

## AGAINST MODERATE GUN CONTROL

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ARGUMENTS FOR HANDGUN OWNERSHIP typically appeal to handguns' value as an effective means of self-protection. Against this, critics argue that private ownership of handguns leads to more social harms than it prevents. Both sides make powerful arguments, and in the absence of a reasonable consensus regarding the merits of gun ownership, David DeGrazia (2014a: 1) proposes two gun-control policies that 'reasonable disputants on both sides of the issue have principled reasons to accept.' These policies hinge on his claim that 'an *even-handed* examination of the available evidence casts considerable doubt on the thesis that handgun ownership enables more adequate self-defense and physical security *in the home*.<sup>1</sup> DeGrazia claims that owning a gun is self-defeating because the evidence indicates that one is more likely to commit suicide and be killed (whether intentionally or accidentally) if one has a gun in one's home. Accordingly, the strength of a permissive moral right to gun ownership is mitigated. But since gun ownership is not counterproductive for *everyone*, DeGrazia proposes as a middle ground a policy under which the only individuals allowed to own handguns are those with a 'special need' for self-protection who have passed a rigorous course in handgun safety. He refers to these policies as 'moderate gun control.'<sup>2</sup>

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<sup>1</sup> DeGrazia (2014a: 10); emphasis added.

<sup>2</sup> DeGrazia (2014b).

We challenge DeGrazia's 'moderate gun control' policies on both philosophical and empirical grounds. Philosophically, we show that the arguments he gives in support of his proposed gun-control measures are too narrow and incomplete to warrant his conclusions about what kind of gun control there ought to be, even if he is right about the empirical evidence. Our criticisms pertain not to his purported derivation of a moral right to own handguns, but to the scope of that right. Empirically, we argue that a truly even-handed examination of the evidence makes DeGrazia's claim that gun ownership is on average self-defeating much less plausible than he supposes. Our conclusion is that DeGrazia has failed to establish his claim that gun ownership is self-defeating and therefore has no case for the gun-control policies he suggests should be enacted.

## I. Philosophical Problems

The standard 'pro-gun' argument holds that the right to keep and bear firearms is grounded in the right of self-defense.<sup>3</sup> Because the right of self-defense is supposed to entail the right to a reasonable means of self-defense, and because firearms are supposed to be a reasonable means of self-defense by virtue of their being especially effective at defending oneself and others against attack, there is a *prima facie* right to keep and bear firearms. There is, therefore, a strong presumption in favor of constitutional recognition of this right. This reasoning is typically situated in the context of self-defense against criminals within civil society, but some have expanded the argument to include self-defense against unjust aggression by states themselves.<sup>4</sup>

DeGrazia does not deny that guns can sometimes be useful for self-protection. Instead, his argument is that the scope of any putative right to own a gun is much narrower than is conceived of under permissive gun laws. This is because gun ownership (under permissive laws) is self-defeating in the sense that 'household members, on average, face a greater chance of suffering a violent death if the house contains one or more guns than if the house is free of firearms.'<sup>5</sup> Presumably this is supposed to show that gun ownership is typically counterproductive with respect to self-protection. The qualification 'on average' is crucial to DeGrazia's argument, since unlike others, he does

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<sup>3</sup> Covey (1997), Wheeler (1997), Hughes and Hunt (2000), Huemer (2003), Hall (2006), Stell (2006), Hunt (2011), Baker (2014), Bernstein et al. (2015), and Hsiao (2015).

<sup>4</sup> See Wheeler (1999; 2001).

<sup>5</sup> DeGrazia (2014a: 11).

not argue for a total ban on handgun ownership.<sup>6</sup> Instead, his solution resembles what is sometimes known as a ‘may issue’ or discretionary system for issuing concealed-handgun licenses, except that DeGrazia applies this solution to handgun ownership in the home. Although he argues that gun ownership is self-defeating on average, he notes that gun ownership can be beneficial for certain individuals. Accordingly, only those with a demonstrable need for handguns should be permitted to own them. Those who demonstrate a need must then pass a rigorous handgun-safety course as a condition of ownership. To defend his argument, DeGrazia appeals to a variety of studies showing that handgun ownership in the home is correlated with an increase in accidents, suicides, and homicides. We discuss his examination of the empirical evidence in the next section. In this section, we argue that philosophical problems mar his argument even if his empirical claims are true.

