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20 June 2003

Arming Civil Society Worldwide

Getting democracy to work in the emergent American Empire?

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Introduction

This exploration is concerned with the conditions required for comprehension and uptake of American-style democracy worldwide as a basis for the viability of the emergent American empire. The focus is on a unique feature of the American Constitution which ensures that citizens have the right to bear arms. Given the recognition by Americans in general, and especially by the current government of the United States of America, that the system of democracy in America is one of the best, if not the best, in the world, this feature calls for careful attention. This is especially the case in the light of the new security strategy that envisages the establishment of what is now widely acknowledged to be an American empire worldwide [\[more\]](#).

This preliminary investigation is a contribution towards a more formal study of the systemic need for armed citizens for American-style democracy to work effectively.

Constitutions as guarantors of democracy

The system of governance of a country is specified with great care in the set of articles that make up its Constitution. Americans are rightly proud of the innovative thinking that was applied to the development of their Constitution to ensure a democratic pattern of governance and to protect that system from dangerous tendencies to which it might otherwise be vulnerable. A constitution benefits not only from principles clarified in constitutional law but from the practical experience of people who have been exposed to the strengths and weaknesses of attempts to give institutional form to such principles.

In this light, the set of articles making up a constitution may be understood as a network of control factors that interact as a network of checks-and-balances to maintain the system of governance in a condition to ensure effective governance. In the case of a consciously democratic country like the USA, the condition defined by these dynamics is necessarily democratic. The various articles play off against each other to constrain the excesses of an undemocratic nature to which unconstrained emphasis on any one of them would give rise. The set of articles making up the [European Constitution](#) (presented in draft form, 20 June 2003) should therefore also be considered in this light.

A constitution may therefore be understood to be like a finely tuned musical orchestra. Each article, like a particular instrument, articulates particular themes which must necessarily be balanced against other themes articulated by other instruments in order for the integrity of the whole to emerge. The strength of a democracy lies in the emergent organization made possible by such dynamics.

In a finely tuned orchestra, every instrument has its place. Each is necessary to ensure the requisite complexity to provide a framework for the dynamics of a complex society.

When a constitution is first agreed it is of course a somewhat theoretical exercise whose final tuning comes in its early years of use in

practice. Such practice may draw attention to weaknesses in the basic pattern of checks and balances that call for specific corrective action through the addition of extra instruments to give better expression to the whole and to protect it more completely from weaknesses to which it may be exposed under certain conditions.

Such is the case with regard to "amendments" to any constitution. These are vital corrective measures to ensure that the constitution best fulfils its function.

Second Amendment to the US Constitution

The US Constitution is the oldest written constitution in the world that is in force. It was written in 1787 in Philadelphia by the Continental Congress of the new American republic and was officially adopted in 1789. The Bill of Rights (which were the first 10 amendments to the Constitution) was passed by Congress on 25 September 1789 and was ratified on 15 December 1791.

Of the 27 amendments, the Second Amendment (forming part of the Bill of Rights) to the US Constitution reads as follows: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." This right is also reflected in the constitutions of individual states of the USA, as noted by Robert Dowlut:

This Constitutional guarantee of individual liberty within the federal system receives protection from both the federal and state constitutions. Reliance, however, should first be placed on a state's bill of rights, or declaration of rights, because the United States Supreme Court has explicitly acknowledged each state's "sovereign right to adopt in its own Constitution individual liberties more expansive than those conferred by the Federal Constitution." In fact, the constitutions of forty-three states guarantee a right to bear arms. Most state bills of rights provide greater protection of the right to arms than does the second amendment. Presently, only five states track the language of the second amendment, and only three link the right exclusively to the common defense. (*Bearing Arms in State Bills of Rights, Judicial Interpretation, and Public Housing*, 1992)

Clearly the provisions of the Second Amendment are vital to ensure the viability of American democracy -- as demonstrated by the felt need to amend the original Constitution. Without this amendment it was recognized that the essential principles of American-style democracy could not be safeguarded.

