. But President Trump’s attempts to involve the military were met with widespread resistance, both from military leadership and from enlisted personnel (e.g., Lippman 2020; Jones 2020; Goldberg 2020; VanLandingham and Corn 2020). It doesn’t seem “preposterous” or “delusional” to me to imagine that the military might refuse to get involved in a popular uprising against an authoritarian government.

Here’s a second criticism of the effectiveness objection: if armed civilians can cause enough trouble, they may not need to overthrow the government at all. The prospect might deter the government from taking a tyrannical path to begin with. Dunlap (1995: 669) claims that the “most serious flaw” in this argument is that “the armed civilians expected to oppose domestic tyranny would presumably make the very same kind of rational cost-benefit calculation.” The military would be able to inflict much greater casualties on the populace than the populace would on the military. Wouldn’t this cause many armed civilians to back the government out of fear? And wouldn’t contemporary, “casualty sensitive Americans” back down in the face of violence?

I’m not sure this is right. A fairly small group of people with guns could wreak havoc. If, say, fifteen thousand Americans—1/20,000th of the population—embarked on a campaign of guerilla warfare, assassinating government officials and so on, the societal disruption would be catastrophic. Depending on the context, they might also touch off a broader, much more devastating civil war. Perhaps, as Dunlap argues, the rebels would ultimately be defeated (1995: 669–671), and perhaps, if the war was viewed as a struggle for survival, the government would think fighting them was worth it (668–669). But in lower stakes situations where survival wasn’t on the line, we might imagine a government backing down. Suppose a president claimed

⁴ It’s worth noting that this may be a reason for proponents of the insurrectionary argument to resist the much-criticized “militarization of the police” (e.g., Nolan 2020) which has occurred in the US in recent years: it may be important, for purposes of the argument, that there not be *too* great a power disparity between police and citizens.

his opponents cheated and refused to accept the results of an election he lost; we could imagine the prospect of armed resistance causing political elites to prefer the status quo.⁵ (We've seen recent American governments back down in other situations—with much lower stakes, but also much smaller groups—such as during the 2014 standoff at Cliven Bundy's ranch (Prokop 2015).)⁶

The rebels would have a high risk of death, so we might, as Dunlap suggests, expect them to be deterred. But we might also expect an asymmetry in risk-aversion between them and the government. For one thing, oppressive governments can create classes of people with “nothing left to lose,” whereas political elites have much to lose from major social disruption. For another, some people are just irrational hotheads who aren't very risk-averse. Of course, they're found in both the populace and the government. But since government agents answer to a large, centralized command structure, there may be less risk of a large group of them “going rogue” on a reckless course of action. In deterrence situations, what would otherwise be irrational risk-insensitivity can work to your advantage: for instance, in “brinkmanship” situations, the winner is the one willing to go closer to “the brink.” So, paradoxically, the presence of armed hotheads among the populace may work to its benefit *for this purpose*.

Obviously, arming irrational hotheads is a double-edged sword. I'll return to the issue in Sect 2.5. First, I'll consider a different issue.

2.4 The Alternatives Objection

Whether armed revolution is a *good* means of opposing tyranny depends, not just on whether it might work, but also on whether there are other options which tend to produce better results at lower costs (cf. Dunlap 1995: 674–676; 2015: 91–92, 210–216). If there are, guns are less important. And there are. Erica Chenoweth and Maria Stephan (2011: 9) calculate that, between 1900 and 2006, non-violent movements aimed at regime change (e.g., those employing protests, strikes, boycotts, etc.) achieved success well over twice as often as violent movements. Non-violent movements attract people who are unable or unwilling to fight, persuade more members of the public, and make it harder for governments to justify violently repressing them (10–11; Wasow forthcoming). Further, where non-violent movements achieve regime change, the change is more likely to bring about democracy and less likely to bring about civil war (Chenoweth and Stephan 2011: ch. 8).