First, consider his construal of *self-defense*: ‘Let us construe the term *self-defense* broadly (if not quite accurately) so that it refers to efforts to defend not only oneself but also family members and anyone else who is residing or visiting in one’s home.’<sup>7</sup> It is odd that DeGrazia restricts his discussion of handgun ownership and self-defense to ownership and self-defense within the home, especially given that, according to data from the National Crime Victimization Survey (NCVS), 82 percent of violent crimes (65 percent of rapes, 84 percent of robberies, and 82 percent of assaults) reported in 2008 were committed away from the victim’s home.<sup>8</sup> His construal is, therefore, far from being broad and accurate. Given that all fifty states and the District of Columbia have some sort of provision granting the right to carry handguns outside of one’s home, any comprehensive discussion about the merits of handgun ownership ought to deal with defensive gun uses (DGUs) outside of the home. Indeed, Kleck and Gertz (1995) found that 63 percent of total defensive gun uses occurred outside or near the home. It is hard to see how someone can be allowed to carry a gun in public without also being allowed to own a gun in the home, so these issues are importantly related. DeGrazia ignores one of them completely: the vast majority of states have nondiscretionary (‘shall issue’) licensing schemes, which grant handgun-carry licenses to any person who meets an objective list of criteria. By restricting his discussion of gun ownership to ownership in the home, DeGrazia thus excludes a substantial portion of the benefits that guns have to offer.

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<sup>6</sup> For an example of a philosopher who argues for a complete ban on handgun ownership, see Dixon (2011).

<sup>7</sup> DeGrazia (2014a: 7).

<sup>8</sup> Bureau of Justice Statistics (2011: table 65).

Arguments in favor of a strong right to handgun ownership routinely appeal to the deterrence effects of concealed-handgun laws. Indeed, there is a lot of evidence to which pro-gun philosophers might appeal in this area. Lott and Mustard (1997) found that laws permitting people to carry their guns concealed reduced murders by 8 percent and rapes by 5 percent. The finding that right-to-carry laws reduce murders and rapes has been independently confirmed by twenty peer-reviewed studies (for comparison, eleven found no discernable effect and none found the laws increased crime).<sup>9</sup> For example, Plassmann and Whitley (2003) found ‘annual reductions in murder rates between 1.5% and 2.3% for each additional year a right-to-carry law is in effect.’ Gius (2014) found that ‘states with restrictions on the carrying of concealed weapons had higher gun-related murder rates than other states.’ The most probable explanation for these findings is that (potential) criminals are deterred from committing crimes in places where there is a significant probability that (potential) victims will be armed with a gun. Some criminals will behave rationally in the sense that they will weigh possible benefits against the risks associated with committing a crime in places where there is a significant probability that they will be seriously injured or killed. Criminals in areas in which guns are commonly owned by civilians have a very good reason not to commit crimes as often: they are more likely to be killed or injured in the commission of a crime. Criminals in areas that lack common civilian gun ownership do not have to take this into consideration before they commit their crimes. This hypothesis is confirmed by additional evidence. Rossi and Wright (1986) surveyed prisoners in eleven state prisons and found that 34 percent of prisoners had at least one experience where they had been scared off, wounded, or captured by an armed victim (active deterrence), while 40 percent had decided not to commit a crime because they knew or believed that the victim was armed (passive deterrence). The hypothesis explains why almost half of the burglaries in Britain occur while residents are home compared to just 13 percent in the United States.<sup>10</sup> Gun laws are stricter in Britain, so criminals are far less likely to be confronted by a gun-wielding resident than they are in the United States.

We do not intend this brief discussion to be decisive. A full evaluation of the merits of concealed-handgun laws is beyond the scope of this paper. Our point is simply that we must weigh the overall costs and benefits of common gun ownership before we advocate a gun policy that would make gun ownership far less common, and that requires taking into consideration the use of guns outside the home. Thus, DeGrazia’s arguments are at best

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<sup>9</sup> See Lott (2014c). See also Lott (2012: table 2).

