The Ethics of Armed Citizenship:

A Philosophical Guide to Gun Ownership

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Introduction

The events of 2020 were jarring to say the least. A pandemic isolated us from one another and caused odd shortages as we struggled to understand and respond to the situation. Riots swept major cities after the death of George Floyd and several streets of Seattle were taken over by a so-called "autonomous zone" as protestors urged cities to "defund the police." According to one study, one in five American households purchased a gun between 2020 and 2022.[1] Another study found that 7.5 million Americans became first time gun owners during this time period.[2] Other studies put that number higher, at a full 5% of the U.S. population.[3] News media predictably reacted with horror, assuming that their fellow citizens could not possibly be trusted with firearms and predicting dire consequences. While I don't share the mistrust that drives extreme gun control advocates, I do recognize the need for education when it comes to responsible gun ownership.

Guns implicate fundamental rights and raise issues that are literally matters of life and death. The ownership of a gun does not confer the ability to use it properly or the mindset to possess it safely. The solution is not to arrogantly and paternalistically regulate guns out of existence. The attempt to do so may prove to be not only self-defeating, but dangerous. The way forward appears to be a more thoughtful and educated gun owner.

Beyond the societal benefits, I find that every hobby has something valuable and meaningful to teach, if you're an attentive student. My

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[1] *Press Release: One in Five American Households Purchased a Gun During the Pandemic*, NORC.org, https://www.norc.org/research/library/one-in-five-american-households-purchased-a-gun-during-the-pande.html.

[2] Edward Helmore, *Gun Purchases Accelerated in the US from 2020 to 2021, Study Reveals*, The Guardian (December 20, 2021), *available at* https://www.theguardian.com/us-news/2021/dec/20/us-gun-purchases-2020-2021-study.

[3] Note 1, *supra*.

goal is not to teach gun owners to develop the mindset of a deadly warrior, but a sheepdog. Moreover, in our age, there is not always a monster to shoot at, so modern life requires you to learn to fight and protect others in a variety of ways. Firearms training is one approach to becoming the powerful, ethical protector the world needs.

Chapter 1
Fire and Steel

Quiet Desperation

I first fired a gun at a boy scout camp in Utah. It was a .22 caliber rifle that shot with more of a "pop" than a "bang." Still, before we were allowed anywhere near the guns, a red-faced scoutmaster gathered us all together and very seriously drilled into us the four rules of firearm safety. I remember sitting on the metal bench with my orange shooting glasses and hearing protection on, loading the magazine with the pencil-eraser-sized bullets. After careful inspection from the safety officer, we started plinking the metal targets downrange. There was a little feeling of satisfaction each time the "pop" from the gun was answered by the "ding" of the metal target. It was fun, but I don't remember any deep emotional connection with it. It was just one of many activities, no different than canoeing or orienteering.

Years later, I watched TV's Jack Bauer face down a group of terrorists while rescuing his wife and daughter. As the bad guys opened fire, Jack became the latest in a long line of action heroes to shout, "do you know how to use that thing?" to a minor character nervously holding a gun. Somewhere in the back of my mind, marksmanship had begun to assert itself as part of an essential *something* that I lacked.

A few more years went by, and Old Spice aired "the man your man could smell like" commercial. A shirtless and powerfully built Isaiah Mustafa crushed lesser men everywhere as he asked the ladies to "look at your man, now back to me, now back at your man, now back . . . to me." This was also about the time I took a gender and communication class at the University of Utah. The final project involved an assignment for students to sum up their gender using some kind of performance. One student brought in a BMX bike and asked the class to stand in the

aisles. Then, as the professor clutched his face in horror, he pulled the bike onto its rear tire, bounced up onto a chair, and then jumped from empty desk to empty desk as he spoke. "Masculinity," I remember him saying, "is about facing danger and taking risks." And again, I felt as if all the ladies were looking at the Mustafa-esque *something* that Tom Wolfe described as "the quintessence of manly daring" . . . and then back to me.[1]

These experiences, among others, began to shape my concept of masculinity and the part it would play in my still developing character. If there are any first principles of masculinity, Henry David Thoreau's famous observation might serve as one. That "the mass of men live lives of quiet desperation" is confirmed, if not by the sometimes dubious methods of social science research brought to bear on the issue, then at least by the timelessness of the quote. According to the American Foundation for Suicide Prevention, men are over three times as likely to die by suicide than women as of 2021.[2] It appears that this quiet desperation, however defined in each individual's experience, is not only real, but it is killing us.

Many women in my life have shared similar experiences with coming to terms with femininity—media depictions and the expectations of others contributing to their own quiet desperation. I comment through the lens of masculinity in this chapter simply because that is my experience. Thankfully, Thoreau did not stop at making the observation, he sought to point the way out. "I went to the woods," he wrote, "because I wished to live deliberately, to front only the essential facts of life, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived."[3] Thoreau's retreat to trees and ponds is somewhat different from my retreat into fire and steel. Still, both involve a return to fundamental, basic forces of nature

[1] Tom Wolfe, The Right Stuff (1979).
[2] *Suicide Statistics*, afsp.org, https://afsp.org/suicide-statistics/ (last visited 11/20/2023).
[3] Henry David Thoreau, Walden (1854).

that have a lot to teach about deliberate living and the essential facts of life.