On the other hand, violent revolutions carry immense risks. They might be violently crushed. They might lead to a devastating civil war or to national anarchy—and life under even a very bad government is often preferable to life in a warzone or under a failed state. Even when they succeed, they might do so at immense cost, and the new order may not be an improvement. Further, violent insurrections are most

⁵ Of course, the possibility of other forms of resistance might also deter them. See Sect. 2.4.

⁶ This is not to say it was *good* that the government backed down; see Sect. 2.5.

likely to succeed when they receive foreign material support (201), and in these cases, civilian firearms are presumably less important.⁷

I think the alternatives objection has real force against the insurrectionary argument. But part of its force also comes from strengthening the mistakes objection, which I discuss next.

2.5 The Mistakes Objection

Even if non-violent methods are *usually* better, we might think it's still good (at least for purposes of preserving political freedom) for people to have guns, just in case. But we also have to consider the possibility that people might use insurrectionary violence when it's counterproductive. This might itself hinder the cause of freedom, as I explain shortly. If circumstances in which insurrectionary violence is the best option are rare (see Sect. 2.4), then mistakes might be more likely than prudent uses, and arming a populace for purposes of insurrectionary violence might hinder freedom on balance. This seems especially pertinent given my argument in Sect. 2.3 that armed hotheads might have an outsized influence.

I see two relevant kinds of mistakes. First, individuals might rebel against a government which is tyrannical, but in a situation where non-violent civil resistance (or even just tolerating the tyrannical government for the time being) is the better option. Since non-violent civil resistance is generally a more effective option, employing violent means instead might hinder freedom. Even if *most* of a movement is committed to non-violent methods, violent insurrection by *some* individuals might allow the government to justify a violent crackdown. The prospect of irrational hot-heads acting on their own *weakened* the effectiveness objection, but *strengthens* the mistakes objection.

Second, individuals might rebel against a government which isn't tyrannical at all (cf. 2015: 192–204). The actual recent record of militia actions in the US—such as the Bundy Ranch standoff—isn't reassuring here. Such actions might result in unjustified violence. But they also might hinder political freedom. I explained above that, on the republican account, democratic control of the government is necessary for individuals to be free. But I also argued that a relatively small group of armed individuals might be able to exercise disproportionate influence over a government (Sect. 2.3). This may be *especially* true for *non*-tyrannical governments, if they're more casualty-averse. If a government which would otherwise be subject to popular control is disproportionately influenced by a fringe group of extremists, this will *hinder* the cause of freedom. (The odds of non-violent civil resistance having a similar effect are much smaller, since it's harder for such movements to influence anything without widespread support.)

I'm unsure how to weigh these possibilities against the small probability that insurrection will actually be necessary to oppose a tyrannical government. So, in

⁷ Since rioting has recently been the subject of much discussion, note that I don't need to take a stance either way on *property damage*. That isn't insurrectionary violence in my sense, and anyway you don't need guns for it.

light of Sects. 2.4 and 2.5, it seems at best unclear to me whether civilians possessing guns for the purpose of insurrectionary violence promotes freedom at all. Perhaps proponents of the insurrectionary argument can provide further empirical evidence which bolsters their case. But for the time being, I conclude that the argument is fairly weak.

2.6 The Defensive Argument

I now turn to a less common argument: namely that guns might promote the freedom of minorities by helping them defend against systematic violence aimed at subjugating them. During the era of segregation, thousands of African Americans were killed by white supremacist violence, such as lynchings and assassinations (EJI 2017: 3). This violence had a socio-political aim: in the words of W.E.B. DuBois, it was a tool in the service of “the unbending determination of the whites to subject and rule the blacks, to yield no single inch of their determination to keep Negroes as near slavery as possible” (1920, 105). Or, as one report (EJI 2017: 23) concluded, “lynchings in the American South were not isolated hate crimes committed by rogue vigilantes. Lynching was targeted racial violence at the core of a systematic campaign of terror perpetrated in furtherance of an unjust social order.” Or, again, in the words of Akinyele (Umoja 2013: 1):

Fear and intimidation were essential elements of the system of subordination of Black people and the maintenance of White power in Mississippi and the South during the times of racial slavery and segregation. White supremacist violence was the primary cause of fear and intimidation.