<sup>10</sup> See Lott (1997: 356).

incomplete. Even if handgun ownership in the home is self-defeating or the right to it is overridden by other concerns, this gives us little guidance for devising an informed gun policy, for these arguments neglect other important benefits that handguns may provide. The more pertinent public-policy question is not whether handgun ownership for defensive use *within the home* is self-defeating or overridden, but whether handgun ownership is self-defeating for defensive purposes *in general*. Whatever the merits of the proposals DeGrazia outlines, they are not warranted from his assessment of the evidence, which leaves out of consideration research on important questions.

Second, DeGrazia's argument that widespread handgun ownership is *on average* self-defeating is not enough to justify the restrictions he proposes.<sup>11</sup> A discretionary legal system that allows only those for whom it is not self-defeating to own handguns may end up violating the handgun-ownership rights of others for reasons of fairness and equality.<sup>12</sup> But more importantly, even if handgun ownership is on average self-defeating, this does not tell us anything about those for whom it is self-defeating. DeGrazia's special-need requirement violates the rights of those for whom handgun ownership is *not* self-defeating by presuming their rights to have already been overridden. By requiring all prospective gun owners to show a legitimate need that goes beyond self-defense, the state would treat everyone's right to own a gun as overridden until proven otherwise. This is incompatible with DeGrazia's own concession that there may be many people for whom gun ownership is not counterproductive.

At best, DeGrazia's proposal only shows that we need some kind of test by which we can distinguish the qualified from the unqualified. Such a test, however, must be structured in such a way that it does not begin from the assumption that one's rights are already overridden. In other words, the test must be structured in favor of the applicant. This is because everyone has at least a *prima facie* right to own a gun, and even if this right is overridden for many people, it is incumbent on the government or licensing authority to show *why* it is overridden for a particular person.

Therefore, the fair and equitable thing to do would be to allow those who meet an objective list of rigorous criteria the ability to purchase and own handguns instead of presuming that every applicant falls within some band around the average. Such a presumption assumes that *every* person's right to own handguns has already been overridden, which is again unjustified (and

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<sup>11</sup> See Hsiao (2015) for a further discussion of this argument.

<sup>12</sup> See Hughes and Hunt (2000: 16-17).

indeed, DeGrazia admits as much). For this reason, any licensing system that puts the burden of proof on applicants to justify their need to own a gun is unjust.<sup>13</sup>

The plausibility of DeGrazia's proposed gun-control policies therefore depends crucially on whether *everyone's* right to own handguns should be overridden, which he leaves as an 'open question.' He writes:

It is an open question whether the appeal to physical security as the basis for an undefeated moral right to handgun ownership is successful. As we have seen, the possible success of this argument pivots on two crucial assumptions: that, in the U.S. today, the option of handgun ownership is necessary and effective for self-defense, and, if so, that this right is not justifiably overridden. My sense is that the argument fails... but once again I recognize that some reasonable participants in this debate may see the balance of arguments differently.<sup>14</sup>

We should think, given how crucial it is to DeGrazia's proposals that a broad right to own handguns be overridden, that he would have argued more in support of this foundational premise. It is not sufficient to simply leave this as an 'open question.' Perhaps the right to handgun ownership is in fact outweighed by social harms. Our point here is only that DeGrazia has not done enough to show that it is outweighed and, by extension, has not sufficiently argued for his gun-control proposals, which would make it significantly more difficult for people to own guns. Again, his argument is at best incomplete.

What is needed is an account of *how much* of a negative consequence is needed to justify an override. This is a difficult question, and we have attempted to answer it elsewhere, but DeGrazia does not even attempt to take up this issue, instead leaving it as something about which reasonable people may disagree. If it is something about which reasonable people may disagree, then arguably we should err on the side of caution and recognize individuals' rights to own handguns as weighty until we have reason to override them.

Hence, even amidst uncertainty on the merits of gun ownership, we should adopt regulations much like the ones that are currently in effect throughout most of the United States. In the vast majority of states,

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<sup>13</sup> It is also worth noting that even if gun ownership is self-defeating in the sense that one is more likely to die, it is still very improbable that one will die given that one owns a gun.