The amendment has been the subject of extensive commentary because of its apparently problematic implications for a peace-loving country such as America. A law library is specifically devoted to it [[resources](#)]. The [Second Amendment Foundation](#) is specifically devoted to the articulation of the arguments defending the principles it enshrines in the protection of democracy. Many have written on it [[more](#); [more](#); [more](#); [more](#)]. The famous have commented in favour of it [[quotes](#)]. Perhaps the most extensive study is by Stephen P. Halbrook (*That Every Man Be Armed: the evolution of a constitutional right*, The Independent Institute, 1984, 1994, 2000). One commentator concludes:

Rather than disarm -- unconstitutionally -- the citizens of this free nation, a return to Constitutional government is in order. Americans have the right -- unalienable -- to own and carry firearms of their choice. Other arguments are moot: history has spoken. [[more](#)]

It might be assumed the the wording "security of a free State" refers solely to its security with respect to external threats. However in a large country like the USA, with many factions and internal tensions -- as evidenced by the civil war -- the security of the state clearly calls for internal protective measures as much as external protective measures. This has been most recently exemplified by the creation of a [Department of Homeland Security](#).

With a history requiring extensive protection of peace-loving citizens against hostile Indians, again it became only too evident that the right to bear arms is vital to citizens that need to protect their settlements against marauding savages. Equivalent challenges exist in contemporary American society in enabling citizens to protect themselves against criminal elements and possibly terrorists.

US Federal courts have generally ruled that the Second Amendment protects the rights of states to have armed militias -- but provides no such right to individuals. The Supreme Court established the current court interpretation in 1939. Since then, eight US appeals courts have rejected arguments that the Second Amendment extended firearms rights to individuals -- the policy of the Justice Department legal counsel since the Nixon administration put it into effect in 1973. On 11 May 2001, however, the US Attorney General John Ashcroft affirmed the right of individuals to bear arms -- a position seen as a very important development [[more](#)].

The absence of the Second Amendment would therefore jeopardize the viability of an American-style democracy -- according to American understanding of the necessary systems of checks and balances vital to democracy [[more](#)].

Armed citizens in other democratic countries

It is important to recognize a significant confusion in terminology. The "right to bear arms" was unrestricted in the Middle Ages and remains controversial. But this expression confuses "coats of arms" with the bearing of weapons that is the focus of this argument. But the two senses are linked in that both are aspects of the defence of identity of the individual and the family. It could be argued that the two rights were mutually reinforcing in practice. A common prejudice has associated heraldry exclusively with nobility or gentry -- just as the right to carry weapons has been associated with the powerful or their agents. But as detailed by François Velde (*Right to Bear Arms*, 1995), this has no foundation in fact, law or history of European armory. He summarizes the situation in terms of existing laws and regulations (*de jure*) as well as in terms of actual practice (*de facto*). Heraldry remained unregulated in most countries, with the significant exception of the UK.

Whilst America is the only country to embody the right to bear arms (weapons) in its Constitution, other democratic countries also ensure that their citizens bear arms. This is notably the case with Switzerland where every able-bodied man is required to maintain certain weapons at home in the event of any call upon their services in the protection of the country. In Israel, men are similarly required to bear arms.

The distinction in these countries, whose democracies do not correspond to the American style, is that the bearing of arms is associated with direct involvement in the national military service. In the case of the USA, the right to bear arms is constitutionally specified as independent of an association with any federal or state military service -- hence the specific reference to "militia". The emphasis is on "the right of the people to keep and bear arms" as being "necessary to the security of a free State". This is a more sophisticated understanding of democracy than in either Switzerland or Israel.

A more interesting example for comparison with the USA is Canada where the citizenry has almost as many arms per capita as in the USA.

The absence of any reference in the draft [European Constitution](#) (20 June 2003) to the right of citizens to bear arms, as a fundamental right, is therefore an unfortunate indication that it may be difficult to ensure the future long-term viability of American-style democracy amongst the 25 member countries. This is to be regretted, especially in the case of the so-called "accession countries" of the former Soviet Union -- many of whom enthusiastically joined the USA in the Coalition of the Willing in the action against Iraq.

Exporting American-style democracy

A declared purpose of the new American project to achieve world hegemony is to instill democracy, through democratic principles and democratic institutions, in countries currently suffering from dictatorial and tyrannical regimes. To achieve this the USA must necessarily take account of its own understanding of democratic systems work and of how they work. This know-how is clearly embodied in the American Constitution whose articles are necessarily, and by definition, a template for any working democratic system.

Arguments to the effect that there continue to be imperfections in American-style democracy must necessarily be set aside in this undertaking. Such defects must necessarily be recognized as isolated phenomena that do not challenge the inherent integrity of the American system from which citizens of other countries should necessarily benefit if they are to experience the full fruits of liberation to which they have a right. It is American-style democracy which is the guarantor of universal human rights -- of which the USA is the prime defendant. Those failing to recognize this are necessarily part of the problem in ensuring that people around the world benefit fully from participation in the American imperial enterprise.