White supremacist violence was intended to interfere with the political, social, and economic liberties of black people in each of the three ways mentioned by Pettit. It was meant to directly interfere with ongoing activity (such as political involvement) and to attach penalties so that taking certain actions would not be a live option. By creating a climate of “fear and intimidation,” it was also meant to ensure that a “credible threat” applied to any actions opposed by the dominant white supremacist order, even if, in some particular case, there wouldn’t actually be a violent response. Further, when aimed at preventing blacks from exercising influence in the political system, it helped ensure that the state dominated them: in Pettit’s terms, it hindered not only social justice but political legitimacy.

While the violence was illegal, the authorities couldn’t be trusted to stop it: often they were involved, as when the chief of police escorted the “motorcades” in Monroe. In the late nineteenth and early twentieth centuries, white communities sometimes even made a public festival of lynchings, complete with advance press, food vendors, and appearances by local officials (EJI 2017: 12–14). Accordingly, black Americans had to defend themselves. I sketch this history in Sect. 2.7. As I explain, the commitment to armed self-defense was compatible with a commitment to non-violence *as a tool of political change*. In fact, at least at times, the former *facilitated* the latter. Accordingly, whereas the effectiveness of non-violent civil resistance

weakens the insurrectionary argument, it *strengthens* the defensive argument: the gains made by civil resistance were partly the result of armed self-defense.

2.7 Armed Resistance

Several books (Cobb 2014; Johnson 2014; Umoja 2013; Wendt 2007) show that the events in Monroe were not an isolated incident, but rather one episode in a tradition of black self-defense against white supremacist violence. In 1854, Frederick Douglass wrote that the “true remedy” for the fugitive slave act, meant to help return escaped slaves to their masters, was “a good revolver, a steady hand, and a determination to shoot down any man attempting to kidnap” (Johnson 2014: 31). The journalist Ida B. Wells, famous for her anti-lynching activism, advised all black households to keep a Winchester rifle (105). There were many stories of both successful and unsuccessful armed defense against lynch mobs. One striking example was that of George Dinning, attacked by a 25-man lynch mob after being falsely accused of stealing livestock. After the mob opened fire on him, he killed one of its members, causing the others to flee. He was convicted of manslaughter by a white jury and his farm was destroyed while he was in custody, but the state’s governor pardoned him and he won a lawsuit in federal court for the lost property (Johnson 2014: 159–160). Some of the NAACP’s earliest actions involved providing legal aid to people who had killed in self-defense (171–174). In 1919, blacks in Washington, D.C. opened fire when a rioting white mob entered their neighborhoods, driving the mob off and wounding dozens of rioters (175–177). W.E.B. (DuBois 1920: 105–106) solution to “the unbending determination of the whites to subject and rule the blacks” was a combination of “unwavering self-defense and the ballot,” highlighting the crucial connection between freedom and armed self-defense. Nicholas (Johnson 2014) recounts dozens of instances of violent self-defense by black Americans during this period, and the record of others has likely been lost to history.

Obviously, extralegal violence was combined with political disenfranchisement and other forms of legally-sanctioned discrimination intended to reinforce African Americans’ subordinate status. Progress against this government domination, and the additional forms of private domination which it facilitated, were brought about primarily through non-violent civil resistance (cf. Wasow forthcoming). But a commitment to armed self-defense often existed alongside non-violent civil resistance as a tool of political change, and even facilitated it by protecting those involved in the movement and counteracting white supremacist attempts at fear and intimidation. Some authors have even argued that movement *would not have succeeded* without armed self-defense. For instance, Charles E. Cobb Jr., who served on the ground as a field secretary for the Student Non-Violent Coordinating Committee (SNCC), argues that:

...although nonviolence was crucial to the gains made by the freedom struggle of the 1950s and ’60s, those gains could not have been achieved without the complementary and still underappreciated practice of armed self-defense. The claim that armed self-defense was a necessary aspect of the civil rights movement is still controversial. However, wielding weapons, especially fire-

arms, let both participants in nonviolent struggle and their sympathizers protect themselves and others under terrorist attack for their civil rights activities. This willingness to use deadly force ensured the survival not only of countless brave men and women but also of the freedom struggle itself (2014: 1).