<sup>14</sup> *Ibid.*, 15.

individuals are presumed to have an undefeated *prima facie* right to own handguns that is defeated only when they are shown to meet a condition that disqualifies them from ownership (e.g., felony convictions or mental illness). Those who wish to carry a firearm concealed in public are typically subject to a higher degree of scrutiny to obtain a permit. For example, applicants are usually required to undergo firearms-safety training and are subject to background checks. Revocation data for citizens with concealed-carry licenses show that they are extremely law abiding, which makes them very likely to be people for whom handgun ownership is not self-defeating.<sup>15</sup> All of this is compatible with the position that handgun ownership is *on average* self-defeating. The only difference between the proposals we outline and DeGrazia's proposals is how one accounts for those for whom handgun ownership is self-defeating. There are merits to both sets of policies, but since current nondiscretionary policies seem quite adequate in accounting for those for whom handgun ownership is self-defeating, there is little reason to switch to discretionary policies, especially if discretionary policies end up violating the rights of many otherwise-qualified applicants. Moreover, as we have seen, discretionary policies rely on the unjustified assumption that *all* prospective gun owners have their right to own handguns already overridden, a premise that DeGrazia himself would not agree with.

## II. Empirical Problems

We believe DeGrazia's examination of the relevant empirical evidence could be more even-handed, particularly when it comes to the number of defensive gun uses and the effectiveness of guns at preventing serious injuries, but also for some of the propositions he believes count as evidence for his self-defeat argument. Two of the claims he defends, both of which would support his argument if they were true, are that

- 1) having a gun at home increases one's likelihood of dying by suicide; and
- 2) having a gun at home increases one's likelihood of dying by homicide.

Let us begin with a note on DeGrazia's use of the empirical literature. While DeGrazia cites an impressive list of studies in support of his thesis, not

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<sup>15</sup> Lott et al. (2014a) notes that revocation rates for Florida, Michigan, and Texas (states that account for 2.5 million of over 11.1 million current licensees) are extremely low. In Florida, the annual rate of firearms violations by licensed concealed-weapons holders is 0.003 percent, compared to 0.007 percent for police officers.

all studies are created equal. What matters is not the number of studies one can come up with, but their quality. Methodologically weak studies tend to outnumber those that are methodologically strong, such that a literature dump can convey the wrong impression if one does not take into account the technical merits of each study. The findings of one methodologically strong study can outweigh those of a dozen methodologically weak studies. Accordingly, one cannot make conclusions simply by counting the number of studies that support a given position. As Kleck (1997: 33) notes,

To merely count up studies favoring a particular conclusion would generally lead to an outcome dominated by the technically inferior studies, since these tend to be more numerous... Consequently, to draw conclusions about a body of research based on mere 'vote-counting' of the number of studies favoring a given conclusion, without noting differences of technical merit among the studies, is a procedure that will generally be dominated by the findings of less adequate research, and that will therefore tend to reflect the biases common among those doing the research.

Indeed, Kleck notes that research on guns and violence tends to be 'technically primitive' and '[relies] on research methods that most social scientists would regard as reflective of the technical standards of the mid-1960s or earlier.'<sup>16</sup> Such research tends to rely on simple univariate or bivariate analysis instead of stronger multivariate procedures that are able to control for a wide range of possible confounders. Moreover, most research tends to ignore or pay insufficient attention to the possibility of two-way causation: gun ownership might cause crime, or higher rates of gun ownership might be a defensive response to higher crime rates. When Kleck (2015) accounted for these and other problems in a methodological assessment of the literature on guns and homicide, he found that all methodologically strong studies failed to support the thesis that guns are positively associated with crime. Of the forty-one studies reviewed by Kleck, fourteen did not control for a single confounding variable, and these were among the ones most likely to find a positive association between guns and violent crime. Of the six studies that controlled for at least five variables, all but one found against the hypothesis that common gun ownership increases the murder rate. Importantly, only three studies of the forty-one reviewed did not suffer from the methodological problems identified by Kleck, and all three found against the anti-gun hypothesis.