With respect to the Universal Declaration of Human Rights (adopted in 1948 by the United Nations), there are several accounts of the drafting process, stressing the role of different individuals, powers and cultures. In the USA there are few challenges to the view that the Roosevelts shaped and molded the human rights story, and indeed, many consider the human rights project to have been primarily an American project (cf Tony Evans, *US Hegemony and the Project of Human Rights*. 1996) [[drafting history](#)].

As noted by Douglass Cassel (*The Universal Declaration at 50: Changing The World? The Christian Century*, December. 23-30, 1998 at 1249):

the Universal Declaration embodies most rights cherished by Americans. Among them are life, liberty, security of person, freedom from slavery and from torture and inhumane treatment; equality before the law; the right to judicial remedies for wrongs; freedom from arbitrary arrest and detention; fair trials and due process of law, including the presumption of innocence; privacy; freedom of movement; equal rights in marriage; freedoms of speech, press, assembly and association; and free elections. On the other hand, the Universal Declaration omits the Anglo-American right of trial by jury, and two peculiarly North American devices: the right to bear arms, and the prohibition of established religion

In the light of such unfortunate omissions, attention clearly needs to be given to the role of the Second Amendment in ensuring that citizens of other countries participate effectively in the democratic systems envisaged according to the American principles enshrined in the US Bill of Rights -- to which they will be given access through regime change in their countries if necessary.

The initiative of the [American Heritage Institute](#) and the [Federalist Society for Law and Public Policy Studies](#) in June 2003 to launch a new website (<http://www.NGOWatch.org>) to expose the funding, operations and agendas of international NGOs -- and especially any efforts by them to constrain US freedom of action in international affairs and influence the behavior of corporations abroad -- is therefore much to be welcomed as a vital step towards the protection and promotion of democracy in the world. The importance of this initiative is signalled by the fact that the two bodies are supported by 42 senior US administration foreign-policy and justice officials. As NGOs of the USA, the two bodies will naturally be very sensitive to the need to ensure that civil society worldwide reflects the provisions for the protection of democracy of the US Constitution -- especially those embodied in the Second Amendment. Indeed for a right wing policy, heavily influenced by Christian fundamentalists inspired by Christian militancy, civil society bodies might easily be conscripted as the "militias" envisaged in that Amendment -- in a new crusade. Care must of course be taken not to convert such bodies into the kinds of "front organizations" that were typical of the NGOs controlled by the government of the USSR -- and widely disparaged for that reason.

The broader challenge is to respond to the misguided attempts to implement global governance in which NGOs have taken the lead role. The UN, Secretary General Kofi Annan notes (24th September 2000) that, "The momentum for combating small arms proliferation has also come from civil society, which has been increasingly active on this issue. The establishment early this year of the [International Action Network on Small Arms](#) [IANSA] has helped to sharpen public focus on small arms, which has helped us gain the public support necessary for success." According to its website IANSA will "provide a transnational framework" for the mobilization of a broad citizen movement in favor of gun control. IANSA is made up of hundreds of otherwise unrelated NGOs.

Unfortunately the greatest tragedy of gun control is its affront to common sense. Like almost all other "solutions" to international problems, gun control will only make gun violence worse. Numerous studies have shown that gun control increases violent crime. Every nation that has implemented strong gun control measures in the past few years has seen a dramatic jump in gun related violence. When criminals and governments believe they can rob, murder or rape people with impunity they do so. [\[more\]](#)

Arming citizens to stabilize democracies in the American empire

In the light of the principles of the long-tested Second Amendment, and the role it performs in ensuring the security of the State in a democratic country, it is clearly essential that citizens newly liberated from the yoke of tyranny in non-democratic countries should have every right to bear arms. This principle is clearly vital to the sustainability of any American concept of democracy that could be conceived as desirable from the perspective of US foreign policy.

From this perspective any suggestion that citizens of such countries should be disarmed is clearly poorly thought out -- if not dangerously flawed -- given American expertise in understanding how democracy works in practice. Specifically any suggestion that citizens of such countries should be disarmed is clearly a guarantee that the uptake of democracy American style will be poor and the systemic pattern of checks and balances will not be appropriately comprehended -- notably within the emergent civil society so vital to such democracy.