Akinyele Umoja similarly argues that “without armed resistance, primarily organized by local people, the National Association for the Advancement of Colored People (NAACP), the Congress of Racial Equality (CORE), and the Student Nonviolent Coordinating Committee (SNCC) activists would not have been able to organize in Mississippi” (2013, 2).

For instance, firearms allowed Leola Blackmon to drive off the Klansmen who burned a cross on her lawn in efforts to disrupt voter registration in Carroll County, Mississippi (Johnson 2014: 244). She later explained that “all” the people involved in the registration effort had guns, again asserting the compatibility of nonviolent protest and violent self-defense (Goodwin and Pfaff 2001: 299). There are many other, similar examples (Johnson 2014: ch. 7): for instance, Rebecca Wilson used a pistol against a group of seven Klansmen who attacked her house, killing one and driving the others away (243). When the famed activist Fannie Lou Hamer was asked how she survived in the face of death threats and white supremacist attacks, she responded that she kept a shotgun in every corner of her bedroom (231).

Armed self-defense eventually took an organized form in organizations like the Deacons for Defense and Justice, an armed community defense organization which protected black communities in the South from the Klan. The Deacons were a widespread organization (Johnson 2014: 270–284), but one of their most famous actions was guarding March Against Fear, a 1966 voter registration march. The Deacons began guarding the marchers’ route after the organizer of the march was wounded by a sniper, and the march proceeded successfully (263–268). Martin Luther King Jr. participated in the march, and consented to the Deacons’ protection on the condition that they not *participate* in the March while armed (266). More broadly, while King rejected “violence as a tool of advancement, organized as in warfare, deliberately and consciously”—i.e., insurrectionary violence—he accepted “violence exercised in self-defense, which all societies, from the most primitive to the most cultured and civilized, accept as moral and legal.” He even agreed that defensive violence and civil resistance could be complementary, writing that one who engages in self-defense “does not forfeit support—he may even win it, by the courage and self-respect it reflects” (2005: 302).

It also seems safe to say that the effects of armed self-defense went beyond the specific cases in which it was used. First, it presumably deterred some attacks from happening at all, even though, naturally, this is difficult to measure. Second, it helped counteract the effects of fear and intimidation among many people who were armed. Even if they would not have been attacked otherwise, this may have helped counteract interference with their freedom in Pettit’s third sense (misrepresenting their options to make it seem like they might be attacked, even if they would not have been). For some, the idea of dying *without fighting back* may have been worse than the idea of merely dying (perhaps for reasons explored in Frowe 2016 and Demetriou 2016). In these cases, guns may have

been valuable *even apart* from whether they made people *safer*. Consider the words of Cynthia Nixon, another SNCC field organizer:

I never was a true believer in nonviolence, but was willing to go along [with it] for the sake of the strategy and goals. [However] we heard that James Chaney had been beaten to death before they shot him. The thought of being beat up, jailed, even being shot, was one kinda thing. The thought of being beaten to death without being able to fight back put the fear of God in me. Also, I was my mother's only child with some responsibility to go home in relatively one piece and I decided that it would be an unforgivable sin to willingly let someone kill my mother's only child without a fight. [So] I acquired an automatic handgun to sit in the top of that outstanding black patent and tan leather handbag that I carried. I don't think that I ever had to fire it; I never shot anyone, but the potential was there (Cobb 2014, epigraph).