Living a Heroic Storyline

The most important aspect of this retreat involves confronting the fundamental forces within ourselves. The drive to be a provider and protector is neither unique nor exclusive to men any more than nurturing is exclusive to women. But, at least for me, it seems essential to that aspect of my identity. I suppose it is also what leads me to wonder whether I am capable of some form of heroism—whether in facing danger or in the comparatively civilized troubles of my life. Indeed, perhaps what I can only describe as a kind of 'heroic competence' is the more appropriate description of the *something* that I understood only as masculinity itself in my younger years. Terminology aside, Thoreau assures us, "There are in each the seeds of a heroic ardor, which need only to be stirred in with the soil where they lie."[4]

What makes a hero? And what stirs this soil? Heroes are the stuff of myth and legend which, according to Joseph Campbell, exist within a "shape-shifting yet marvelously constant story."[5] Among the constants in this story is danger faced with skill. The danger may take physical, emotional, or mental form—but the danger is always there. For the ancient hero, Campbell notes, the hunting of wild animals was "the source at once of danger, and of sustenance."[6] Likewise, the rituals of planting and harvest provided a grand metaphor for life and death. For the modern hero, Campbell observes, "man himself is now the crucial mystery" and our inner flaws have become the dangers we confront.[7] What has not changed, however, is the need for similar metaphorical

[4] *Id.*
[5] Joseph Campbell, The Hero with a Thousand Faces (1949).
[6] *Id.*
[7] *Id.*

sustenance that can be gained only through some sort of heroic endeavor.

Danger, though necessary, is not sufficient to attain the sustenance; it must be confronted correctly and in service of a worthy cause. For example, the headline "boy gets attacked by dog" is a tragedy, while the 2020 headline "6-year-old boy gets more than 90 stitches after saving little sister from dog attack"[8] is a different story entirely. As Aron Ralston observed, "Mountains are the means, the man is the end. The goal is not to reach the top of the mountains, but to improve the man."[9] Danger, therefore, is not valuable in itself and heroism requires something more than mere action—it requires meaning. This meaning appears to be what improves and sustains us and it is usually found through the way we relate to those around us.

To face this special kind of danger, the hero must also act with an ability or skill, exercised with nobility and consistent with a moral code. As John Wayne reportedly said, "a man's got to have a code, a creed to live by no matter his job."[10] Even villains face danger skillfully and might even be serving some twisted conception of the greater good, but a hero's morality goes beyond using skills as a mere means to an end. Gandhi once explained the connection between our goals and the paths we take to attain them using a watch. A journalist asked him if the ends justify the means. Gandhi answered by complimenting the man's watch and noting the various ways he could go about obtaining it:

> If I want to deprive you of your watch, I shall certainly have to fight for it; if I want to buy your watch, I shall have to pay for it;

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[8] Daniel Villarreal, *6-Year-Old Boy Saves Sister From Dog Attack, Gets 90 Stitches*, Newsweek (07/14/2020), *available at* https://www.newsweek.com/6-year-old-boy-saves-sister-dog-attack-gets-90-stitches-1517833 ("Six-year-old Bridger Walker of Wyoming has become an internet hero for jumping in front of a dog that was running to attack his little sister. . . . 'If someone had to die, I thought it should be me,' Bridger reportedly said after the attack, according to his aunt.")

[9] Aron Ralston, Between a Rock and a Hard Place (2004).

[10] Carol Lea Mueller, The Quotable John Wayne: The Grit and Wisdom of an American Icon (2007).

> if I want a gift, I shall have to plead for it; and according to the means I employ, the watch is stolen property, my own property, or a donation. Thus we see three different results from three different means.[11]

Similarly, assuming our aims are worthy to begin with, the way we use our abilities to face danger determines whether our actions are ordinary, villainous, or heroic.

The precise contours of a hero's skills and code are usually refined throughout the story, but in the end, we have a hero. Working backwards from this rough outline, thoughtfully developing a useful skill might be what stirs the heroic seeds within us, leading us to believe that we are capable of facing a corresponding danger heroically.

Conflict and the State of Nature

Long before the Batman of the 1960s was fighting villains to the interruption of "pow" and "zok" flashing across the screen, dramatic depictions of pop culture heroism have routinely involved forms of violent conflict. But as we have observed, the hero cannot be violent for violence's sake. For example, at the close of the first act in Marvel's Endgame, Thor lops off the head of a helpless Thanos. Without his gauntlet and the stones to power it, the villain is no longer a threat, so when Thor kills him, no one cheers. In fact, the other characters stand horrified as one asks, "what did you do?" The ability to be violent or to otherwise bring power to bear on the world cannot be heroic without a moral code adequate to guide it. Likewise, the skill of marksmanship loses its value unless coupled with a morality proportional to the issues of life and death that it implicates.

