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Guns, Democracy, and the Insurrectionist Idea

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CHAPTER SEVEN

THE MEANING OF FREEDOM

The relationship between gun rights and democracy is more complicated than the Insurrectionist account would suggest. Any consideration of the political theory of gun rights, moreover, requires at least a cursory review of some of the broader issues in political theory in general, because democracy and freedom mean different things to different people at different times. We submit that no system can claim to be democratic unless it protects, among other things, individual rights, pluralism, and the right to vote in elections decided by majority rule. To defend freedom on a sustained basis, democratic life must draw on both legal and cultural resources with both formal and informal dimensions. The liberty our democracy was designed to protect—and has largely succeeded in protecting over the course of more than two hundred years—is something more than the false freedom of the state of nature.¹ We have in a mind a particular conception of democracy that protects the political equality of individual citizens as the foundation of liberty.

Without political equality, no country can be truly free. And while other definitions of democracy are possible, the American experiment in democratic government is based on political equality:

Jefferson's seemingly matter-of-fact assertion in the Declaration—"all men are created equal"—announced a truly radical principle, whose full

implications no one could anticipate. . . . Henceforth, American freedom would be inextricably linked with the idea of equality (at least for those within the circle of free citizens): equality before the law, equality in political rights, equality of economic opportunity, and, for some, equality of condition.²

Democracy is an effort to thread the needle between anarchy and despotism and create a space where individual freedom is protected by collective security. The only way to maintain the stability of such a system over the long term is to harness the awesome power of the modern state to consolidated democratic values and structural mechanisms with a range of strong political, legal, and cultural checks. For those who value freedom, a robust democracy is essential. As Robert A. Dahl notes, a

democratic culture is almost certain to emphasize the value of personal freedom and thus to provide support for additional rights and liberties. . . . To be sure, the assertion that a democratic state provides a broader range of freedom than any feasible alternative would be challenged by one who believed that we would all gain greater freedom if the state were abolished entirely: the audacious claim of anarchists. But if you try to imagine a world with no state at all, where every person respects the fundamental rights of every other and all matters requiring collective decisions are settled peacefully by unanimous agreement, you will surely conclude, as most people do, that it is impossible.³

The countries that guarantee the most freedom in terms of political and civil rights all are consolidated democracies.⁴ In addition, all of these countries have adopted much more restrictive gun laws than the United States, a situation that by itself should be sufficient to discredit the Insurrectionist claim that unfettered access to guns is necessary to keep people free. Robust democratic institutions in the United States have thus far warded off the political dangers that animate Insurrectionist nightmares as well as the political dangers inherent in legitimizing the use of armed force as a means of expressing dissent in an open society. If Insurrectionist ideology weakens our democratic institu-

tions, however, our government and society's ability to safeguard the individual rights Americans take for granted will be gravely compromised, because our shared belief in democratic norms constrains both the state and private groups that might otherwise be tempted to disregard the rights of political dissenters and the interests of unpopular minorities.

While the concept of freedom appears simple, it has often been the rallying cry for partisans of diametrically opposed positions. Freedom was the rallying cry for both the North and the South in the Civil War and for both Democrats and Republicans during the 1930s as the country debated the New Deal. "Freedom has been a battleground throughout our history,"⁵ and those who can convincingly claim freedom's mantle have perhaps the most powerful political ideal of all on their side.

In terms of political power, legal rights can protect individuals from government action, but in some cases the protection of individual freedom requires the government to act. For example, the First Amendment bars government interference with speech, but the Thirteenth Amendment requires that the government intervene to prevent the perpetuation of slavery. As historian James McPherson explains,

Nearly all of the first ten amendments to the Constitution apply the phrase "shall not" to the federal government. In fact, eleven of the first twelve amendments placed limitations on the power of the national government. But beginning with the Thirteenth Amendment in 1865—the Amendment that abolished slavery—six of the next seven amendments radically expanded the power of the federal government at the expense of the states.⁶

These amendments increased the power of the federal government not simply to recalibrate the balance between centralized and local government authority but also to interpose the federal government between the states and their citizens to protect individual rights from abuses by state and local authorities. Even before the Civil War, commentators observed that the American political tradition was grounded in the idea that the protection of equality is vital to individual auton-

omy. Eighteenth-century writer Joel Barlow said that we need only to “let the people have time to become thoroughly and soberly grounded in the doctrine of *equality*, and there is no danger of oppression either from government or from anarchy.” He concluded that the American notion “that all men are equal in their rights” sustained the nation’s freedom.⁷

In light of the extensive work by political scientists on the conditions that are most conducive to democracy and freedom, the Insurrectionist insistence on the primacy of a link between the unfettered access to guns and political liberty is not only wrongheaded but dangerously counterproductive. The gun rights groups tell their members that they should participate in politics but only to maintain the political leverage needed to keep government in a condition of perpetual weakness. By insisting that the ability to use private force is the best check—and ultimately the only guarantee—against overreaching by the state, the Insurrectionist idea encourages the misconception that a well-maintained gun collection is a substitute for the hard work of citizenship in a democracy.