To recap: armed self-defense by blacks sometimes stopped attempts by whites to interfere in the exercise of their basic liberties. At other times, the prospect of defensive violence may have deterred white terrorists from acting altogether. It also helped counteract fear and intimidation, even in cases where white supremacists would not have acted anyway. In each of these ways, armed self-defense helped to *directly* prevent interference in the exercise of basic liberties by black people. Armed self-defense also promoted freedom in several *indirect* ways. First, when it prevented interference in non-violent civil resistance, it helped protect political activities which ultimately won greater freedom for black people. Second, when it protected the ability of blacks to exercise political liberties the government already recognized—such as, eventually, voting—it allowed blacks to exercise in practice the rights to influence the government which they had been legally granted, thereby counteracting governmental domination. Finally, in some cases, it directly spurred the government to counteract private domination, as when it caused the town council in Monroe to ban the Klan “motorcades.”

I don't wish to romanticize armed self-defense. Sometimes it failed. Sometimes it provoked retaliation and resulted in more death, as when Luther Durrett's unsuccessful attempt to save his cousin from a lynch mob resulted in his being lynched as well (Johnson 2014: 164). And sometimes it risked bringing about tragic accidents. King's house was protected by armed members of his congregation during the early stages of his involvement in the Civil Rights Movement, but he changed his mind after an overzealous guard nearly shot a delivery boy (262–263). (However, he later consented to the Deacons guarding the March Against Fear.) Prudence is obviously called for. I'll say more about some relevant risks in section five. Nonetheless, I conclude that firearms played a crucial role in promoting the freedom of blacks in the South during this era.

2.8 Objections

I think Sect. 2.7 shows that no analogue of the effectiveness objection defeats the defensive argument: clearly firearms were effective for this purpose. As mentioned, the alternatives objection likewise lacks force against the defensive argument: since armed self-defense *facilitated* the use of non-violent civil resistance, the effectiveness of the latter *counts in favor* of the former. Finally, the mistakes objection at least doesn't have the same *kind* of force against the defensive argument, since the defensive argument is not about insurrectionary violence. Presumably people are at least reasonably competent at identifying when they are under attack and who is attacking them. (Why else would we recognize a legal right to self-defense at all?).

However, I'll consider at least two objections to the defensive argument. The first echoes the necessity objection. Someone could claim that, while minorities do continue to face systematic violence—hate crimes, police abuse, etc.—conditions where such violence poses the same kind of widespread threat to freedom no longer exist, and could not realistically exist in the foreseeable future. Even if we grant the objector's claim about the current situation, I think my response to the necessity objection in Sect. 2.2 undermines this reasoning as well. If a situation in which an authoritarian government comes to power in the US is realistic, it seems clear to me that a situation in which such a government's supporters (perhaps with the aid of authorities) target minorities or dissidents as a means of social control is also realistic. Indeed, this may be more likely than traditional authoritarianism: the US was never a dictatorship, yet the system of organized violence described above was allowed to persist in parts of it for decades.

Second is what we might call the *parity objection*. This is specifically an objection to the claim that the defensive argument justifies lax gun control policies. It says: the defensive argument doesn't justify these because the policies will just result in both sides having guns, which doesn't make anyone safer. I'm not sure this is right.⁸ But anyway, it has no force against *my* thesis, which is not about lax gun control policies but rather about private actors arming themselves. If lax gun control policies ensure that the other side will have guns, that might be *more* reason for you to get guns. I mention this partly because it will be relevant in Sect. 3.

⁸ I'm unsure for two reasons. One is that, if (like the police chief in Monroe) law enforcement aids the terrorists in a given situation, the terrorists may have access to guns anyway, assuming law enforcement has guns. The other is that it's plausible that, in many situations like this, guns are asymmetrically beneficial to the defender. For one thing, attackers can use weapons, such as firebombs, which are not very good for defensive purposes. For another, since attackers can choose when and where to strike, they can ensure that they have a numerical advantage. If no one is armed, a large group can overpower one person with little risk. But it's entirely possible for one person with a firearm and some cover to inflict at least a few casualties on a much larger group of people who are also armed. If the members of the larger group are unwilling to die, this may be enough to drive them off. Recall George Dinning, who drove off a twenty-five man lynch mob by shooting one of its members, or Rebecca Wilson, who did the same with a group of seven Klansmen. It's hard to imagine how either would have survived if no one had been armed. There's nonetheless still the question of what, exactly, the upshot of the defensive argument is, and I discuss that in the next section.