Some imagine that safety is best served simply by repressing such violence and, by extension, its corresponding skills. Philosophical heavyweights such as John Locke, Thomas Hobbes, and Jean-Jaques

[11] Mahatma Gandhi, "Brute Force" *in* The Collected Works of Mahatma Gandhi, p.287 (Vol. 10, 1909).

Rousseau addressed this subject using a thought experiment about the "state of nature." Imagine for a moment, starting everything over: no government, no law, no social norms, no culture, no religious belief. This is perhaps the invitation of John Lennon's "Imagine"—"Imagine there's no heaven . . . Imagine there's no countries . . . Imagine no possessions . . . ." But what would it really be like? Would we really all, as Lennon claims, "live as one"?[12]

Locke takes the most optimistic, Lennon-esque view, arguing that people would live according to the "law of reason" in the state of nature.[13] Although Locke briefly acknowledges that those harmed by the unreasonable few that violate the law of nature could band together with others to seek recompense, this use of force is downplayed as a deviation from the ordinary course of events.[14] In response to the lack of any anthropological support for Locke's claim, some scholars interpret Locke's argument as more of a theological reflection on our reasoning abilities, which give rise to Locke's theory of natural law. Locke himself might have rejected this retreat: "I moreover affirm that all men are naturally in that State and remain so, till by their own consents they make themselves members of some politic society."[15]

In contrast, according to Hobbes, life in the state of nature would be "solitary, poore, nasty, brutish, and short,"[16] absent the educational and coercive power of society and the law. This view justified investing a

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[12] John Lennon, *Imagine* (1971).

[13] John Locke, Two Treatises on Government (1689) ("The state of nature has a law of nature to govern it, which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.")..

[14] *Compare Id.* ("Everyone, as he is bound to preserve himself, and not to quit his station willfully, so, by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind.") *with* ("a criminal who, having renounced reason the common rule and measure God hath given to mankind, hath by the unjust violence and slaughter he hath committed upon one, declared war against all mankind.").

[15] *Id.*

[16] Thomas Hobbes, Leviathan, or the Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil (1651).

governing authority with immense power, as he framed it, a "leviathan."[17] Although beginning from a different assumption and using the thought experiment for a different purpose, Hobbes and Locke find some common ground on the provisions of the law of nature. Hobbes is far more pessimistic about the frequency with which Locke's "natural law" would be transgressed.[18] However, Hobbes falls short in accounting for the human drive to self-preservation based on the certainty of mutually assured harm—in short, he assumes too much about the willingness to enter into conflict.

Rousseau appears to strike a balance between the two. He argues for Locke's natural rights and obligations while accounting for Hobbes's, albeit inadequate, observations about human nature. Rousseau views reason in the state of nature as uncultivated, viewing our interaction and association with others through society as a civilizing force.[19] Rousseau's state of nature is one of isolation and peace based on fear of others. The source of the terror arises from the stakes involved when "finding himself early under a necessity of measuring his strength with theirs."[20]

However articulated, each philosopher acknowledges the use of force as part of human nature and that, as Rousseau observed, we "cannot create for [ourselves] new forces, but merely unite and direct those which already exist."[21] Therefore, safety appears to be best served in the cultivation and direction of human nature, rather than its denial. Modern psychology supports this theory. A paper in Aggression and Violent Behavior by Anna Harwood, Michal Lavidor and Yuri Rassovsky, surveyed twelve studies on the impact of martial arts on

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[17] *Id.*

[18] *See Id.* ("Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man.").

[19] Jean-Jacques Rousseau, The Social Contract (1762) ("for it is slavery to be under the impulse of mere appetite, and freedom to obey a law which we prescribe for ourselves.").

[20] Jean-Jacques Rousseau, Discourse on the Origin of Inequality (1754).

[21] Jean-Jacques Rousseau, The Social Contract (1762).

aggression, anger, and violence in juveniles aged 6 to 18.[22] The studies showed diminished aggression among the participants.

Another study by Stuart W. Twemlow, et al., tracked the Gentle Warrior Program, a martial arts-based response to bullying.[23] The program sought to propagate a social ethos by "changing the entire social dynamic surrounding bully-victim interactions, not just the behaviors of those who bully and are victimized" through "respect for others" and a "sense of responsibility" to stop bullying when they see it. The program began by teaching non-aggressive tactics and problem solving skills. It sought to instill a negative view of violence unless defending oneself or others, while promoting self-control, empathy, and respect. The physical aspects of the program involved physical defensive positioning, blocking, and release techniques. A study of the program's impacts showed a reduction in aggression and an increase in helpful bystander behavior. Apparently, teaching the proper role of physical force and empowering bystanders to intervene supported a culture of peace.

Similarly, a Chinese study led by Annis Lai Chu Fung, divided up school children into four experimental groups: one group was taught martial arts skills alone, another learned martial arts philosophy alone, the third learned both the skills and the philosophy, and the fourth participated in an ordinary physical fitness routine.[24] After six months, the children were assessed. The study showed significantly reduced aggressive behavior, delinquent behavior, anxiety/depression, and attention problems in only one of the groups—the group that was taught both the skills as well as the philosophy.