This argument points to some significant failures in the implementation of democratic principles in various countries in which the US has extensive involvement or influence:

- **Northern Ireland:** The ineffectual peace process in this province of the principal ally of the US has long been subject to a requirement for "decommissioning" to which the IRA has failed to respond satisfactorily. Curiously the requirement emerged from a commission chaired by a US citizen, Senator Mitchell. It is clear that the Senator has an inadequate grasp of the basis for American democracy as embodied in the Constitution of the US. Had he been more fully aware, and had the UK government been better informed of how to ensure the sustainability of a democracy as exemplified by its principal ally, the emphasis would have been placed on ensuring the arming of citizens rather than on their disarmament. The US position is all the more curious given the documented role of US citizens over many decades in assisting the IRA to acquire arms -- presumably in the light of their clearer comprehension of the functioning of an effective democracy.
- **Afghanistan:** Following the liberation of Afghans from the yoke of the Taliban, the US should have paid greater attention to ensuring the widespread distribution of arms amongst the citizenry. Specifically, given the importance attached to the oppression of women by the Taliban, efforts should have been made to ensure the access of Afghan women to arms in order to safeguard the security of the new democratic state.
- **Iraq:** Again, following the change in regime by coalition intervention, efforts should have been made to ensure the widespread distribution of arms throughout the country, rather than seeking to ensure that the citizens of the emergent democracy hand in their weapons (after being entitled to one Kalashnikov AK-47 per family [\[more\]](#)) and to criminalize possession of some weapons. It is unclear how Iraqis can be expected to appreciate how an American-style democracy works unless they can retain weapons to the same degree as American citizens. The situation is especially problematic in that the Iraqis had already developed a fully armed militia to defend the security of the State in accordance with the precepts of the Second Amendment.
- **Liberia / Sierra Leone:** Given the historical responsibility of America for Liberia, it is regrettable that US insights into the workings of democracy could not have been more effectively communicated to the armed gangs in that country in order to build on their early uptake of the principles of the Second Amendment and extend it into a comprehension of the other dynamics of democracy.
- **Israel / Palestine:** The manifest failure of declared policies in this arena suggests that the full significance of the Second Amendment has not been appreciated in enabling stable democratic solutions to work. Clearly the Israeli settlers have recognized its significance and have fully armed themselves to ensure the security of the State. The policy error has been the failure to recognize the need to extend the arming of Palestinians citizens rather to regret the arming of such civil society groups as Hamas. Surely it is only when all citizens are fully armed can a viable solution be expected to emerge.

In each of the above cases it is regrettable that US advisors could not have integrated the effective uptake of the Second Amendment into the other constitutionally-defined principles fundamental to comprehension of American democracy. Efforts to disarm citizens would appear to inhibit the emergence and stabilization of a democratic system in each case -- in effect an exercise in counter-productivity.

A professor of law, Glenn Harlan Reynolds (*The Next International Right*, *Fox News*, 17 October 2002) summarizes the arguments of Daniel Polsby and Don Kates (*Of Holocausts and Gun Control*, *Washington International Law Quarterly*, 75, 1997, 3). The point made is that the international community has a dismal record of preventing or stopping genocide or punishing those responsible; the victims of genocide tend to be unarmed civilians; the best way to prevent genocide is to ensure that civilian populations are armed. Using Rwanda, Cambodia and the Congo as examples, Reynolds argues it is nevertheless an arresting reality that not one of the principal genocides of the twentieth century, and there have been dozens, has been inflicted on a population that was armed. According to law professor Daniel Polsby and criminologist Don Kates, there is a connection "between the restrictiveness of a country's civilian weapons policy and its liability to commit genocide." Reynolds argues that human rights groups "should be prepared to endorse a new international human right: the right of law-abiding citizens to be armed." [\[comment\]](#)

Complementarity of US foreign and arms trade policies in support of democracy

It is clear that US foreign policy is inadequate in its explicit articulation of the role of the arms trade in preparing the ground for American-style democracy in countries around the world. This is regrettable given the major role that American arms manufacturers play in endeavouring to ensure widespread dissemination of technology essential to uptake of the Second Amendment in any emergent

democratic society. However it may be the case that for strategic reasons it was considered more appropriate to avoid explicit mention of the role of armed citizenry in emergent democratic societies.

The UK, as another major arms trader, may well share this preference for a discrete foreign policy with regard to arms trade as a catalyst for emergent democracy. Again it is regrettable that the UK government is not more proactive in ensuring that its citizens are more effectively armed -- now that it is adopting a style of democracy closer to the American system for which an armed citizenry is a requisite. The flaws in its declared current policy are evident in the manner in which UK society is increasingly menaced by armed gangs against which citizens have no defence. The absurdity of this policy is evident in a case in 2003 in which a burglar was given legal aid to sue a farmer who had wounded him during an attempt to burgle the farmhouse -- the farmer was required to pay his own legal costs.