3 Policy and Private Actors

I've defended the view that firearms can promote or safeguard the freedom of minorities. We might draw two conclusions. First, we might argue that this vindicates lax gun control measures, so minorities can get guns. Second, *given* that it's possible to get guns (whether or not it should be), we might argue that it gives some individuals good reasons to acquire guns and to learn how to use them in order to protect the freedom of themselves and their communities, and gives some organizations good reasons to aid them in doing so, at least provided that certain other conditions aimed at minimizing the negative impact of firearms are met.⁹ (Since lax gun policies are likely not going to go away in the US anytime soon, what we should do *given* lax gun policies seems practically important, even if only as a matter of "non-ideal" theory.) I'm more sympathetic to the second conclusion than to the first, and for three reasons. (In fact, I'm inclined to think these reasons show that the conclusion about lax gun policies *doesn't* follow, and that what I've said is compatible with supporting very restrictive gun policies.)

First, many gun control policies at least don't *initially seem* to conflict with the defensive argument. Bans on bump stocks or high-capacity magazines, waiting periods or gun registries, rules mandating safety training for gun owners or safe firearm storage, denying guns to violent criminals, etc., all appear compatible with minorities acquiring firearms to defend themselves. However, there are two limitations to this point. First, some potential gun policies do conflict with this end. For instance, limiting available firearms to the "single chamber shotguns for hunting" about which (McMahan 2012) suggests there is "perhaps scope for debate" would seriously hinder armed self-defense. Second, given the racist history of actual gun control measures—many of which were initially meant to deny guns to blacks (e.g., Winkler 2011)—we might worry that apparently innocuous measures could be abused. So for my second two points, I'll assume there is a serious conflict between gun control and armed self-defense among minorities.

With that in mind, second, several of the objections mentioned above apply with greater strength to the policy question than the private actor question. In discussing the parity objection, I mentioned that, while the prospect of bad guys getting guns might count *against* lax gun policies, it might count *for* individuals arming themselves for defensive purposes in light of lax gun policies. Or consider the mistakes objection. Given lax gun policies, there may be no way to prevent some people in

⁹ I take it that actually *using* firearms will be subject to some sort of proportionality requirement: the harm inflicted must be proportionate to the harm threatened, or something like that. (Of course, shooting someone could be proportionate even if they don't have a gun, if they threaten serious harm in some other way.) One question raised by my account is how and whether concerns about domination count towards satisfying this requirement. E.g., if one is targeted in order to intimidate members of one's community, might it be proportionate to respond with a certain degree of violence in some situations where that degree is *not* proportionate to just the physical harm with which one is threatened? This is an interesting question, but not one I will address. It seems clear that the fact that using violence will preserve the freedom of one's community is a *reason* to use it, however that fact interacts with the proportionality requirement.

the populace from arming themselves so they have the option of engaging in insurrectionary violence. But individuals presumably can judge whether they'll engage in insurrectionary violence, and organizations can at least attempt to encourage opposition to insurrectionary violence among their members, expel people who disagree, etc.

Third, there are important additional externalities which I haven't yet discussed and which count more heavily against lax gun policies than against private action. These fall into at least three categories. The first is crime. Though it's controversial (e.g., Hunt 2016: ch. 7), many people argue that guns lead to increased crime, and particularly to increased homicides (cf. DeGrazia 2016: ch. 13). In addition to being bad for other reasons, higher crime rates hinder freedom (Braithwaite and Pettit 1992; Wheeler 1999: 113–114). This is particularly relevant in the present context, given that gun violence often disproportionately affects minority communities (e.g., Pahn et al. 2017). But, presumably, many individuals know that they won't use firearms to commit crimes. On the organizational level, it seems plausible that criminals who acquire guns would often do so with or without the help of gun clubs, and of course organizations can turn away individuals who for whatever reason seem like a particular risk.