In his assessment of the evidence, DeGrazia fails to cite any evidence that would count against (1) and (2), despite its abundance. Ignoring the

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<sup>16</sup> Kleck (1997: 32).



existence of contrary studies is certainly not an ‘even-handed’ assessment of the evidence. Regarding (1), Miller (1978), Brent et al. (1988; controlling for suicidal intent), Bukstein et al. (1993), Kleck and Patterson (1993), Brent et al. (1994), Beautrais et al. (1996), Conwell (2002; for women), and Kates and Mauser (2007) all contain findings that cast doubt on the supposed significant association between gun ownership and suicide.<sup>17</sup> Kleck (1997: 291) lists more than ten studies that found no significant associations between gun ownership and total suicide. Welford et al. (2004), on behalf of the National Academy of Sciences, reviewed 253 articles, ninety-nine books, and forty-three government publications and ‘failed to identify any gun control that had reduced violent crime, suicide, or gun accidents.’<sup>18</sup> Indeed, they concluded that ‘existing research studies and data include a wealth of descriptive information... but... do not credibly demonstrate a causal relationship between the ownership of firearms and the causes or prevention of criminal violence or suicide.’<sup>19</sup>

Regarding (2), at least nineteen studies find that gun ownership does not increase homicide rates.<sup>20</sup> Of these studies, Kleck and Patterson (1993), Kovandzic et al. (2012), and Kovandzic et al. (2013) are the methodologically strongest and superior to the studies cited by DeGrazia (many of which are methodologically weak). Yet he does not mention any of them. Again, to call this an even-handed assessment of the evidence is problematic. DeGrazia’s investigation into the extant evidence is extraordinarily one-sided. There is no reason, then, at least from what DeGrazia has written, for anyone to think that (1) and (2) are known to be true. Things are far more controversial than he seems to suppose.

To make things worse, many of the studies to which DeGrazia does appeal suffer from significant methodological flaws. Let us take three of them: Brent et al. (1991) and Kellermann et al. (1992) in support of (1) and Kellermann et al. (1993) in support of (2). The problem with the former two is that they did not control for many likely confounding factors (i.e., factors known to influence risk of suicide that are also correlated with gun ownership), such as alcoholism, drug use, living in a high-crime neighborhood, and strength of suicidal intent (strong suicidal intent is often a

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<sup>17</sup> See Kleck (unpublished) for a discussion of some of these studies.

<sup>18</sup> Kates and Mauser (2007: 654).

<sup>19</sup> Welford et al. (2004: 6).

<sup>20</sup> Kleck (2015: table 3).

reason people buy a gun, not the other way around).<sup>21</sup> They controlled for only one and four confounders respectively, which implies that they ignored likely confounders the consideration of which may have altered their findings. In support of (2), Kellermann et al. (1993) found that people with guns in their homes are 2.7 times more likely to die by homicide than people whose homes lack guns. If this is correct, the explanation is that a gun *in a homicide victim's household* was used to commit the crime. Unfortunately, Kellermann et al. did not state 'how many homicide victims in their sample had been killed with a victim gun [a gun in the victim's household] rather than a gun that was brought to the scene by the perpetrator.'<sup>22</sup> They just *assumed* that if someone died in the home and they owned a gun, then that gun was the one used to commit the homicide.<sup>23</sup> Once Kleck (2001) took this into account, he found that even on the most generous set of assumptions, there is 'at most, a 10.7% increase in homicides among persons living in gun-owning households. This is only 6% of the effect claimed by Kellermann et al.'<sup>24</sup> Kleck and Hogan (1999b), who controlled for more confounders, found that 'the likelihood of committing a homicide was only 1.36 times higher among those who owned a gun than among those who did not, which is an association that epidemiologists conventionally regard as "weak."<sup>25</sup> An even-handed examination of the evidence suggests that (1) and (2) are far less obvious than DeGrazia supposes.

With respect to the number of DGUs, DeGrazia cites and quickly dismisses the controversial Kleck and Gertz (1995) estimate of 2.5 million DGUs per year. But he fails to mention the fact that virtually every other survey on this question confirms their basic result: that DGUs are very

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<sup>21</sup> See Kleck (unpublished). Kleck surveyed the literature on this question and found that only fourteen of sixteen studies controlled for more than four likely confounders (eight controlled for *none*), 'giving the researchers no ability whatsoever to separate the effects of gun ownership from the effects of other factors that affect the likelihood of committing suicide and are associated with gun ownership.'

<sup>22</sup> See Kleck (2001: 74).

<sup>23</sup> Kates (2001: 75) points out that 'subsequently available evidence has... [shown] that virtually all the homicides were committed by intruders who brought their own guns into the victim's household. Thus, Kellermann's claim that owning guns increased the owners' risk of murder is simply wrong.'

