



Defense with dignity: how the dignity of violent resistance informs the Gun Rights Debate

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Abstract

Perhaps the biggest disconnect between philosophers and non-philosophers on the question of gun rights is over the relevance of arms to our dignitary interests. This essay attempts to address this gap by arguing that we have a strong *prima facie* moral right to resist with dignity and that violence is sometimes our most or only dignified method of resistance. Thus, we have a strong *prima facie* right to guns when they are necessary often enough for effective dignified resistance. This approach is distinctively non-libertarian: it doesn't justify gun rights on the basis of (mere) liberty or security. Nonetheless it is compatible with libertarian defenses of gun rights based on a liberty right to guns, and, if sound, in fact lowers the bar for gun rights in some ways, as it justifies access to guns even when nonviolent means would better achieve the liberty or security aims of potential victims. And although this defense of gun rights is most readily categorized as “conservative” or rightist, it relies upon principles and intuitions about dignity popular among progressives in other domains, such as in disability, women's, or LGBT rights debates.

Keywords Gun rights · Gun control · Self-defense · Dignity · Passive resistance · Nonviolence

1 Introduction

Philosophers on both sides of the gun control debate typically assume that a moral right to guns is contingent on whether guns make us individually or collectively safer

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or freer.¹ For instance, Hugh LaFollette (2000, 278) holds that, “[g]iven the negative results of private gun ownership, gun advocates should show not only that guns deter crime, but that they are the best way of doing so.”² And in his pro-gun reply, Samuel Wheeler argues

not that guns are one among *several* means to protecting oneself ... but that guns are *the only* currently practicable means. That a gun is the *only* practicable means in some situations generates a prima facie entitlement to have a gun. (Wheeler 2001, 21-22, emphasis in the original)

Jeff McMahan (2015) has asserted that the empirical premise gun advocates must defend is that “members of society as a whole are safer when more of them have guns.” David DeGrazia (2014) argues against gun rights as empirical evidence suggests handgun ownership is on average self-defeating because it increases net risk for the owner, while Timothy Hsiao (2015), Michael Huemer (2019), and Lester Hunt (2016) have argued that even if widespread public gun possession should be shown increase the overall risk to society, individuals have an undefeated right to defend themselves with guns when it would improve their personal security interests. Likewise, for both gun control and gun rights advocates, the right to arms for the sake of resisting political oppression is typically thought to be predicated on how effective guns are at protecting a population’s rights against their government or an oppressive majority (Crummett 2021; Wheeler 1999).

Whether or not guns are critical to our (collective and individual) freedom and safety are important questions. Political scientist Erica Chenoweth and collaborators have amassed an impressive case, based on careful analysis of over a century of resistance movements, that nonviolent campaigns are roughly twice as effective as violent ones at achieving their aims, so in many cases armed resistance will be less effective than unarmed resistance in the forms of (inter alia) protest marches, work slowdowns, and hunger strikes (Chenoweth & Stephan 2011). Turning to violent crime, there is also significant evidence that firearm regulation can reduce gun violence (Lee, Flegler, & Farrell 2017), and that gun possession can be more dangerous for individuals on net: materially, many people would be better off investing in dogs, alarm systems, and better locks, given the added risks of accident and suicide guns introduce (Moyer 2017); and even when we focus on actual assaults, gun use might not be much more effective than measures such as doing nothing, calling for help, or threatening to call the police (Hemenway and Solnick 2015). All that noted, what this paper adds to the gun debate is the point that our moral right to purchase, possess, or carry guns *also* depends to some degree on whether and when armed resistance is required by dignity.³ Victims have a strong prima facie moral right not only to resist

¹ Michael Huemer (2003) has argued that we have a freedom-based right to guns even if they collectively make us less safe, but he argues that this right is based on the recreational and security interests of individual gun owners—no mention is made of dignity.

² The idea that gun rights hinge on the safety of guns is also assumed by Nicholas Dixon (1999)..

³ Deane Peter-Baker (2014, 239) does briefly address the importance of dignity in justifying self-defense generally and notes repercussions this has for the reasonable success condition, an implication drawn out in greater detail by Daniel Statman (2008), although Statman doesn’t discuss gun rights there.

assault, invasion, or oppression, but also to do so with dignity, and dignity sometimes justifies armed violence even when nonviolence would end or avert the victim's harm more efficiently or safely. Generally, if we have an overarching right to act with dignity, then we have a moral right to guns if dignified resistance is likely enough to require them. Precisely how likely is likely enough, and whether or where, in the real world, that threshold has been met, are questions for future research: at present, it is enough to establish our "dignity right" to violent resistance and hence our dignity right to guns.