Vital role of the gun lobby in democratic societies

The above arguments make clear the flaws in official international policies seeking to constrain the arms trade and prevent access of citizenry to arms in order to perform their key role in ensuring the security of the State.

Bodies such as the [National Rifle Association](#) (NRA) in the US clearly perform a vital function in reminding citizens and the US government of the role of arms in protecting the institutions of democratic societies. It is to be hoped that, within the emergent American empire, this body will seek to form effective partnerships and alliances with armed militia and citizenry everywhere in the world [\[links\]](#) -- to provide a firm backbone to civil society. Furthermore it is to be hoped that the NRA will continue to constrain the unrealistic efforts of pacifists and other groups to undermine a principle -- embodied in the Second Amendment -- essential to the protection of the delicate balance of democracy in modern civilization.

The experience of the NRA and other US gun bodies will be vital in providing recommendations, in the light of the experience of the US citizenry, on the quality, specifications and quantity of weaponry to which it is appropriate for citizens to have access in order to be able to perform their role in ensuring the security of the State. In consultation with the arms industry, the NRA may be able to recommend appropriate upgrades to weaponry already held by citizens in emergent democracies in order that they can perform this function more effectively. The NRA may also be able to provide valuable advice to the somewhat amateur gun merchants in countries such as Afghanistan and Pakistan to ensure that they upgrade their facilities into fully equipped professional gun shops of which a truly democratic country could be proud.

From "one man, one vote" to "one gun, one vote"

Democracy has traditionally been promoted under the slogan "one man, one vote" -- now presumably to be corrected for its sexist bias. Unfortunately as elections in most democratic countries are now indicating, the degree of voter apathy is effectively triggering a democratic deficit. There is widespread concern that citizens do not sense that their participation in the electoral process is meaningful. This is notably the case in the USA and the UK -- two of the world's leading democracies whose governments are highly motivated to bring democracy to countries whose peoples are deprived of any effective form of expression.

The problem may be that a single vote in any political process is felt by citizens to have little weight attached to it in practice. It is for this reason that the Second Amendment points to advantages of the American system -- advantages that seemingly have not been adequately explored to their full potential. In according the right to bear arms to every citizen, the Constitution potentially reframes the nature of participation of the citizen in the political system.

"One gun, one vote" is a much more powerful statement in which the weight of citizen participation reflects the respect in which individual citizens should be held by their government. Whereas a single vote may be neglected and set aside -- as with a single signature on a petition -- this is not the case with a gun that can fire a bullet if the view of the voter in defence of democracy is not respected. The gun is therefore a much more powerful expression of citizen involvement in a democratic society -- in which government is designed to be at the service of the people and a reflection of the opinions of the people. The US Constitution is unique in reflecting this insight even if it has so far failed to give it the explicit meaning that it warrants.

The implications of "one gun, one vote" are especially evident at the bureaucratic interface between the citizen and government. Whereas a citizen is exposed to every form of abuse in dealing with bureaucrats -- however much they are presented as "public servants" -- this is not the case for a citizen bearing arms, as presciently envisioned by the Second Amendment. Whereas bureaucrats, notably in developing countries, can often only be persuaded to act through some form of bribery, the provision of the Second Amendment prevents the transaction from becoming ethically degrading in this way. Each party in the transaction is then fully aware of the power of the citizen -- which does not need to be expressed through monetary persuasion. Bureaucratic alacrity is to be expected in a democratic society in which citizens exercise the right provided under the Second Amendment and present themselves appropriately armed to benefit from public services.

From this perspective it is perhaps appropriate to reframe the pattern of political assassination which is especially characteristic of American democracy. It can usefully be seen as the expression of a citizen exercising a right provided under the Second Amendment in defence of the "security of a free State". Clearly in the case of Lincoln, Kennedy and Reagan, the bullet was a concrete expression of voter disapproval in a democracy.

The recently publicized creative initiative of a bank in the USA, that furnishes each client opening an account with a rifle of choice [\[more\]](#), should be emulated when citizens register as voters. There is a need to move beyond the fuzzy principle of the supposed power of the voter to the concrete principle of a voter armed in defence, and in exemplification, of that power. This is an appropriate interpretation of the provision of the Second Amendment with respect to the "security of a free State".