<sup>24</sup> It is important to note that this is only after Kleck (2001: 74) made the very generous (and false) assumption that 'all victim-gun homicides were uniquely attributable to the presence of a gun in the household and that gun ownership never resulted in deterring an attack or disrupting a homicidal attempt.'

<sup>25</sup> Kleck (2001: 75).

common in the United States. According to the findings of fifteen surveys, there are between 760,000 and 3.6 million DGUs per year. His objection to the use of the Kleck and Gertz estimate is entirely speculative: there might be a significant number of false positives (people who falsely reported that they used a gun defensively). These criticisms have been responded to by Kleck and Gertz.<sup>26</sup> One response is that DeGrazia fails to take into account the fact that there is also a significant risk of underestimation and false negatives. There are at least three reasons why we might expect this to be the case. First, people may have given a negative answer because they did not know whether their actions were legal. Second, Kleck and Gertz did not count DGUs by minors (anyone under the age of eighteen). Finally, “all it took to yield a false negative was for a DGU-involved respondent to speak a single inaccurate syllable: ‘No.’” Compare this to what it took for a false positive to be counted:

A respondent who wanted to falsely report a nonexistent DGU could not qualify as having had such an experience merely by saying ‘Yes.’ Rather, respondents had to provide as many as nineteen internally consistent responses covering the details of the alleged incident... [T]o sustain a false DGU claim, [respondents] had to do a good deal of agile mental work.<sup>27</sup>

The objection to which DeGrazia appeals works only if we know that there were significantly more false positives than false negatives, a proposition for which there is little evidence.

He then cites a non-peer-reviewed paper by the Violence Policy Center (an anti-gun advocacy group) that concluded that there are about 67,000 DGUs per year, an estimate that is fantastically smaller than every other estimate in the literature. The paper used data from the NCVS. Unfortunately, there may be problems associated with using the NCVS to estimate the number of DGUs. First, national polls (such as the ones mentioned above) weight regions by population, whereas the NCVS disproportionately weights urban areas (areas where civilian gun ownership is far less common).<sup>28</sup> Second, the NCVS is conducted by the government, which may cause respondents to be less than honest, particularly when discussing guns (this is especially problematic given that respondents are

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<sup>26</sup> See Kleck and Gertz (1997) and Kleck (1999a).

<sup>27</sup> Kleck and Gertz (1997: 1450).

<sup>28</sup> See Lott (2010: 12). He (2010: 372) further writes: ‘In the nation’s twelve largest cities, just 18 percent of all households report owning a gun. Women in rural areas appear to own guns at about three times the rate that women in the twelve largest cities do.’

required to provide their names, telephone numbers, and addresses).<sup>29</sup> Finally, the NCVS does not ask people whether they used a firearm defensively; ‘instead it merely provides respondents with an opportunity to *volunteer* information about a defensive gun use in response to a general question about self-protection actions.’<sup>30</sup> Moreover, the NCVS plausibly leaves out many DGUs for the following reason:

[Respondents] are not... asked the general self-protection question unless they already... indicated that they had been a victim of a crime. This means that any DGUs associated with crimes the [respondents] did not want to talk about would remain hidden. It has been estimated that the NCVS may catch less than one-twelfth of spousal assaults and one-thirty-third of rapes, thereby missing nearly all DGUs associated with such crimes.<sup>31</sup>

There are other problems, but this should be sufficient to show, at the very least, that matters are *not* as uncontroversial as one might believe after reading DeGrazia’s dismissal of DGU evidence that would undermine his argument.

Similarly, DeGrazia fails to acknowledge the abundance of evidence that indicates that DGU is extremely effective at self-defense. He cites only one study on the counter-productivity of gun use, according to which assault victims who possessed a gun in *urban areas* were more likely to be shot than victims who did not.<sup>32</sup> According to Lott (2010: 302), the problem with this study is that it failed to take into account the plausible possibility that the people in urban areas who were most likely to be assaulted were the most likely to own a gun (presumably for self-protection).

If we are to be even-handed, then we must examine other relevant evidence as well. As it turns out, there is almost unanimous agreement in the literature that resisting with a gun is effective at reducing injury and the number of completed crimes. Kleck (2001: 289) found that DGU in the United States is very effective at reducing a victim’s risk of injury in assaults. After assault victims acted to protect themselves with a gun, only 3.6 percent were injured, compared to 12.6 percent of victims who screamed, 15.2 percent of victims who tried to reason with the offender, 8.6 percent of victims who attacked the offender without a weapon, 5.4 percent of victims who attempted to flee, and 55.2 percent of victims who took no self-

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<sup>29</sup> See Kleck and Gertz (1995: 154-155).