Four notate bene before launching into the argument. First, I will assume readers have intuitions about indignity, just as they have intuitions about what's cruel or unjust, and that they aren't skeptics about dignity's moral relevance. It may be impossible to argue for the existence of dignity: I suspect that, like any other fundamental moral category, one either has intuitions about dignity or not and, if one does, one does or doesn't accept as genuine the moral property those intuitions suggest. Second, I will base my case on (what I trust to be) widely shared intuitions about the indignity of particular cases, not any theory about what dignity requires. It is possible to motivate a *prima facie* dignity right to firearms without elaborating a theory of dignity, just as (say) one could motivate a freedom right to abortion without offering a theory of freedom. Third, I do not claim we have an obligation to defend ourselves with dignity, just that we have a right to. Some, perhaps coming from a more Kantian tradition, will find it puzzling to allow that one might be morally permitted to act "beneath one's dignity," but there are other traditions on which the possibility makes sense: an older, aristocratic one, on which choosing an indignity for the sake of security is unobjectionable but simultaneously reveals that one deserved to be treated with less dignity after all; and a newer, liberal one, on which dignity may be sacrificed without censure for the sake of life or liberty. Be that as it may, if we are obligated to act with dignity, since it is within our rights to do what we must, this essay's weaker conclusion holds. Fourth and critically, I will be defending a *prima facie* right to *dignified resistance*, not a right to resistance *for the sake of dignity*. It well may be that violence is justified for defense merely of one's dignity (such as being insulted or addressed with a slur—readers can supply their own cases), but that is not what's being argued for here. Rather, the concern is, for whatever offense the reader thinks uncontroversially justifies resistance, whether victims of such offenses choosing to resist have a right not only to resist but to resist with dignity, and if so, how violence and firearms figure into dignified resistance.

2 Our dignity right to dignified resistance

In 2013, amidst a heated debate on whether guns should be allowed on Colorado campuses, the Department of Public Safety at the University of Colorado at Colorado Springs (UCCS) published a memo advising students to vomit or urinate on themselves if sexually assaulted. Although the memo also endorsed "hitting or biting," it cautioned that "some [presumably violent] actions on your part may lead to more harm" and that "if your life is in danger, passive resistance may be your best defense" (Newcomb 2013). As could be expected, right-wing pundits promptly criticized the

memo's recommendations as ineffective, infantilizing, and condescending (Malkin 2013). But even feminist and progressive commentators found the advice distasteful (Baker 2013). UCCS, friendless on the issue and hoping to avoid more bad press, pulled the offending webpage within days, but their infamous advice is a permanent part of the gun rights memeplex.⁴

As odd as UCCS' recommendations may sound, a little research reveals that they are not idiosyncratic in the self-defense community. For instance, the book *See Sally Kick Ass: A Woman's Guide to Personal Safety* (Vogt 2006, 108) suggests that attacked women, among other things, rub vomit or feces all over their bodies, as does *Fight Back! Safety and Self-Defense Tips* (Rivera 2012, 3), which also advises acting "crazy" and barking like a dog. Note the contrast between the titles of these books and their advice: why weren't they titled *Bark Like a Dog!* or worse, *See Sally Rub Feces on Herself*, if such tactics are sound? The obvious answer is that these unsavory methods of self-defense are downplayed because they are undignified.

I begin with these examples of degrading resistance because our response to them is not the result of primitive honor culture (Cohen 1994) or macho frontier individualism (Baum 2013)—normative strategies sometimes blamed for gun rights advocacy. Commentators across the political spectrum, and the urbane and cosmopolitan philosophers with whom these thoughts have been shared, seem agreed that covering ourselves with egesta would be an undignified self-defense measure, so we can say with confidence that defense with dignity matters to a wide and diverse swath of readers.

Readers still skeptical about our right to dignified resistance may wish to consider other realms in which dignity-based rights (henceforth, "dignity rights") are more familiar and amenable to their ethics or politics. As has been noted by Supreme Court justices and legal commentators on both the political right and left, dignity cannot inform disability rights, women's rights, and gay rights but not self-defense rights. For instance, (left-leaning) legal theorist Jeffrey Rosen writes:

[D]own the line, the right to dignity—now celebrated by liberals for what it means to gay rights—could ultimately produce other decisions in unrelated cases that they would not be so quick to celebrate. In the McDonald case, striking down gun possession laws under the Second Amendment, Justice Scalia recognized a dignitary interest attached to the right to bear arms. (Rosen 2015)

To sharpen this point, let us draw upon our intuitions about disability with dignity for a moment. Suppose your local magistrate decided to assist wheelchair-bound individuals by hiring powerful bailiffs to carry them up the courthouse steps. There is little doubt that being cradled in a court officer's beefy embrace would require less effort than wheeling oneself up a ramp. It would probably be more comfortable and make the ascent quicker. Some disabled people might prefer it. But disabled people have a right to use ramps if they prefer them, and it would be outrageous to substitute bailiffs for the more onerous but (I think we agree) more dignified ramp option. Generally,

⁴See <https://highheelsandhandguns.files.wordpress.com/2014/05/screen-shot-2014-05-19-at-9-44-00-pm.png?w=640>.

disabled people have a right to dignified accessibility technologies even when less dignified measures would be more efficient, practicable, or convenient. Likewise, I urge that those who are likely enough to require firearms to resist with dignity have a prima facie moral right to them, even if guns are less effective or safe than unarmed alternatives for people in those circumstances.

3 Dignity and violent resistance

As the UCCS recommendations show, we have a prima facie right to dignified resistance, which means we have a prima facie dignity right to violent resistance in cases where dignity demands it. That said, noting that we sometimes have prima facie right to dignified violent resistance just as we have a prima facie right to dignified non-violent resistance is different from noting that we have a right to dignified resistance in daytime just as we do nighttime. There is something *about* violence that (*ceteris paribus*) dignifies our resistance. Establishing that point, and speculating on when and why this dynamic is true, is the purpose of this section.