Clearly it is vital, in order to ensure that emergent democratic societies do not become paralyzed by bureaucracies, that citizens should be

armed in order to be able to appropriately articulate their power within that democracy. Again efforts to disarm citizens in such countries would appear to be completely misguided if a fully operational American-style democracy is to work.

The policy of "one gun, one vote" -- envisaged as an outcome to the Afghanistan intervention of the US [\[more\]](#) or to the actions of Robert Mugabe in Zimbabwe [\[more\]](#) -- should therefore be welcomed as an opportunity rather than regretted .

Democratic demonstrations

It is curious that armed citizens appear to participate more actively in public demonstrations in pre-democratic societies than is the case in the USA -- despite the rights accorded to US citizens under the Second Amendment.

Despite the lack of protection of any equivalent to the Second Amendment, citizens of countries like Afghanistan and Iraq -- or those of some African countries -- engage in popular demonstrations armed with automatic weapons. This would appear to reflect an essential principle of American-style democracy and yet apparently American citizens do not choose to exercise that right when they engage in democratic protest.

Curiously it is also the case that American citizens do not choose to bear arms when they attend their place of work, ball games, or other gatherings of civil society -- other than those specifically associated with the use of arms. And yet again, it is in pre-democratic societies like Iraq and Afghanistan -- and some African countries -- that people, including children, openly bear arms even though they are not part of the government military apparatus. It is typical of some Islamic countries, especially in rural areas, for civilians to celebrate weddings and football matches by firing rifles or automatic weapons.

By contrast, in the USA, children may indeed carry automatic weapons to school, for example, but only concealed in a way that suggest they are ashamed of them -- rather than in celebration of their precocious uptake of rights embodied in the US Constitution. It is curious that metal detectors should have been installed in so many US schools to prevent children from exploring their constitutional rights. It is even more curious that it is the child soldiers of pre-democratic societies that anticipate so precociously the transition to genuine respect for the Second Amendment and full participation of children in democracy -- a shift that is happening so haltingly in the USA itself.

Bearing arms publicly and in democratic gatherings

Given the provisions of the Second Amendment, it is curious that in an American-style democracy there is apparently little call to bear arms during a democratic gathering, whether a town hall meeting, a public consultation, or a meeting of Congress. Bearing weapons would surely be a symbolic affirmation of the principles enshrined in the Constitution? The situation is even more serious in that an increasing number of public buildings in the USA actually have security guards and metal detectors to prevent citizens from exercising their right as citizens under that amendment when they enter the building -- and notably when they come face to face with their elected representative or a bureaucrat.

Such double standards were unfortunately manifest in the expressions of shock in the USA when Yasser Arafat addressed the UN General Assembly on 13 November 1974 wearing a revolver holster at his hip -- the first person to exemplify the Second Amendment principles within that plenary assembly. In consistent defence of his principles, it should be noted that Arafat at that time wore a revolver on all occasions. Whether or not the revolver holster actually contained a revolver during his UN address, and according to what non-democratic principles it may have been removed from the holster prior to his address, remains unclear.

It is certainly the case that in many countries, and notably Islamic countries, it is normal for an adult male to bear arms at most times. Even in the most sophisticated circles of modern Arab society, wearing a dagger is an accepted feature of normal dress. It is unfortunate that this is not recognized as an exemplification of principles enshrined in the Second Amendment as indicative of a degree of disposition to adopt American-style democracy.

Condemnation of such behaviour is both narrow-minded and historically short-sighted. It is narrow-minded in that it fails to recognize norms in other cultures. It is historically short-sighted in that it fails to recognize the degree to which citizens bore arms publicly through long periods of European history and, in the case of the USA, in its more recent, culturally formative, pioneering periods. Bearing arms is clearly on the development pathway to the full expression of American-style democracy. Any condemnation should more rightly focus on the fact that it is women who are deprived of the right to bear arms in such countries -- especially since they are then obliged to disguise themselves to avoid provoking harassment and possible rape. It was notably in order to permit women to "uncover themselves" that American women supported the attack of the USA on the Taliban.

It is curious that the arms which citizens have a constitutional right to bear in the democratic USA now tend in most cases to be borne secretly -- in contrast with the pride with which they are borne publicly in pre-democratic societies. Since guns are a classic penis substitute in Freudian terms, this behaviour calls for detailed examination -- especially since penis envy is seen as a characteristic of the anti-gun movement [\[more\]](#). How is it that weapons are worn publicly in pre-democratic societies where women are obliged to conceal themselves to some degree, whereas they are concealed in an American-style democracy where women tend to be overt in the display of their own charms? Ironically in American-style democracies, the only acceptable overt display of a penis substitute is the neck tie. Has the proud exercise of a constitutional right been reduced to such feeble symbolism even in the USA?