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[22] Anna Harwood, et al., *Reducing Aggression with Martial Arts: A Meta-Analysis of Child and Youth Studies*, 34 Aggression and Violent Behavior 96–101 (May 2017).
[23] Stuart W. Twemlow, et al., *Effects of Participation in a Martial Arts-based Antibullying Program in Elementary Schools*, 45 Psychology in Schools 947–959 (November 2008).
[24] Annis Lai Chu Fung, et al., *Effectiveness of Chinese Martial Arts and Philosophy to Reduce Reactive and Proactive Aggression in Schoolchildren*, 39 Journal of Developmental and Behavioral Pediatrics 404–414 (June 2018).

Those parts of our nature that we suppress or leave uncultivated, rather than harnessing to social and personal benefit, have a habit of becoming vicious. Moreover, in order to become Batman, and not the Joker, it appears both the skills as well as the proper moral theory are needed. Overall, an appropriate outlet for and integration of aggression, rather than its denial or suppression, is the surer course to preventing harm.

Heroic Serenity

My first steps into the world of marksmanship began when I bought my Walther PPS M2. When I began shopping, the battle for the best concealable handgun had already been underway for years. Subcompact weapons began with the single shot flintlock Queen Anne overcoat pistol in the 17th century, the 19th century Deringer, and the four barrel Sharps Pepperbox. A "derringer", the extra "R" added to avoid copyright claims (to the chagrin of its namesake inventor) eventually came to refer to any small handgun that was neither a revolver nor a semiautomatic pistol.

In 1903, John Browning designed the Colt Model 1903, a .32 caliber semiautomatic that began to resemble modern concealed carry handguns. This was followed by the FN Model 1910, the Walther PP in 1929, the Makarov in 1951, and the Beretta 950 in 1952—all small caliber offerings. The latest pitched battle in the U.S. concealed carry market began when Kel-Tec introduced the P-11, a concealed carry gun that offered the superior power of a larger caliber—the 9 mm. Furthermore, although the barrel and slide retained their metal design, the frame and grip of the gun were a plastic polymer. That same year, Glock released the "Baby Glock" 26, which also featured the slim design of a subcompact and stopping power of the 9 mm, and coupled with a lightweight polymer frame. The combination was widely hailed in the civilian concealed carry market, prompting Smith and Wesson, Springfield, Walther, and many others to follow suit with similar offerings.

Gun enthusiasts feel nearly as passionately about gun brands as they do about the rules of firearm safety, so my list of options is likely to draw criticism from fans of those excluded. In summer of 2016, I took to that great library of crowdsourced information—YouTube—and began watching video reviews of the popular offerings currently battling for the concealed carry market: the Glock 43, the Walther PPS M2, the Springfield XDs, and the Smith and Wesson M&P Shield. Finding them nearly indistinguishable without the benefit of test firing them, I very nearly blindly chose the Walther. The redesigned M2 was one of the newer offerings and, after all, a brand good enough for James Bond would probably be good enough for me. I took my new purchase to the range and started shooting. I was awful; so bad in fact, that I actually took the gun in to make sure the sights were adjusted properly. The gunsmith grinned and kindly assured me the gun was not the problem.

Every hobby has at least one meaningful lesson to teach to an observant student. The first thing that this hobby reminded me was that, in order to be good at something, you usually have to love it enough to be really bad at it for a while. Over time, I have also found that marksmanship can teach a kind of heroic serenity in chaos. If it seems odd to seek serenity among metal and explosions, you'll be surprised that it turns out to be a requirement for accurate shooting. Although neither necessary, sufficient, nor unique to masculinity or heroism, marksmanship is a skill that provides one of many pathways out of Thoreau's "quiet desperation."

Chapter 2
The Four Rules

Before picking up a gun, you must learn four rules:

1. treat every gun as if it is loaded;
2. never point a gun at something you are unwilling to destroy;
3. keep your finger off the trigger and out of the trigger guard until you are ready to fire;
4. be sure of your target and what is behind it.

According to one of my pistol instructors, the genius of these rules is that you must generally break at least two in order to do harm. To my grandfather, the rules were the absolute law. When he would take my dad and uncle hunting, one momentary, careless infraction on any one of them would lose you your gun and send you straight back to the truck for the rest of the day. The gun community as a whole is likewise relentless about them. Upload a YouTube video with your finger on the trigger as you pontificate and your comment section will flood with trigger discipline reminders, friendly or otherwise.

Rights, Liberty, and Duty

If you were to attend any Second Amendment rally or gun show, you would likely find a lot of liberty-minded individualists, complete with a few Gadsden, "Don't Tread on Me" flags in the mix. The caricature of the "gun nut" insisting on "mah rights" with just the right amount of all-American country twang is well known. So what explains the tension between the individualistic aspects of the culture and the obsessive enforcement of these rules, even among strangers? The short answer is that we don't want to get shot. A somewhat more nuanced explanation begins with the principle that liberty is not the right to do whatever you want.