Rubbing excrement over oneself to discourage a rapist exemplifies what can be called a “repellence” strategy. Repellence seems to fall in between “passive” (or, on the political level, “peaceful”) resistance on the one hand and “violent” resistance on the other. We might think of the passive resistance strategy as aiming to wear out the attacker, as when a balled-up armadillo’s tuck outlasts a hungry bobcat’s batting and gnawing. Repellence adds a toxic or otherwise discomfiting contribution from the victim. This feature makes repellence more costly for attackers than passive resistance since, as in the case of the poison dart frog’s ooze, the victim’s countermeasures can be harmful and even deadly. Finally, violent resistance we will understand in terms of *fighting back*. Of course, the lines between these three forms of resistance are fuzzy. Emitting an ooze is repellent, but what about releasing a toxic goo only when you’re attacked? Or secreting goo only on your hands, with which you proceed to smear your attacker? Tough questions; but the categories are distinct enough to work for present purposes, since firearm use is clearly fighting back, violent, and not repellent.

It must be conceded that repellence and passive resistance can be dignified. Activating a blaring alarm or releasing a cloud of tear gas would be repellent and yet dignified methods of resisting attack in many cases (a point to be expanded upon in a moment). Also by way of concession, violent resistance can certainly be *undignified*. Violent responses to certain insults are particularly inapt, and there is something about inapt responses that strikes me as necessarily undignified. As do awkward performances: even if innocent, a drunken man’s efforts to fight off an assailant in the pub parking lot is more likely to be cringeworthy than dignified. Nevertheless, I suggest that when apt and adroit (and doubtless a few more qualities), violent resistance will be more dignified than nonviolent alternatives.

To motivate this claim, let’s consider three of the most celebrated instances of nonviolent resistance, which are often felt to be highly dignified. The first is 1930 Dharasana Saltworks raid, in which over 2000 Indian men lined up in rows to symbolically storm the Dharasana Saltworks in protest of the British salt tax by bravely

walking into the cudgels of its guards (an event memorably dramatized in the film *Gandhi*).⁵ As American journalist Webb Miller reported it,

Not one of the marchers even raised an arm to fend off the blows. They went down like ten-pins. From where I stood I heard the sickening whacks of the clubs on unprotected skulls. The waiting crowd of watchers groaned and sucked in their breaths in sympathetic pain at every blow. Those struck down fell sprawling, unconscious or writhing in pain with fractured skulls or broken shoulders. In two or three minutes the ground was quilted with bodies. Great patches of blood widened on their white clothes. The survivors without breaking ranks silently and doggedly marched on until struck down. [...] At times the spectacle of unresisting men being methodically bashed into a bloody pulp sickened me so much I had to turn away I felt an indefinable sense of helpless rage and loathing, almost as much against the men who were submitting unresistingly to being beaten as against the police wielding the clubs Bodies toppled over in threes and fours, bleeding from great gashes on their scalps. Group after group walked forward, sat down, and submitted to being beaten into insensibility without raising an arm to fend off the blows. Finally the police became enraged by the non-resistance They commenced savagely kicking the seated men in the abdomen and testicles. The injured men writhed and squealed in agony, which seemed to inflame the fury of the police The police then began dragging the sitting men by the arms or feet, sometimes for a hundred yards, and throwing them into ditches.⁶

The self-possession and courage of the Dharasana Saltworks raiders is undeniable. And yet, although the raid couldn't have been more dignified given its actual historical context, it seems equally clear that its dignity was contingent upon the protestors' inability to expel their British overlords violently. For suppose those hundreds of millions of Indians magically received the weapons and training necessary to violently liberate themselves: what would we say of the Dharasana "raid" then? Wouldn't we consider it a perplexingly demeaning effort, however stoical? Far more dignified in this hypothetically armed India would be an immediate refusal to obey British rule and an ultimatum to the British giving them one month to remove themselves before being shot on sight.⁷ Intuitively, this apt and adroit violent response would be more dignified even though it would require less heroism than the Dharasana raid.

Or consider another paradigm case of dignified nonviolent resistance: that of Martin Luther King, Jr.'s campaign for racial justice. Most of us think King's campaign would have been less, not more, dignified if it embraced the violent methods called for by black nationalists such as Malcolm X. I agree, but this is not a counterexample to the view advanced here. Black nationalists weren't seeking integration into a white America so much as independence from it. So, given that violence usually alienates,

⁵ Available on YouTube at: <https://youtu.be/yrHNig2ajQ>.

⁶ https://en.wikipedia.org/wiki/Dharasana_Satyagraha#Dharasana_march.

⁷ Readers who disagree with my suggested course of action still, I trust, agree with my intuition that the "raid" would be undignified for an armed India.

violence would have been inapt and thus undignified for King's movement, but not necessarily Malcolm X's. (Of course, the violence black nationalists called for might have been undignified and/or immoral for other reasons.)

As we all know, King was inspired by Gandhi's philosophy of nonviolent resistance, which the former saw as expressive of Christian pacifism. In "Nonviolence and Racial Justice" (1957), King adverts to Jesus' scolding of Peter at Gethsemane when the latter cuts off the ear of a servant of the high priest trying to apprehend Jesus: "Put up thy sword into his place: for all they that take the sword shall perish with the sword" (Matthew 26:52). Fair enough, given Christian assumptions. But King ignores the verses that follow it: "Thinkest thou that I cannot now pray to my Father, and he shall presently give me more than twelve legions of angels? But how then shall the scriptures be fulfilled?" (Matthew 26:53–54). So according to Jesus, the Father keeps a standing army of at least 72,000+ angels, and it might well have been permissible for them to be called upon to smite his persecutors *if* it weren't for the fact that such violence would be incompatible with Jesus' determination to fulfill a soteriological law saying he must sacrifice himself for mankind's redemption. In other words, on the gospel's logic, Peter's violence is again what I'm calling "inapt" given it worked counter to Jesus' aims. Thus, violent resistance itself is hardly condemned, even in this passage—if anything, we get a reinforcement of the idea that violence is sometimes required for a dignified defense.⁸ So upon reflection, three of the most acclaimed instances of dignified nonviolent resistance are dignified only because either effective violent alternatives were not available or because violence was at cross-purposes to the aims of the victims.