<sup>30</sup> Ibid. Emphasis added.

<sup>31</sup> Ibid.

<sup>32</sup> See Branas et al. (2009).

protection actions whatever.<sup>33</sup> Tark and Kleck (2004) assessed sixteen different forms of victim self-protection in the United States and found that ‘a variety of mostly forceful tactics, including resistance with a gun, appeared to have the strongest effects in reducing the risk of injury.’

Other research confirms these results: resistance, particularly with a gun, is very effective. Kleck and Delone (1993) assessed eight different forms of resistance to robbery and found that ‘victim gun use was the resistance strategy most strongly and consistently associated with successful outcomes for robbery victims.’ Southwick (2000) found that women in the United States who did not resist an attack were more than 2.5 times more likely to be seriously injured than women who used a gun for self-protection. Women who resisted without a gun were four times more likely to be seriously injured than women who resisted with a gun. Southwick also found that men who resisted with a gun were less likely to suffer a serious injury than men who either did not resist at all or who resisted without a gun.<sup>34</sup> Guerette and Santana (2010) found that resisting with a gun decreased the odds of successful robbery and rape completion by 92 and 93 percent, respectively. Leshner et al. (2013: 16), writing on behalf of the Institute of Medicine and National Research Council, surveyed the literature and found that ‘studies that directly assessed the effect of actual defensive uses of guns (i.e., incidents in which a gun was “used” by the crime victim in the sense of attacking or threatening an offender) have found consistently lower injury rates among gun-using crime victims compared with victims who used other self-protective strategies.’ The introduction of a gun by a victim into a situation makes things more costly for the attacker, so inevitably some, and plausibly most, attackers are going to break off their attack. Indeed, according to Lott (2010: 3), ‘95 percent of the time that people use guns defensively, they

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<sup>33</sup> These comparisons are misleading because victims who were pushed to use guns were in far less favourable circumstances than victims who did not use guns for self-protection, which makes the fact that using guns is very effective much more impressive. Kleck (2001: 291-2) writes: ‘Victims who used guns were substantially more likely than victims in general or victims using other self-protection measures to face offenders armed with guns—32.7 percent of victims who attacked the offender with a gun, and 21.8 percent of those who threatened the offender with a gun faced offenders with guns, compared to only 6.8 percent of all victims who used self-protection measures, and 2.2 percent of all victims... [V]ictims who used guns were more likely to face multiple offenders—33.2 percent of victims who attacked offenders with a gun and 34.5 percent of those who threatened with a gun confronted multiple adversaries, compared to 20.6 percent of all those who used self-protection measures, and 6.2 percent of all victims.’

<sup>34</sup> See also Lott (2010: 4).

merely have to brandish a weapon to break off an attack.' If this is relatively close to being accurate, it would imply that guns used by victims are not only safe for victims, but also for their attackers.

### III. Conclusion

In conclusion, DeGrazia's argument, even if the evidence on which it relies makes it probable that widespread gun ownership is on average self-defeating, does not support the gun control laws he favors. Neither does it show that a permissive right to own a gun is overridden, because DeGrazia has made no attempt whatever to argue *why* the consequences of common gun ownership override this right. Because rights are by nature trumps that are supposed to hold even in the face of negative consequences, it is not enough to merely point out that there are negative consequences, which is all that DeGrazia does. In any case, even if gun ownership is self-defeating, it could still be the case that the benefits of common gun ownership *to society as a whole* outweigh this fact, which would seem to imply that we should not make gun ownership more difficult. We have cited criminological evidence that makes this kind of argument far from obviously unsound. Moreover, we have pointed out that a more even-handed examination of the evidence makes DeGrazia's claim that gun ownership is self-defeating far less obvious. We conclude, therefore, that DeGrazia's argument fails because (a) he has not sufficiently warranted his claim that widespread gun ownership is self-defeating, and (b) even if widespread gun ownership is self-defeating, this fact alone still does not warrant enacting the gun controls he favors.

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