It is commonplace to hear liberty and freedom used interchangeably, but there is a very meaningful difference between the two. Some define them in terms of positive and negative rights—the 'freedom' from some form of oppression and 'liberty' to do something. I want to use these terms to make a different point. When I say freedom, I mean the ability to act. When I say liberty, I mean acting in accordance with the rights and duties that allow everyone to likewise pursue their course in life. As Thomas Jefferson put it, "Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others." As to the way to successfully implement this principle in society, Jefferson gave a somewhat longer answer:

> entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter—with all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens—a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.[1]

John Locke put it more succinctly: "The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of

[1] Thomas Jefferson, *First Inaugural Address* (March 4, 1801), *available at* https://founders.archives.gov/documents/Jefferson/01-33-02-0116-0004.

created beings capable of law, where there is no law, there is no freedom."[2]

In simpler terms, consider a stop sign at an intersection. Have you ever reflected on what a miracle it seems to be that cars safely pass one another, some darting to the left or right as others cross? If we were to imagine a vehicular state of nature, without law, any time we saw another vehicle approach we would likely be struck by just the sort of fear that Rousseau described. Each trip through an intersection would be a terrifying act of pure insanity—this is freedom, unchecked by law or custom, which is self-defeating. With the stop sign, we approach with confidence—this is liberty. Trusting that others have done the same, we accept limitations on our freedom to travel through the intersection until the law allows us to continue. Ironically, without these constraints, the freedom to travel safely ceases to exist.

This principle, however, does not make government or law the creator of rights. Rather, governments are instituted to secure rights that we already have. Indeed, to elevate government or law beyond a protector to become the source of rights would be to make those rights conditional on the political whims of the day. Likewise, injustice and oppression do not become just merely because they obtain the force of law. As Thomas Jefferson wrote in the Declaration of Independence,

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed . . .[3]

[2] John Locke, Two Treatises of Government (1689).
[3] Decl. of Ind. (1776).

Whether endowed by a Creator or conceived theoretically through the exercise of reason, rights pre-exist the governments instituted to protect them.

With rights necessarily come duties. In this age of entitlement, the recognition of duty has gone by the wayside. Mohandas Gandhi once explained, "I learnt from my illiterate but wise mother, that all rights to be deserved and preserved came from duty well done."[4] Thomas Hill Green likewise reasoned, "There cannot be innate rights in any other sense than that in which there are innate duties."[5] The conception of a right as a mere entitlement or demand to be placed on others robs it of its morality, transforming it into oppression. Therefore, the moral justification for any right comes only with the recognition of a corresponding duty to others.

Going back to our stop sign example, the sign itself did not create any rights, nor did the person that put it up. The sign, and the social contract it represents, simply reflects the duties necessary to the enjoyment of the corresponding freedom through the general agreement of those subject to it. The common agreement to take upon ourselves the constraints that come with driving protects the liberty to do so safely and justifies enforcement of the rules. Likewise, the recognition of the rules of gun safety allow us to safely possess and use them.

Sources of Duty Beyond Law

Law is not the only source of liberty or duty, but too often we reach for government as an implement to impose ethical behavior upon others when the cultural norms of a community would be better adapted to address the issue. For example, in 1971, a law banning "maliciously and willfully disturb[ing] the peace or quiet of any neighborhood or person . . . by . . . offensive conduct. . . ." was challenged as a violation of

[4] Mahatma Gandhi, *Letter to Dr. Julian Huxley, Director General of the United Nations' Education, Scientific, and Cultural Organization* (1947).
[5] Thomas Hill Green, Lectures on the Principles of Political Obligation (1911).

freedom of speech.[6] The United States Supreme Court reasoned that the purpose of the right of free expression is

> designed and intended to remove governmental restraints from the arena of public discussion, putting the decision as to what views shall be voiced largely into the hands of each of us, in the hope that use of such freedom will ultimately produce a more capable citizenry and more perfect polity and in the belief that no other approach would comport with the premise of individual dignity and choice upon which our political system rests.[7]

While recognizing that adopting this principle might lead to "verbal tumult, discord, and even offensive utterance" the Court held that these are "necessary side effects of the broader enduring values which the process of open debate permits us to achieve."[8]

The debate surrounding this principle continues to rage in a new form as groups place pressure on social media companies to create rigid rules and remove offensive speech. However, the exercise of authority, governmental or otherwise, is not the means we use to moderate our discourse. As Thomas Jefferson argued, truth "is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless, by human interposition, disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them."[9] Cultural norms, enforced by the kind of contradiction envisioned by Jefferson, provide an ample mechanism to correct misguided or offensive views by conscientious persuasion, whereas the use of governmental or other institutional force would cause them to infringe on the very rights they are created to protect.

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[6] Cohen v. California, 403 U.S. 15 (1971).
[7] *Id.*
[8] *Id.*
[9] Thomas Jefferson, A Bill for Establishing Religious Freedom (1786).