But what *is* it about (apt, adroit, etc.) violence that dignifies resistance? Although this essay's argument doesn't require an answer to this question, some theory might prove helpful.⁹ One hypothesis is that, by fighting back, we are refusing to grant the attacker a greater-than-necessary discretion over the terms of engagement or its conclusion. For instance, if Jill passively resists the attempted rapist Jack (say, she tucks into the world's most effective fetal position), Jack still gets to determine when the episode is over. Even if Jill makes herself repellent (say, by evacuating her bowels), Jack nonetheless gets to decide when to break off the disagreeable attack and go about his business. But if Jill fights back, then Jack no longer calls the shots on whether the engagement will continue or what consequences he will suffer. Upon putting up a fight, Jill makes Jack's aggression game theoretic, not decision theoretic: Jill as it were transforms herself from an inert feature of Jack's landscape into an agent who helps shape Jack's world, just as Jack has helped shaped hers. This

⁸ For non-dignity related interpretations of gun rights in light of Biblical authority, see Mike Austin (2020) (and Timothy Hsiao (2020)).

⁹ Compare what follows with Daniel Statman's (2008, 668–669) justification, based on "honor" and not "dignity," of futile self-defense: "When we are attacked by people who want to kill us, rape us, or steal our possessions, we face two kinds of threat. One is the direct threat to our life, bodily integrity, property, or whatever else the villain desires; the other is the threat to our honor. We realize that, in the eyes of the aggressor, we are just items to be used, mere objects. Given the power of the aggressor and his ability to force his will upon us, we fear that by doing so he will quite literally degrade us. We feel we must protect not only our body or our property but our selves. [...] Concrete acts of resistance are needed in order to communicate to the aggressor, to ourselves, and to an actual or potential audience that we are not just passive objects to be trodden upon."

explanation is reminiscent of classical republican thoughts about why voting and legal rights are especially important to dignity. One might say that the dignity of being non-dominated on the individual level—of being such that someone cannot offend against you with impunity—is the classical republican conception of political freedom writ small.¹⁰

I suggest we read this explanation of the dignifying nature of violence-as-“fighting back” as not being about *equalizing* the victim and attacker so much as *elevating* the victim vis-à-vis the attacker, since the latter but not the former explains why certain nonviolent responses (I hesitate to call them “resistances”) to threats are sometimes more dignified than violent ones. Consider your response to mosquitoes annoying you at a cookout. You can swat individual mosquitoes: this is analogous to (or a literal instance of?) violent resistance. However, the swatting strategy exposes you to more bites than necessary and takes some effort on your part—it’s much easier to spray yourself with mosquito repellent and go about your day. Analogously, suppose that an “assault spray” were invented that would repulse all and only would-be assailants well before they could lay their hands on you. Suppose also assault spray was convenient and, far from being disgusting, doubled as your favorite cologne, so it doesn’t degrade you at all to use it. Plausibly, assault spray would be preferable to violent self-defense, all-told: it would reduce the chances of your being victimized, avert any trauma from having to violently fend off an attack, forestall any legal repercussions of violent self-defense, and so on. But setting all these advantages aside, isn’t it counterintuitive to assert that assault-spray would be less dignified than fighting off the assailants? Even by my lights, violent self-defense appears to be the less dignified option here. Plausibly this is because choosing to deal with assailants with violence as opposed to effortless repulsion would inappropriately elevate our *assailants*: given their intentions, assailants have no right to enter a contest with us, and we have no obligation, even of dignity, to grant them such a right as co-shapers of our worlds. (This theory squares nicely with the “He’s not worth it!” trope so familiar in action dramas such as *Karate Kid* or *Harry Potter*, where the sidekick or girlfriend tries to pull the thumotic protagonist away from the bully—the sidekick or girlfriend is saying the bully doesn’t deserve the honor that single combat with the protagonist would confer. But of course, because good stories require conflict, the protagonist in these situations *doesn’t* have “bully spray,” and so is situated to have no other dignified option than to face the bully in a showdown.)

Further speculation about the dignifying effect of violence must be left for another time. One needn’t accept this or any other theory to recognize that we have a right to defend ourselves in dignified ways. Clearly we have right to resist with dignity, and any number of everyday instances of assault, invasion, or oppression can be provided demonstrating (for anyone capable of intuitions about dignity) that sometimes the most dignified forms of resistance will be violent ones.

¹⁰ See e.g. Philip Pettit (1997).

4 Our dignity right to more dignified resistance capabilities

But how can that last assertion be true, given the fact that, for instance, the nonviolent Dharasana Salt Works “raid” was a model of dignified resistance? How could it be that the Dharasana Salt Works raiders acted with impeccable dignity and yet, according to the present view, they had a *dignity right* to violence and even firearms? Disability again provides us with an instructive analogy.