In the light of the insights of the Second Amendment there is clearly scope for exploring the advantages of having participants -- men and women -- bear arms visibly in democratic assemblies and committee meetings. Given the ineffectual nature of expression of democratic opinion through voting, participation in any such democratic gathering with suitable weaponry would considerably sharpen and focus endless debates in situations which now tend to fail to converge on any meaningful conclusion. Even if bearing arms is considered too risky, then participants should at least be encouraged to wear holsters. The conditions under which bearing arms is forbidden (airplanes, clubs, etc) should be carefully examined to determine whether holsters could be worn in celebration of the Second

Amendment.

Should peaceful demonstrators be prevented from carrying "violin cases"?

Intangible Responsibility

Addendum on the occasion of the [mass shooting in Aurora](#) (2012)

On 20 July 2012, a mass shooting occurred during a midnight screening of *The Dark Knight Rises* at a movie theatre. Such events are not unusual, whether in the USA or elsewhere. Nevertheless, many were "shocked" (*Aurora Shooting: Shock, Sadness, A Search For Clues*, *The Huffington Post*, 21 July 2012; *'Batman' massacre: World in shock*, *Emirates* 24/7, 21 July 2012). People claimed to be unable to understand "why" -- as with an equivalent [shooting in Norway in 2011](#), with a greater number of fatalities. There the perpetrator claimed it was "gruesome but necessary", using a slogan from a highly popular online game (*World of Warcraft*), as separately discussed (*Gruesome but Necessary: Global Governance in the 21st Century? Extreme normality as indicator of systemic negligence*, 2011). Potentially more "shocking" is why people have been so "shocked" in a period in which hundreds of fatalities are announced on a weekly basis -- as a consequence of the uncontrolled trade in arms, cultivation of a gun culture, and indulgence in a daily diet of increasingly extreme media violence.

Attention is currently being drawn to the fact that in the USA there are more guns in civilian hands than there are people. Neither the number of deaths, nor the frequency of such incidents, are expected to ensure significant change to gun control legislation or to the Second Amendment -- understood as fundamental to American understanding of democracy. As a Permanent Member of the UN Security Council, the USA continues to be a primary manufacturer and distributor of weaponry worldwide -- and therefore with a vested interest in the perpetuation of violent conflict. Multilateral regulation through an [Arms Trade Treaty](#) has been proposed for trade in conventional weapons -- and was the subject of a [UN Conference](#) in July 2012 (*Why we need a global arms treaty*, *Oxfam International*).

As noted on that occasion, there are more regulations governing the production and marketing of bananas than there are of weaponry (Scott Stedjan, *What's the deal with bananas and the global arms trade?* *Oxfam-America*, 26 June 2012). However the debate made it clear that regulation of arms trade was perceived as a potential infringement of the Second Amendment of the US Constitution (Larry Bell, *The U.N. Arms Trade Treaty: Are Our 2nd Amendment Rights Part Of The Deal?* *Forbes*, 10 July 2012; Madison Ruppert, *U.N. Finalizing Arms Trade Treaty, U.S. Claims Second Amendment will be Protected*, *theintelhub.com*, 7 July 2012).

Put bluntly, the Second Amendment is not negotiable -- even if it eventually enables the death of millions. According to the *Wikipedia* summary on [gun violence in the USA](#): There were 52,447 deliberate and 23,237 accidental non-fatal gunshot injuries there during 2000. The majority of gun-related deaths there are suicides, with 17,352 (55.6%) of the total 31,224 firearm-related deaths in 2007 due to suicide, while 12,632 (40.5%) were homicide deaths. The Second Amendment is vital to the sustainability of American-style democracy and therefore should be expected to be reflected in the constitutions of all genuinely democratic countries, according to that understanding of democracy.