Beyond society at large, we choose to be part of smaller communities, each with its own culture. A religion, sport, or any group with something in common can form a community. These associations define themselves by setting the terms of inclusion, but also tend to form an often unspoken code that defines what it means to be a "good" member of the group. Often, this takes the form of additional duties beyond those created by the general social contract and these duties shape us in unique ways. The communities we choose to be a part of say a lot more about us—our values, our morals, our identity—than our demographics ever could.

For example, basketball is a game defined by a set of rules and a system of scoring. If I commit a foul by breaking a rule, I agree to be subject to the penalty, but my conduct is still within the range of behavior that fits "basketball." However, if I tuck the ball under my arm and try to score points by running across the baseline, I am no longer playing basketball. As Wittgenstein observed, "I am inclined to distinguish between the essential and the inessential in a game too. The game, one would like to say, has not only rules but also a point [i.e. purpose]."[10] Both the rules and the point of basketball are institutional and similar to law. However, they are insufficient to describe what it means to be a truly great basketball player. Within the rules of the game, I can perform according to the skill and sportsmanship that are valued by the culture of the sport—or not.

Similarly, communities and cultures reflect values that go beyond law. Take, for example, the Code of the West. According to Ramon F. Adams, "The Code of the West was a gentleman's agreement to certain rules of conduct. It was never written into the statutes, but it was respected everywhere on the range."[11] Certainly, you could be a cowboy and not adhere to the code, but no one would consider you a very good one.

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[10] Ludwig Wittgenstein, Philosophical Investigations (1953).

[11] Ramon F. Adams, The Cowman and His Code of Ethics (1969).

The Code of the West seems to be a bit like Ron Swanson's definition of honor: "if you need it defined, you don't have it."[12] The code was just something you knew when you saw it. As Wittgenstein famously recommended, "Don't think, but look!"[13] However, since the 1934 novel, The Code of the West, it has found expression in poetry, prose, and even television. Particular tenets vary, but depictions ranging from Gene Autry and Roy Rogers down to Johnny Depp's more recent Rango, emphasize hard work, toughness, self-reliance, honesty, and courage. Gene Autry's version of the code warns against taking unfair advantage or going back on one's word and advocates gentleness, tolerance, hard work, and helping others in distress.[14] James P. Owen's modern list from Cowboy Ethics includes being tough, but fair; riding for the brand; doing what has to be done; and talking less while saying more.[15] It can perhaps best be summed up, as Jeremy Anderberg put it, as a "self-made nobility."[16]

Every generation seems to pine for the time—forever "not so long ago"—when the culture was more deeply rooted in such values. Those were the times when being a cowboy, American, or whatever it was, really *meant* something. Every generation wrings its hands, apprehensively wondering if the culture has lost its way. As far back as A.D. 125, Epictetus warned,

> Most of what passes for legitimate entertainment is inferior or foolish and only caters to or exploits people's weaknesses. Avoid being one of the mob who indulges in such pastimes. Your life is too short and you have important things to do. Be discriminating

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[12] *An Explanation of Ron Swanson's Pyramid of Greatness*, NBC.com, https://www.nbc.com/nbc-insider/ron-swanson-pyramid-of-greatness (last visited 9/20/2024).
[13] Ludwig Wittgenstein, Philosophical Investigations (1953).
[14] Holly George-Warren, Public Cowboy No. 1: The Life and Times of Gene Autry (2007).
[15] James P. Owen, Cowboy Ethics: What it Takes to Win at Life (2015).
[16] Jeremy Anderberg, *21 Western Novels Every Man Should Read*, ArtofManliness.com (June 6, 2018), https://www.artofmanliness.com/living/reading/21-western-novels-every-man-should-read/.

> about what images and ideas you permit into your mind. If you yourself don't choose what thoughts and images you expose yourself to, someone else will, and their motives may not be the highest. It is the easiest thing in the world to slide imperceptibly into vulgarity.[17]

Fortunately, just as culture shapes us, we can shape the culture with a little conscious effort. The thoughts and images that we choose take greater hold in the marketplace of ideas. Choosing media that reflects our values, in turn, shapes the culture.

Integrity and the Internal Contract

Equally as important as the social contract we operate within legally and ethically, or the cultural values we share with the communities we choose, is the law and culture we form within ourselves. John Rawls described the framework of beliefs that forms the bedrock of our decision-making as a "comprehensive doctrine."[18] According to Rawls, we each collect and form a set of private beliefs and basic assumptions about life from which we reason in order to make decisions.[19] These assumptions are necessary for us to function at all—imagine having to reason your way through the need for food, the basics of economics involved in spending money, the morality of robbery, etc. every time you considered what item to order from a menu. Because this system of beliefs forms the bedrock of our decision-making, it explains many of our choices, even—and perhaps especially—the choices that we make without thinking.