First, it seems intuitive that some capabilities are more dignified than others, and that the dignity of our actions is relative to our capabilities. To appreciate this, consider the circumstance of a paraplegic man—let’s call him Ramesh—photographed struggling to ascend, in monsoon rains, the stairs of a non-handicapped-accessible subway terminal in New Delhi.¹¹ Ramesh’s determination in the face of hardship strikes us as quite dignified—much more dignified than would be his simply despairing or begging to be carried. And yet, the fact that Ramesh’s ascent is dignified without access to a wheelchair in no way undermines his right to procure a wheelchair, which he has a right to do not only for reasons of convenience, but also for reasons of dignity: for although crawling is perfectly dignified *if you don’t have a wheelchair*, it is (*ceteris paribus*) more dignified to use a wheelchair than to crawl if you *do* have a wheelchair. So too, we would not find Ramesh’s wheeling himself about to be dignified if he were able-bodied, or even if he were paraplegic but had a pill that could instantly make him able-bodied.

Second, dignity and capability are mediated by more than efficiency. I have noted that there is something that makes it more dignified to use a wheelchair (if you can) than to crawl, and to walk (if you can) rather than to use a wheelchair. We might think this is because walking is more efficient than using a wheelchair, which is in turn more efficient than crawling. But then again, recall the case of the beefy bailiffs: it would be more efficient, but less dignified, to be carried about by the muscular court officers than to use a wheelchair. So the lesson seems to be not that we have a *prima facie* dignity right to access the most efficient available means of mobility, but rather that we have a *prima facie* dignity right to access the most efficient *of the most dignified* forms of mobility available.

Since there is nothing unique about disability in this regard,¹² there must be some general *prima facie* wrong in keeping people from “leveling up” to more dignified forms of reply to life’s challenges. Thus there is no tension in asserting (a) that the Dharasana Salt Works raiders acted in a supremely dignified way (given their capabilities), and yet (b) that it would have been more dignified for them to be armed and expel the British through force. It would seem our dignity-rights are two-dimensional: we have a *prima facie* dignity right to act in the most dignified manner possible *given our capabilities*, but we also have a *prima facie* dignity right to *more dignified capabilities*.

¹¹ Photo by Sushil Kumar Verma, titled “Indomitable Spirit” by *The Hindu* (July 13, 2013), available: <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/indomitable-spirit/article4910845.ece>.

¹² Examples can be multiplied. To take one of many, readers are likely to consider it not just a material, but also a dignitarian harm for Afghan women to be barred by the Taliban not only from schooling, but also the best schooling available, yet no one would consider women trying to cobble together whatever meager education they can in present circumstances to be educating themselves with less than full dignity.

5 Our dignity right to guns

We may now apply these lessons to guns.

P1. When we have a right to resist, we have a prima facie right to *dignified* resistance.

As the recommendations that women vomit or defecate on themselves to avoid rape taught us, we have a prima facie dignity right to dignified resistance, even when it is less efficient or more dangerous to us than some less dignified method.

P2. In fact, when we have a right to resist, we have a prima facie right to the most dignified *form* of resistance available.

As the case of Ramesh the crawling paraplegic shows, we have a prima facie dignity right not only to dignified F-ing but also a dignity right to “level up” to the most dignified form of F-ing (assuming, of course, that F-ing is a morally permissible sort of act, such as ambulating or resisting assault and oppression).

P3. Violent resistance is often the most dignified form of resistance available.

P4. So, when we have a right to resist, we often have a prima facie right to violent resistance.

As the discussion of Dharasana Salt Works raid helped show, violent resistance is often going to be more dignified than nonviolent resistance. So we often have a prima facie dignity right to violent resistance when we have a right to resist. Now if assault-spray or tyranny-spray or what have you *were* available, then, because they would be even more dignified responses to assault and oppression than violent resistance, we would have a prima facie right to access and use these sprays. In fact, one might argue that we would lose our dignity right to firearms if we had access to the tools necessary for a response to assault and oppression even *more* dignified than violence; for whereas we might say Ramesh has a right to crutches *even if* he can walk, that right would be a freedom right (say, to collect useless objects), not a dignity right. Be that as it may, magic sprays are not available (and their use may not even count as “resistance”), so often the most dignified form of resistance will be violent.

P5. Generally, if we have a right to x, we have a right to effective x.

P6. So, when we have a right to resist, we have a prima facie right to effective violent resistance.

A right to dignified resistance entails a right to *effective* dignified resistance. Ramesh of course doesn’t just have a right to access a wheelchair, but a working wheelchair, and in fact the best wheelchair he can afford or be gifted. And there is nothing unique about dignity in this regard: when we say people have a right to water or education, we mean they have a right to clean water and good education. (Many philosophers think we have a *positive* right to clean water or good education, but nothing so strong

is being asserted here: all that's being argued for is that Ramesh has a dignity right to *acquire* a working wheelchair, not to be given one.) Likewise, when violent resistance would be the most dignified form of resistance, we have a *prima facie* dignity right to acquire what is needed for effective violent resistance.

P7. In some cases, guns are necessary for effective violent resistance.

P8. If we have a right to x, we have a right to what's necessary for x.

C. So, when we have a right to resist, in some cases, we have a *prima facie* right to guns.

Again, this right shouldn't be understood as a positive right but merely a right to access guns. What "access" involves (purchasing? carrying? 3-d printing? and for whom?) can be left for another, less programmatic, discussion.

What does this imply about gun control? The point of this article is to establish a second kind of *prima facie* right to firearms—one based on dignity—and not to defend any determinate policy on gun rights. Nonetheless, an illustration of dignitarian thinking on gun control may be desirable. To that end, I close this section by sketching my thoughts on what the defense-with-dignity view means for gun control as it relates to violent criminality and state oppression.