The controversy is especially interesting in terms of understandings of responsibility and how this is enshrined in law, in the light of the following:

- as indicated by the statistics, the Second Amendment effectively ensures that people have access to a device which gives them the right to commit suicide, which is otherwise prohibited. People do not otherwise have the right or the means to commit suicide. This is clearly vital as an "exit strategy" from democracy as currently conceived. Access to that facility is not enabled in many countries.
- the Second Amendment gives individuals the right to armed response to threat. This capacity has recently been reinforced, as a [right to self-defence](#), by the US Senate (T.W. Budig, *Controversial self-defense bill passes Senate*, *HomeTownSource.com*, 23 February 2012). Critics have claimed that this is a legal invitation to summary executions instigated by any citizen.
- as the leader of the world's major democracy, the President is now legally empowered to authorize assassinations of individuals in other countries -- when they are perceived by him to be a significant threat to the American people. No democratic oversight is required. As with individual self-defense, the person authorizing the act performs the function of judge and jury in deciding the termination. Collateral damage to civilians, as in the case of drone strikes, may be regretted but is considered acceptable. It may even be treated as a joke (*Obama Jokes About Killing Jonas Brothers With Predator Drones*, 2012; *Did You Hear the Joke About the Predator Drone That Bombed?* *AlterNet*, 2012)
- whilst the President does not carry out assassinations in person, it is his agents -- acting on his behalf -- who perform the task. Since they are acting as agents of the state, they do not have any legal responsibility in the matter and may expect every form of legal impunity.
- such impunity naturally applies to pilots of drones, irrespective of the frequently cited deaths of civilians -- considered as collateral damage, whether regretted or not.
- the degree of impunity extends to some degree, and controversially, to so-called massacres and shootings by military personnel. This is exemplified by the case of the [My Lai Massacre](#) resulting in the death of 347 to 504 unarmed civilians. While 26 U.S. soldiers were initially charged with criminal offenses for their actions at My Lai, only Second Lieutenant [William Calley](#) was convicted -- guilty of killing 22 villagers. He was originally given a life sentence, but only served three and a half years under house arrest. A similar pattern is expected with respect to Staff Sergeant [Robert Bales](#), alleged perpetrator of the killings of 16 Afghan civilians in 2012.
- the erosion of responsibility extends most evidently to the manufacturers of arms and their ammunition. No concern is expressed by them regarding the potential for irresponsible use of their products. Their responsibility cannot be called into question by any legal means -- other than in the case of equipment malfunction. Any responsibility is even more deniable in the case of the employees of those corporations -- as in the case of those who constructed the weapons used in the Aurora shootings. It is appropriate to note however that every effort would seem to be made to avoid detailed indication of the manufacturers of the weapons used in major recent conflicts (Libya, Syria, Congo, etc). Nor is any effort made to trace the origin of the weapons used murderously back to the towns and citizens responsible for their hands-on construction -- as is possible in the case with bananas (cf. *Identification of Bullets: human right and human responsibility?* 2009). How "shocked" is it appropriate for a community to be if it is directly implicated in arms manufacture and marketing?
- the erosion of responsibility is further diluted in the case of the cultivation of a [gun culture](#), most notably through the omnipresence of [media violence](#) (ironically exemplified by the Batman movie, *The Dark Knight Rises*, shown at the time of

the Aurora shooting). How "shocked" is it appropriate to be for a movie industry dependent on such violence (cf. Jake Coyle, *Shooting at Colo. theater shocks movie industry*, *WISHTV.com*, 20 Jul 2012)? In the case of the Norwegian shooter, the point has been repeatedly made regarding his use of online games in training for his act (*Norway Terrorist Used World Of Warcraft As A Training Simulator*, 27 July 2011; *Terrorist Anders Behring Breivik Used Modern Warfare 2 as "Training-Simulation"*, 23 July 2011). Such games -- in which millions engage daily, often for many hours at a time -- are also employed in conventional military training.

This pattern is interesting in that the credibility of the logic hangs on a set of intangibles -- through which people acquire a "right" which "authorizes" them to undertake certain actions in response to "threats" they "perceive", whether or not these are confirmed by others. For these acts they may, or may not, be claimed to be "responsible". As in the case of Robert Bales: *When it all comes out, it will be a combination of stress, alcohol and domestic issues - he just snapped* (*Accused G.I. 'Snapped' Under Strain, Official Says*, *The New York Times*, 15 March 2012). His case bears comparison with that of William Calley. The case of Major Nidal Malik Hasan -- accused in the case of the *Fort Hood shooting* in 2009, involving the death of 13 and the wounding of 29 -- has yet to go to trial. Might the perpetrator of the Aurora shooting be assumed just to have "snapped" -- thereby absolving him of a degree of responsibility? Curiously, in the case of the Norwegian shooting, *Anders Behring Breivik* strongly emphasized that he was sane at the time of the act and therefore fully responsible for it.



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