Given the obvious importance of this framework, leaving its formation to chance encounters with the myriad ideas in the world seems irresponsible. With a little mindful effort, we can evaluate the ideas that influence us, refine our comprehensive frameworks, and make better decisions. Among the most popular ethical frameworks currently

[17] Epictetus, The Art of Living (Sharon Lebell Ed. 2007).
[18] John Rawls, Political Liberalism (1993).
[19] *Id.*

competing for supporters are utilitarianism, virtue ethics, and deontology—or to oversimplify, doing good, being good, and doing right.

Utilitarianism can be summed up as doing the most good for the most people. It is focused on the consequences of actions and therefore carries a simple pragmatism that many find attractive. Likewise, its focus on the happiness of the greatest number gives it a democratic air. In some situations, often in business or in desperate emergencies, it may be entirely appropriate to make decisions based on this principle. However, it fails as a comprehensive ethical rule, in part, because it fails to adequately consider the individual. Bentham, one of the foremost utilitarian thinkers, went so far as to call individual rights "nonsense upon stilts."[20]

Imagine you are going into a hospital to visit a sick relative and in the hospital, there are terminally ill people in need of various organ transplants. If a utilitarian were to consider kidnapping you and harvesting your organs, they might reason that the kidnapping and killing would reduce your happiness to zero, but the transplanting of your heart, lungs, kidneys, and liver would prevent the happiness of four other people from going to zero. Because the happiness of the many outweighs the harm to you, net happiness would increase and so the utilitarian rule would approve of the kidnapping.

Virtue ethics, on the other hand, arise from developing human ideals. The goodness of a thing, Aristotle reasoned, comes from its ability to accomplish its function.[21] For example, a good pen is one that writes well because that is its function. You could successfully use an ordinary wooden stick to write, but you would not call it a "good" pen because it does not accomplish all the elements of being a pen. Likewise, a pen

[20] Jeremy Bentham, The Collected Works of Jeremy Bentham: Rights, Representation, and Reform: Nonsense upon Stilts and other Writings on the French Revolution (2002 Schofield, et al Eds.).
[21] Aristotle, Nicomachean Ethics (350 B.C.E.), *available at* https://classics.mit.edu/Aristotle/nicomachaen.html.

that has run out of ink is no longer "good" because it no longer performs its function.

Similarly, humans have a function and the degree to which they carry out that function makes them either good or bad. Greek philosophers characterized this function as the "flourishing," "reasoning," "happiness," or "well-being" that is accomplished by acting according to virtues like courage or generosity. Aristotle framed these virtues as a balance between two vices: courage being the balance between cowardice and recklessness.[22] Similarly, Confucian thought recommends a doctrine of the mean—the balance between two opposing virtues, for example, generosity and thrift— "From among the good he would take hold of the two ends and employ the perfect balance."[23]

Although adhering to a system seeking to develop individual virtues provides a helpful framework for constructing a comprehensive doctrine, problems arise when two virtues guide in opposite directions. This issue was on display in Plato's *Euthyphro* where Socrates meets with a man on the courthouse steps confronted with the dilemma of prosecuting his own father on a charge of murder.[24] Caught between the virtues of loyalty to one's family and loyalty to one's city, the dialogue fails to resolve the tension. Not only is loyalty itself a subjective thing, but its application in situations like Euthyphro's leave us without much moral guidance and perhaps too focused on self-development rather than the impacts our actions have on others.

Deontology focuses on doing your duty. Immanuel Kant was skeptical of utilitarianism and other forms of consequentialism because he reasoned that we could not know the ultimate effects of our actions. Because we cannot see the future, we cannot know for certain whether

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[22] *Id. See also* Plato, *Phaedrus* and *Phoebus*, *in* The Collected Dialogues of Plato (2005 Edith Hamilton Ed.).

[23] Confucius, Doctrine of the Mean (Daniel Gardner Trans. 2007). *See also* Confucius, Analects, Book XI, XV.

[24] Plato, *Euthyphro*, *in* The Collected Dialogues of Plato (2005 Edith Hamilton Ed.).

our actions will have good or bad results. In contrast, "The good will is good not through what it effects or accomplishes, not through its efficacy for attaining any intended end, but only through its willing, i.e., good in itself."[25] For Kant, our inability to predict and control all the consequences of our actions leaves us to judge our morality in terms of what we can control—our goodwill. A moral action, therefore, is the exercise of goodwill for its own sake, i.e. from duty rather than from inclination or reward.[26]

Deontology runs into the same issue as virtue ethics where duties conflict. The son prosecuting his father for murder would still be left making the subjective determination of which of the two duties—to family and city—is "weightier." Likewise, there are situations where we can foresee a certainty of disastrous harm that would be produced by adhering to a duty—or perhaps by choosing one of two conflicting duties—yet we are told to disregard the consequences of the act.[27]

The escape from the failures of these theories seems to be found by refusing to maintain any one of them as absolute in our comprehensive doctrine. Like the weaknesses of the various moral theories we have just identified, Philosophers from Aristotle to Montesquieu and even Machiavelli recognized the fatal flaws in the various forms of government available to them—dictatorship, democracy, and aristocracy.[28] Each of these philosophers reached the conclusion, as

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[25] Immanuel Kant, Groundwork for the Metaphysics of Morals (Allen W. Wood Ed. 2008).