As regards the former, it is debatable whether our dignity right to guns justifies, even *prima facie*, access to guns where violent assault is extremely rare. Likewise, that right doesn't obviously justify, even *prima facie*, access to types of guns necessary only for certain types of very rare offenses. For instance, suppose semi-automatic rifles were ideal tools for defending oneself with dignity from rioters, but awkward with regard to resisting individual attackers or home invaders.¹³ In areas where violent mobs are unheard of, we may have no dignity right to semi-automatic rifles. Or more precisely, we'd have no right to semi-automatic rifles for the sake of *dignified self-defense*: we may retain a dignity right to semi-automatic rifles based upon the threat of government oppression or even some consideration having nothing to do with resistance, such as a right to sporting equipment. Be that as it may, most competent, responsible adults have an undefeated dignity right to access guns that allow them to defend themselves with dignity appropriate to the types of threat that are a real concern where they live.¹⁴

Even for places where violent criminality is not a reasonable concern, we have a *prima facie* right, and usually an undefeated one, to firearms if the government has them, since government oppression is always a concern and violent resistance will generally be more dignified than non-violent resistance. This doesn't entail that indi-

¹³ Some who are extremely proficient with semi-automatic rifles swear by them even for purposes of home defense. But for most, a handgun will be better in such situations and nothing about using a handgun instead strikes me as less dignified. Moreover, the velocity of rifle rounds makes firing them in apartment complexes considerably more dangerous to third parties. However, semi-automatic rifles are vastly superior for discouraging violent mobs, as can be seen by their adoption and use by businessowners, homeowners, and police during riots.

¹⁴ I would add that the threat of violent attack shouldn't be determined by artificially low rates of assault achieved only because law-abiding citizens are forced to avoid the streets at night or cower behind layers of reinforced doors, fences, and even barbed wire.

viduals have an undefeated right to nuclear weapons. For obvious reasons it's foolhardy to allow individuals access to weapons allowing them to unilaterally mount an effective violent revolution. In my view, a *prima facie* right to effective dignified resistance against state oppression is satisfied if individuals cannot easily be "disappeared" and, if joined by a significant number of their fellow citizens, can force the government to back down or at least pay a heavy price in terms of morale, legitimacy, and international reputation.¹⁵

6 Dignitarian vs. libertarian defenses of gun rights

As asserted in the introduction, our right to firearms is often taken to be derivative upon our right to achieve our security and freedom. As we have seen, the dignitarian demurs, holding that we have a *prima facie* right to violent resistance (and thus effective violent resistance, and thus armed resistance, given the right circumstances) even when doing so is worse for our security and liberty aims. That said, we should not infer from such cases that dignitarian rights always lower the bar for gun rights. Perhaps guns cannot be wielded adroitly by some people. For instance, in a now infamous 2018 report on "fully semi-automatic" AR-15s, CNN's Gary Tuchman fires off a few shots downrange in such a maladroit manner that he cannot claim a dignity right to firearms. Likewise, in a widely mocked 2016 article, journalist Gersh Kuntzman describes his first experience shooting an AR as so:

The recoil bruised my shoulder, which can happen if you don't know what you're doing. The brass shell casings disoriented me as they flew past my face. The smell of sulfur and destruction made me sick. The explosions—loud like a bomb—gave me a temporary form of PTSD. For at least an hour after firing the gun just a few times, I was anxious and irritable.

Are these reporters being sensationalist and hamming it up to advance their political agenda? No doubt. But nonetheless, there certainly are some, and indeed perhaps a wide slice of society, whose resistance wouldn't be dignified by firearms and possibly any form of violence. Such people do not have a dignity right to guns or at least not one they can claim, although they may have a right to firearms on other grounds. Thus, a bare dignity right to guns can set a lower *or* higher bar than do other sorts of rights to firearms. Nonetheless, I see nothing about a dignity right to guns that is incompatible with other, more familiar ones, and thus it works with them not only to buttress, but also expand our claims to firearms.

7 Objections considered

In what follows, I only outline strategies of response to the most obvious objections to claiming a dignity right to guns, which I take to concern increased risk to others.

¹⁵ See Crummett 2021, 253ff, *op. cit.*, for a recent elaboration of similar thinking.

Objection from innocent third parties. “What about the extra risk gun use and possession imposes on innocent third parties? It seems selfish to prioritize defending yourself with dignity over the welfare of innocent people around you, especially given that, on this view, you may increase their exposure to harm even for no security benefit to yourself—indeed, on this view you can put innocent third parties at greater risk even when doing so puts *yourself* at greater risk, if dignified resistance requires it. That’s crazy!”

In reply, suppose Simone, a single mother earning low wages as a waitress, is raising her children in an impoverished and dangerous neighborhood. Suppose further that her looks would allow her to earn more money as a “cam girl” on Onlyfans which, given that she’d be working at home and for herself, would also afford her more safety and autonomy than waitressing. Simone realizes all this, but rejects sex work because (correctly or not) she sees it as demeaning. So Simone’s refusal to become a sex worker places her children in greater peril for the sake of dignified employment.