A second externality concerns firearm accidents (cf. DeGrazia 2016: ch. 11). Certain measures, such as locking firearms (Monteaux et al. 2019) or just following gun safety protocols, can reduce firearm accidents. But it's easier to implement these yourself than to enforce them as policy. Further, organizations can promote gun safety among their members. Where members would have had guns anyway, they might reduce the risk of accidents on balance.

A third externality is that guns likely increase the suicide rate significantly, mostly because they're easier to use and more lethal than other common suicide methods (Crummett and Swenson 1048–1049). In fact, the significant majority of gun deaths are from suicides (1048). Some authors (e.g., Huemer 2003: 311) claim that the government's restricting firearms to prevent suicides would be unduly paternalistic, so that suicides don't count in favor of gun control. But Dustin Crummett and Philip Swenson (2019: 1049–1050) argue that excess deaths from guns probably tend to be impulsive decisions made under conditions of impaired responsibility, not autonomous decisions a liberal government must respect. If this is right, preventing suicides might prevent individuals from dying due to non-autonomous decisions, thereby promoting their control over their lives.

On the private level, reducing suicide risks poses special challenges. Of course, people who are (or live with someone who is) at special risk for suicide could avoid gun ownership, and organizations might attempt to make mental health resources available. So again, the worry counts more strongly against the policy conclusion. But even someone who isn't at special risk for suicide might become depressed, or otherwise at risk, later on. In light of this, it's worth remembering that the main contributor to suicide risk is having guns *in the home*, where they can be used easily and impulsively. Some gun shops and gun range offer storage services, and perhaps organizations could do the same. Storing guns outside the home ordinarily and retrieving them only when the threat of attack is higher might greatly reduce suicide risk. (In fact, even storing guns locked or unloaded—which I recommended above

to reduce accidents—reduces suicide risk, presumably by reducing impulsive suicides (Shenassa 2004). Of course, storing guns outside the home would also reduce accidents.)

In any event, the above discussion illustrates how much harder it is for the defensive argument to vindicate lax gun *policies* than to vindicate private actors arming themselves. Again, my own view is that it actually *doesn't* vindicate lax gun policies. But my take on private actors is more complicated. If they are justified in arming themselves, they will be justified only conditional on their taking reasonable steps to avoid possible dangers, insofar as these apply to them. In the case of organizations (the National African American Gun Association, etc.), such steps might include measures like those mentioned above aimed at reducing the risk that their activities will contribute to unjustified or imprudent revolutionary violence, crime, firearm accidents, or suicides.¹⁰ The same is true of individual firearm possession, though in some cases (e.g., making sure you won't engage in insurrectionary violence) the conditions may be fairly trivial.

Someone could still argue that, even when risks are *reduced* as far as possible, they still outweigh the benefits mentioned by the defensive argument. This is a difficult question to answer, and the answer may vary on a case-by-case basis. This is part of why I've stated my thesis in such a guarded way: it *may* vindicate *some* individuals' acquiring guns and learning how to use them in order to protect the freedom of themselves and their communities, and *may* vindicate *some* organizations' aiding them in doing so. I know this will strike some readers as a disappointingly weak thesis. But I think it's important to be guarded when the stakes are so high. And while the thesis is guarded, it isn't trivial: very many people, especially on the left, don't currently accept that it's a live possibility that people should arm themselves in order to preserve their freedom against terrorist violence. I hope what I've said here can at least help this possibility be taken seriously.

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¹⁰ Understandably, many such organizations oppose gun control. If I'm right about gun control, they also shouldn't do this.

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