[26] *Id.* ("in such a case the action, however it may conform to duty and however amiable it is, nevertheless has no true moral worth, but is on the same footing as other inclinations, e.g., the inclination to honor, which, when it fortunately encounters something that in fact serves the common good and is in conformity with duty, and is thus worthy of honor, deserves praise and encouragement, but not esteem; for the maxim lacks moral content, namely of doing such actions not from inclination but from duty.").

[27] *See* Immanuel Kant, *On a Supposed Right to Lie from Philanthropy*, France (1797).

[28] Aristotle, Politics (Carnes Lord Trans. 2013); Charles Louis de Scondat, Baron de Montesquieu, The Spirit of Laws (1777); Niccolo Machiavelli, *Of the Different Kinds of Republics, and of What Kind the Roman Republic Was*, *in* Discourses on the First Ten Books of Titus Livius (1517).

expressed here by Machiavelli, "all kinds of government are defective . . . knowing the vices of each of these systems of government by themselves have chosen one that should partake of all of them, judging that to be the most stable and solid."[29] Likewise, our morality is improved as we become better at using the guides of duty, virtue, and seeking good outcomes to reach the right decision. As the earlier example of Gandhi and the watch demonstrated, we must consider the action itself as well as its consequences in order to determine morality. Integrity, then, is about becoming a better person by refining our comprehensive doctrine and learning to use it effectively. We accomplish this by balancing becoming a better person, doing good things, and doing the right thing.

We accept the rules of firearm safety because they make it possible for us to possess firearms. Without the responsibility, the freedom vanishes. Without duties, rights lose their moral force. As we seek to secure our little piece of the collection of liberties we call the American dream, we would do well to remember the duties that make that dream a reality.

[29] Niccolo Machiavelli, *Of the Different Kinds of Republics, and of What Kind the Roman Republic Was*, *in* Discourses on the First Ten Books of Titus Livius (1517).

Chapter 3
The Four Rules as Life Lessons

The ability to accept responsibility and adhere to rules that protect ourselves as well as those around us is a critical lesson, but before we leave the rules of gun safety, let's consider them individually. Reflecting on these rules as object lessons will allow them to remind us of larger principles about life every time we go to the range. So in this chapter, I'll stretch them using the metaphors I found to be the most helpful.

Making the Right Assumption

The rule that a gun must be treated as if it is loaded teaches us about the nature of assumptions. Few things will fill me with a desire to quickly low-crawl my way out of a shooting range more than some variation of these five words, usually said in response to a safety officer's correction: "I told you it wasn't loaded." You might assume that I am about to argue that this rule recommends that we never make assumptions. Quite the contrary. Just like we would be unable to function if we had to start from scratch, reasoning our way through basic economic theory and morality with every purchase, we have to make assumptions about the world. It is unrealistic to expect ourselves to have access to all possible information about a given situation, so assumptions are inevitable. When these assumptions serve us well, we can maintain them. When they fail us, we should modify or abandon them. The key is to learn to use them wisely.

The way to improve our assumptions is to account for the danger involved in making them. We often assume that we know what others are thinking, and we are often wrong, particularly when we are angry or afraid. As Scott Adams wrote, "There are three important things to know about human beings in order to understand why we do the things

we do. Humans use pattern recognition to understand their world. Humans are very bad at pattern recognition. And they don't know it."[1]

In a 2008 study by David Fortus, the ability to make assumptions in order to solve ill-defined problems was evaluated using a series of physics questions.[2] One problem mentioned the goal of designing an ultralight umbrella and asked whether the force of rain on the structure needed to be taken into consideration in the design. The problem then stated, "your task is to estimate the magnitude of this force."[3] The participants, ranging from students to professors, answered three other questions, but notably only the most experienced physics experts provided an answer to the umbrella question. One of the less experienced participants stated that it was actually an engineering question because it lacked constraints. Others noted the need for additional information in order to form these constraints. Based on common experience, many of them noted that the wind was a far bigger potential point of failure for an umbrella than rain, but dutifully returned to the question asked. Only the most experienced physicists, all research professors, made assumptions in order to estimate ranges for the missing pieces of information and only one of them successfully used these assumptions to simplify and constrain the question. The study concluded, "If talented high school graduates are not able to deal with problems that involve the need to make assumptions, which is typical of many real-world situations, something is amiss with the education they received."[4]

Accordingly, to refine your assumptions (1) realize when you are making one, particularly when it involves guessing at the thoughts and motives of others; (2) evaluate to what extent emotion or information drives the assumption, weighing those based on greater experience and

[1] Scott Adams, Loserthink: How Untrained Brains Are Ruining America (2019).
[2] David Fortus, *The Importance of Learning to Make Assumptions*, 93 Science Education 86–108 (June 2008).
[3] *Id.*
[4] *Id.*