It is implausible that Simone may put her children at risk for the sake of her (perceived, and possibly misplaced) dignity in matters of employment but that we may not put others in some additional risk for the sake of our (perceived, and possibly misplaced) dignity in matters of resistance. Estimate for yourself how much danger Simone may put her children in for the sake of dignified employment: from attacks on the street, fights in schools, predation in the hallways of her tenement, aggressive policing in her family’s high-crime area, etc. This additional danger is likely to be higher than that imposed on third parties by responsible gun owners, availing themselves of gun safes and conscientious carrying practices. What about armed resistance against political oppression? True, your average revolution is more dangerous to innocent third parties than is an armed populace prepared to use force against violent criminals. But even so, if Simone had a sick child needing expensive medical care, many readers will say Simone morally may reject, for reasons of dignity, an indecent proposal that would save her child’s life. Generally, critics need to find some reason for why dignity on behalf of resistance would be a uniquely bad justification for putting innocent third parties at risk.

Objection from harm to attackers. “On your view, we have a *prima facie* right to effective violent resistance when it would be more dignified than alternative measures. Presumably you feel this is a right even when the victim can extricate herself from the situation nonviolently, and even when violent resistance would put herself at greater risk. Surely in such cases, the added material harm for the attacker outweighs the mere dignitary harm to the victim.”

By way of answer, we should first note the Simone case shows that, in non-resistance contexts, we seem quite prepared to say one can put *innocent third parties* at greater risk for the sake of dignified employment. If that’s right, it is likely that there are circumstances in which we may put *aggressors*, who have much less claim to our concern, at greater risk for the sake of dignified resistance.

But what of the duty to retreat? Suppose Jack seems intent on sexually assaulting Jill, and Jill, though armed, is a marathon runner who can easily outrun Jack to safety. Must she do so? Admittedly, those who think dignity *itself* is worth fighting

for will probably be more amenable to “castle doctrines” and “stand your ground” laws, which have a dignitarian tenor.¹⁶ But crucially, recall from the fourth *nota bene* that this essay isn’t defending a right to defend our dignity *per se*, but merely a right to defend ourselves *with* dignity: i.e., to defend ourselves with dignity in cases where resistance is independently felt to be warranted.¹⁷

For cases in which retreat is not required in the reader’s estimation, then on the present view the victim has a *prima facie* right to dignified resistance, and in fact effective dignified resistance, and the means necessary for that. Earlier we noted that it is intuitive that a rape victim has a *prima facie* dignity right to violent resistance, even if doing so would be expected to make her worse off. We ignored harm to the attacker in that discussion; but since clearly (say) biting and scratching is worse for her attacker than passive resistance or even repelling him by making herself disgusting, this case alone establishes that a victim has a right to impose additional harm on her attacker even when these efforts would be futile.¹⁸ And if she has a dignity right to *ineffective* violent resistance that causes her attacker additional harm, how could she not have a right to effective or at least *more* effective violent resistance, and the tools required for that, even though using tools necessary for effective violent resistance would impose even more harm on her attacker than scratching and biting would?

To this, a critic may reply that effective violent resistance would sometimes be excessive while the ineffective violent resistance would sometimes not be.¹⁹ Imagine a wheelchair-bound woman being groped in an isolated area faced with the choice of either offering feeble physical resistance or shooting her molester with the gun she conceals in her purse. The critic may argue that even if the victim has a dignity right

¹⁶Cf. Don Herzog’s remarks about the Castle Doctrine in Waldron (2012, loc 1607): “Let me revisit the legal tagline Waldron approvingly adduces: ‘An Englishman’s home is his castle.’ That, too, might seem to have an endearingly lofty ring about it: your home might be modest, might even be a dump, but in it you’re an aristocrat. The reality is rather less charming. Coke echoes a series of late sixteenth- and early seventeenth-century commentators in finding here legal license to use armed, even deadly, force against intruders.” Dignitarian sentiment is also evident in this memorably thumotic passage by Heidi Hurd (2016) in defense of “stand your ground” laws: “Of course you should be able to stand your ground when threatened with unjustified aggression. To think otherwise is to subscribe to the view that you must forfeit *your* liberty to an assailant when doing so will be a means of saving *his* life. It is to think that your rights end where others’ wrongs begin. It is to say that those who are otherwise in the right do wrong if they omit to take affirmative measures to protect those who are in the wrong. While there may be circumstances in which one can thwart or diffuse an aggressor’s deadly intentions by fleeing the scene, forfeiting personal property, abandoning one’s position, or surrendering to indignities, humiliations, or other nondeadly physical invasions, the suggestion that one must sacrifice rights to bodily integrity, freedom of movement, or property when doing so will save a culpable aggressor’s life is a suggestion that should be rejected by all who think that people have rights at all. . . .” (256, emphasis in original).

¹⁷Of course, my defense-*with*-dignity view is compatible with a stronger defense-*of*-dignity position holding that we may fight to protect our dignity itself: for all we have said, Jill’s duty to retreat may be defeated for dignitarian reasons unconsidered here.

¹⁸I thus side with Statman (*supra*) against Helen Frowe on the right of a rape victim to inflict unnecessary/ unsuccessful harm on an assailant for the sake of “honor” or, more precisely, honorable (“dignified,” in my nomenclature) self-defense. This seems to be a matter of divergent intuitions. See Frowe (2014), pp. 109–113, especially p. 112, where Frowe concludes that a rape victim may not blind or paralyze her rapist if her resistance would be ineffective.

¹⁹Concerns about excessive harm may be cast in terms of proportionality or of necessity, a distinction I wish to avoid here.

to violently resist, the harm of groping is simply not serious enough to warrant grave injury or death for her molester.

In reply, first recall it was noted that our right to effective dignified resistance is *prima facie*. That right will be defeated in cases where the only forms of effective dignified resistance would be too costly to third parties or even our attackers—either because dignified resistance would violate a stronger right of theirs, or because of non-rights-related considerations, such as a duty of beneficence. I am not sure what to say in the case of wheelchair-bound woman, but certainly I think that, say, the typical playground bully is not morally liable to being shot by the child he bullies in (the very rare) situations where the bullied child has only the choice between offering inadequate physical resistance or shooting the bully. But this is not a unique concession the dignitarian must make, as even non-dignitarian accounts of resistance must account for difficult cases where the only form of effective resistance is extremely harmful to third parties and even attackers. The defense-with-dignity account shouldn't be burdened with resolving puzzles common to all accounts of justified resistance.

Less concessive is a second point: when thinking about counterexamples, what counts as excessive in the first place must not be fixed by non-dignitarian assumptions. Broadly-speaking, violent resistance may be excessive in two importantly different senses. On the one hand, acts of violent resistance may be excessive insofar as our right to perform them is defeated by other considerations, such as a duty of beneficence. The bully case, and perhaps the wheelchair-bound woman case, have determinate instances in which effective dignified resistance would be excessive in this way. On the other hand, token acts of violent resistance may be excessive insofar as they are “uncalled for” or, in other words, insofar as they are *not* covered even by a *prima facie* right to resist in such ways in the first place. A true duty to retreat would be an example: any violence the marathon runner imposes on her approaching attacker may well be uncalled for, even on the defense-with-dignity model. Also uncalled for is any violence intentionally harmful beyond what is necessary to defend oneself with dignity. Yet, for whatever situations readers (dignitarian or not) think warrant resistance, the current account says that no resistance would be “uncalled for” that is necessary for dignified resistance, be our *prima facie* right to it outweighed or not. That means that, in the case of the wheelchair-bound woman, her use of her hidden firearm would not be excessive in this sense of being “uncalled for.” If shooting her molester would be excessive, it would only be so because her *prima facie* right to do so was outweighed for some reason: maybe the molester is the son of someone she is obliged to, or the molestation is obviously going to be brief, or the nature of the molestation is relatively minor, or what have you. But if *not* outweighed, and if she has no ability to retreat, I think we should insist, on the basis of the arguments above, that her shooting of the molester would not be excessive. For even if she knew she could get the molester to desist if she (say) evacuated her bowels or barked like a dog or even pleaded, her circumstances are such that using her firearm is reasonably necessary—necessary *not* for resistance or even effective resistance, granted, but necessary for effective *dignified* resistance.

Finally, it's worth noting that we shouldn't assume that dignified resistance, or even armed, violent dignified resistance, must be more harmful to victimizers than less dignified alternatives would be, or even harmful full-stop. For instance, in the

gun literature, the term “gun use” is employed to include brandishing a gun to scare off an attacker (Kleck & Gertz 1995). Such actions would count as “fighting back” and thus violence in our taxonomy of resistance strategies. In many—perhaps millions—of real-world cases, and cases increasingly captured on security cameras, gun uses of this sort reduce harm to victims (whose assault is broken off or obviated) *and* attackers (who run off without a scratch they might have received from unarmed resistance). This is true even of resistance to oppression. Recalling my alternate history in which colonized India found itself suddenly armed, the expulsion of the British at gunpoint could only be considered armed resistance, and violent resistance at that. Even so, that hypothetical campaign of armed violent resistance wouldn’t result in any more harm for the British than did Gandhi’s nonviolent campaign.

8 Conclusions

Since we have a *prima facie* right act with dignity in resistance just as we do in other domains, if guns are required for effective dignified resistance, we have a *prima facie* moral right to them even if it is discovered that armed resistance is less effective or more dangerous for victims and innocent third parties (and, for what it’s worth, attackers) than are passive or repellent alternatives such as alarm systems, small but alert guard dogs, walking in groups, protest marches, sit-ins, and hunger strikes.

Although this account is compatible with libertarian defenses of gun rights that do not invoke dignity, it expresses attitudes more closely associated with conservative or rightist sentiments regarding resistance. It would be strange if conservative/rightist perspectives about something they are so passionate about—gun rights—had no representation in the philosophical literature, and this essay may help fill that gap. That said, as we have taken pains to show, a dignitarian position on gun rights doesn’t rely on types of reasons that progressives and left-liberals would find alien: ironically, it is the libertarian and classical liberal tradition that is, of the three, the most skeptical about dignity.²⁰ Leftists and rightists are united in their concern for dignity, but sometimes disagree about which vulnerabilities expose us to undignified treatment and standing. Unfortunately, political partisanship makes us hostile to positions we might sympathize with when our tribal allegiances are set aside (Mason 2018). This article forwards a vaguely conservative or rightist rationale for gun rights by appeal to intuitions about cases I have found to be widely shared among professional ethicists. But insofar as it fails to persuade, hopefully this discussion has the merit of at least representing a third, major political orientation whose enthusiasm for gun rights hasn’t been carefully articulated in the philosophical literature on its own terms.

²⁰ Or so it seems on my sense of intellectual history extending back to Hobbes. Then again, some libertarians see their project as importantly about preserving dignity. Writes David Boaz (2019): Libertarians see the individual as the basic unit of social analysis. Only individuals make choices and are responsible for their actions. Libertarian thought emphasizes the dignity of each individual, which entails both rights and responsibility. The progressive extension of dignity to more people—to women, to people of different religions and different races—is one of the great libertarian triumphs of the Western world." If so, all the better for the defense-with-dignity position.

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